

**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MINOR SUBDIVISION /
COMPREHENSIVE PERMIT APPLICATION
PRELIMINARY PLAN APPROVAL OF
HELPING HANDS – 29 LELAND MOWRY DRIVE
ASSESSOR’S PLAT 25, LOT 133**

Rec # 96535



INST: 2023-1001
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6 Page(s)
PLANNING BOARD DECISION
Lyn Antonuccio, Town Clerk

HELPING HANDS

**AP 25 / Lot 133 – 29 Leland Mowry Drive
.745 Acres (approx.) / 4 Lots / R-20 Zone
Applicant/Owner: Helping Hands Community Partners, Inc.
Surveyor: Kelly Land Services, Inc.**

WHEREAS, the Smithfield Planning Board met on March 23, 2023 to consider an application for a Minor Subdivision / Comprehensive Permit Application located at 29 Leland Mowry Drive, on approximately .745 acres, in the R-20 Zone; and

WHEREAS, the record includes: Preliminary Plan Application received January 9, 2023; Application for Comprehensive Permit Packet prepared by Iglizzi & Reis; Preliminary Plan Set dated August 11, 2022; RI Housing Letter of Eligibility dated May 27, 2022 (see Comp. Permit Packet); Monitoring Agent Letter dated May 22, 2022 (see Comp. Permit Packet); Certificate of Completion dated January 25, 2023; Preliminary Plan Public Hearing Notice – Valley Breeze, February 2, 2023; List of Abutters; Staff Preliminary Plan Memo dated January 31, 2023; and

WHEREAS, Attorney David Iglizzi represented the applicant and stated this is a Comprehensive Permit application for four lots which was continued from the last meeting for issues relating to utilities, screening, traffic impact, and driveway turnaround; and

WHEREAS, Robert Sacchetti, Principal with Helping Hands, stated that he met with Sergeant Paul Gorman from the Police Department who conducted a one-week traffic count at the project site. Mr. Sacchetti read an email response from Sgt. Gorman submitted as Applicant’s Exhibit #1 indicating the roadway is not heavily traveled, having an average speed of 27 mph, and that is okay to move forward on the police safety and traffic aspect of review; and

WHEREAS, Robert Sacchetti stated that there is no plan for interconnectivity of utility lines across lots going forward. Al Gizzarelli stated that he and the Town Planner determined that the sewer lines were tied in to each individual lot and not installed across this property; and

WHEREAS, Michael Moan questioned whether the sewer easement shown on the plans is proposed or existing and Patricia Kelly, with Kelly Land Surveying, replied that the Town Engineer recommended showing a proposed easement to access the sewer from this area; and

WHEREAS, Patricia Kelly stated that they are proposing to provide a row of arborvitae screening on Lot 4 and proposing the limit of disturbance at the back of Lots 3 and 4 to be 30 feet from the lot lines. Ms. Kelly added that there is also proposed a 50 foot buffer from the property on Oakdale Drive; and

WHEREAS, Michael Moan stated that he observed a natural embankment from Oakdale Drive and questioned how far will the applicant need to cut into this embankment to provide the necessary lot areas and whether there is any retaining structure proposed? Patricia Kelly replied that it will not be necessary for any severe cutting to be done into the embankment. Ms. Kelly stated that shrubs will provide soil containment and they will consult a structural engineer if they encounter any problems with the embankment. Al Gizzarelli added that a Soil Erosion plan will need to be approved by the Soil Erosion Committee; and

WHEREAS, Michael Moan stated that he does not see how these lots will have a useable side yard and backyard without going to the property lines and cutting into the embankment. Patricia Kelly replied that they could look at moving the embankment back to provide a larger backyard. Attorney Iglizzi stated that they would be cutting 1-2 feet on Lots 1, 2, and 3 and 6-10 feet on Lot 4. Ms. Kelly added that she compared areas around the site and found a significant number of lots in the surrounding area are of similar size; and

WHEREAS, Attorney Iglizzi stated that if the project cannot get sewer and water service, as well as achieve zero runoff and proper erosional control measures, the project cannot go forward. Attorney Iglizzi stated, regarding traffic, that there are three existing driveways and the applicant is only adding one new one with turnarounds and there will not be a significant traffic impact. Atty. Iglizzi added that the Town Planner has indicated the project is consistent with the Comprehensive Plan; and

