



**SMITHFIELD PLANNING BOARD  
RESOLUTION GRANTING MAJOR SUBDIVISION  
PRELIMINARY PLAN APPROVAL FOR:**

**WHIPPLE FARM**

**Major Subdivision – Preliminary Plan Review  
AP 42 / Lot 11A – Whipple Road  
13.2 Acres (approx.) / 4 Lots / R-80 Zone  
Applicant/Owner: Michael & Monique Sabatino  
Engineer: InSite Engineering**

*WHEREAS*, the Smithfield Planning Board met on August 31, 2023 to consider an application for a Major Subdivision located on Whipple Road, on approximately 13.2 acres, in the R-80 zone; and

*WHEREAS*, the record includes: Preliminary Plan Application received July 19, 2023; Preliminary Plan Submission Planset, InSite Engineering, dated July 17, 2023; Freshwater Wetland Report, NRS, dated October 20, 2022; RIDEM Site Evaluation Forms, February 2023; Certificate of Completion dated July 26, 2023; Preliminary Plan Public Hearing Notice – Valley Breeze, August 17, 2023; List of Abutters; Planning Department Staff Recommendations dated June 7, 2023; and

*WHEREAS*, Paul Carlson, with InSite Engineering, represented the applicant on this request for preliminary plan approval for a 4-lot subdivision located on Whipple Road. Mr. Carlson stated that the wetlands have been flagged by Natural Resource Services and site suitability and wetlands preliminary determination is pending approval by RIDEM; and

*WHEREAS*, Paul Carlson stated that the applicant is requesting waivers on the requirement for 200-degree angles and the requirement to tie into an existing water main and are instead proposing a 10,000-gallon cistern along Lot #4; and

*WHEREAS*, Charlie Boyd questioned the driveway location on Lot #4 and Paul Carlson replied that the RIDEM wetlands review is pending but that the driveway is not going through the wetlands and is only going through the buffer which is jurisdictional; and

*WHEREAS*, Catherine Lynn questioned whether the applicant has sought Water Supply Board approval as is required in the ordinance and Paul Carlson replied that a request has been made through Gene Allen at the Water Department which will be brought before the Town Council at their next meeting; and

*WHEREAS*, James D'Ambra questioned the location of the nearest fire hydrant and Paul Carlson replied it is about 1,000 feet from the hydrant on Whipple Road to this subdivision. Mike Moan questioned the Fire Department's TRC comment that they would like a hydrant located within 500 feet of a water line and Town Planner Michael Phillips noted that the comment was made during the Technical Review when the Fire Department was thinking there would be a tie into the water line; and

*WHEREAS*, the public hearing was opened at 6:25 p.m. and there being no one present to speak to this application was promptly closed; and

*WHEREAS*, in order to approve a project, the Planning Board is required to make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the

observations upon which the fact finders acted, on each of the following standard provisions, where applicable. The Board made the aforementioned positive findings, see Exhibit 2; 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 Major Subdivision as just described above, which evidence the Board credits at this Preliminary Plan level 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 Major Subdivision can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

*WHEREBY*, James D'Ambra made a motion, seconded by Richard Colavecchio, to approve the Preliminary Plan incorporating the Town Planner's memorandum dated August 25, 2023 as Exhibit A and the Findings of Fact as Exhibit B, granting the requested waivers on interior angles and extension of water line conditioned upon the Town Council's approval, being conditioned on all outstanding permits being submitted and compliance with the Stonewall Ordinance, and requiring the applicant to appear back before the Board for Final Plan review. The vote on the motion was all in favor and the motion carried.

The vote on the motion was as follows:

**Voting in Favor:** Al Gizzarelli, Charles Boyd, Richard Colavecchio James D'Ambra, Catherine Lynn, Michael Moan, Joseph Rotella and John Yoakum

**Voting in Opposition:** None

**Abstaining/Recused:** None

**Members Absent:** Al Nani

NOW BE IT THEREFORE RESOLVED by unanimous vote of eight (8) members in favor and zero (0) against and zero (0) abstaining, that the Major Subdivision Preliminary Plan Approval for Whipple Farm, Whipple