WHEREAS, Michael Moan stated that he looked at 105 lots in the neighborhood and found an average size of .383 acres. Patricia Kelly stated that she looked at GIS maps in a 500-foot radius; and

WHEREAS, Ken Orabona questioned what the style of the houses will be built and Robert Sacchetti replied they will be one story dwellings having 3 bedrooms and 1 bath. Mr. Sacchetti added that, in lieu of retaining walls, he would consider building a mixed level house on Lot 4; and

WHEREAS, the public hearing remained open from the last meeting; and

WHEREAS, Brandon Viens, of 14 Hillside Street, questioned the status of the paper road. Robert Sacchetti replied that it is a paper street, and that Mr. Viens was approached about an abandonment but that he did not want to go forward with it. Mr. Viens stated that he is also concerned with the lot sizes and more cars being parked on the roadway; and

WHEREAS, Deborah Thompson, 1 Kensington Street, stated her main concern is the traffic and that Leland Mowry and Hillside Street are both narrow roads. Ms. Thompson added that three house lots would be preferable. Attorney Iglizzi replied that the applicant is meeting the Town's parking requirements. However, if there is a parking problem, the Town should pass an ordinance to address it. Attorney Iglizzi added that it is not the applicant's responsibility to solve traffic problems that exist; and

WHEREAS, Katie Cortez, 3 Oakdale Street, stated that the embankment has a steep grade, and the boulders are not there for retainment but were moved there when the property was excavated. Ms. Cortez questioned who is going to be building the houses and stated she is concerned with building into an eroding hill that is supporting her property. The applicant, Robert Sacchetti, replied that Community Partners is a 501(c)3 which is in the business of providing

affordable housing having 20-30 projects under their belt and thought it prudent to get approvals in place before hiring a builder; and

WHEREAS, Kurt Peterson, 5 Oakdale Street, stated his concern with the amount of distance between the homes and Patricia Kelly replied there is a 15-foot side yard setback as required in the R-20 zone; and

WHEREAS, Nancy Murphy, 15 Hillside Street, stated her concern with distance between neighbors' yards, parking and the impact on property values. Ms. Murphy suggested three units be built as opposed to four; and

WHEREAS, Joe Rotella stated that Lot 4 seems to be the problem and would suggest raising it to become a 2-story dwelling or requiring a retaining wall; and

WHEREAS, a poll of the Board was taken, and no further information was requested from the applicant by the Board members; and

WHEREAS, there being no one else present to speak to this application, the public hearing was closed at 7:17 p.m.; and

WHEREAS, Ken Orabona stated that he would like to see the driveways extended to 15-18 feet in addition to having a turnaround. Mr. Orabona added that he would also like to see Lot 4 extended 8 -10 feet with an engineered wall; and

WHEREAS, Richard Colavecchio requested either a retaining wall or split-level house being located on Lot 4; and

WHEREAS, Charlie Boyd stated that he does not feel he has enough information on the surrounding lot sizes; and

WHEREAS, Al Gizzarelli stated that he would like to see the rear yard pushed back to 15 feet and a 2-car turnaround; and

WHEREAS, James D'Ambra stated the Board is restricted to abiding by the law while taking into consideration the residents' concerns; and

WHEREAS, Al Nani stated that he would prefer a split-level house on Lot 4; and

WHEREAS, Michael Moan stated that the proposal fits with the Comprehensive Plan; and

WHEREAS, the applicant provided competent expert evidence, both in the form of the above referenced reports and testimony from a civil engineer, detailing how the project would comply and be in conformance with the Town's zoning ordinance and comprehensive plan and how it addressed each of the seven required positive findings to approve a Minor Subdivision / Comprehensive Permit Application as just described above, which evidence the Board credits at this Preliminary Plan stage of review; and

WHEREAS, no competent evidence was presented by an expert during the public comment, or at any other time, that refuted or contradicted the testimony of the applicant's experts; and

WHEREAS, the record evidence here supports the conclusion that applicant has provided the Board with sufficient evidence that the Preliminary Plan submission for the proposed Minor Subdivision / Comprehensive Permit project can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, Ken Orabona made a motion, seconded by Al Nani, to approve the preliminary plan, granting the required zoning relief, incorporating the Planner's memorandum dated February 27, 2023 marked as Board's Exhibit A, reliant on the Findings of Fact marked as Board's Exhibit B, being conditioned on a deed on a portion of the lot on Hillside/Leland Mowry Drive being submitted to the Town, Final Plan approval being back before the Board, either building a split-level home or a retaining wall with at least a 15 foot rear yard setback from the rear of the foundation on Lot 4, and an 18 foot driveway with hammerhead turnaround at the top. The vote on the motion being seven in favor, one abstention, and one in opposition the motion carried.

The vote on the motion was as follows:

Voting in Favor: Al Gizzarelli, Richard Colavecchio, Al Nani, Michael Moan,
Ken Orabona, Joe Rotella, and John Yoakum

Voting in Opposition: Charles Boyd

Abstaining/Recused: James D'Ambra

Members Absent: None

NOW BE IT THEREFORE RESOLVED by majority vote of seven (7) members for in favor and one (1) against and one (1) abstaining, that the Minor Subdivision / Comprehensive Permit Application Preliminary Plan Approval for Helping Hands – 29 Leland Mowry Drive, with the stated findings of fact, conditions and recommendations expressed herein is GRANTED.



Albert S. Gizzarelli, Jr., Chairman

This decision will be publicly posted in a visible location in the Town Hall for a period of twenty (20) days commencing the 2nd day of May, 2023.

Exhibit B-1

FINDINGS OF FACT- Helping Hands – Preliminary Plan

1. *The proposed development is consistent with the local needs as identified in the Town's Comprehensive Community Plan, with particular emphasis on the Town's Affordable Housing Plan, or satisfactorily addresses any inconsistencies:*

The Town Affordable Housing Plans has a number of strategies listed for reaching the 10 Percent Low and Moderate Income Housing Level. The subject site meets the performance standards for siting in that it is located in the Georgiaville Village area and meets the performance standards as detailed below:

STRATEGY 1: Update Article 12 of the Town's Zoning Ordinance to Establish Performance Standards for the Siting of Low and Moderate Income (LMI) Housing.

STRATEGY 2: Proactively identify areas of town where multi-family housing can be developed by-right.

- A. Connected to a public water supply and/or public wastewater treatment system or easily connected to a system via minor extension;

Both municipal water and sewer are available to the site.

- B. Receives confirmation from the appropriate Utility that adequate water and/or sewer capacity exists to support the development or will exist by the time of occupancy; and

The municipal water and sewer system have capacity to support the development as there were three homes on the site that were connected to municipal water and sewer.

- C. All required parking for the number of units proposed can be accommodated on the proposed development site.

The driveways provided are adequate to provide parking for a minimum of 2 cars per unit.

The site would meet the criteria for an LMI site and meets the performance standards discussed in Strategy #1 in the recently adopted Housing chapter of the Comprehensive Plan

2. *The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, or any inconsistencies are waived or given variance since they do not outweigh the need for state and local low and moderate income housing.*

The following zoning variances are requested by the applicant for the project:

Article 4.3 Table of uses:

- Density exceeds 20,000 sf/du (47,184 sq.ft. total relief for 4 lots)
- Frontage relief: Combined relief of 192 feet is required for the 4 lots.

3. *All low and moderate income housing units are integrated throughout the development, are compatible in scale and architectural style to the market rate units within the project and will be built and occupied prior to or simultaneous with the construction and occupancy of market rate units.*

There is only (1) LMI unit that should be the first or second unit built.

4. *There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;*

There are no wetlands on the subject lot. Municipal sewers and water service are available to the site. Drainage designs for the individual lots driveways will be submitted to the Town Engineer for review at building permit stage.

5. *The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development, excluding open space, so that building on those lots according to pertinent regulations and building standards would be impracticable;*

All the buildings and roadways appear to be in areas that are free of physical constraints such as wetlands, ponds, steep slopes or easements. Municipal sewers and water service are available to the site.

6. *All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street.*

All lots have frontage and access on Leland Mowry Drive or Hillside Street.

7. *The subdivision will have no significant negative impacts on the health and safety of current and future residents of the community, including since the project provides for safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off control, and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.*

There are no wetlands on the subject lot. Municipal sewers and water service are available to the site. Drainage designs for the individual lots driveways will be submitted to the Town Engineer for review at building permit stage.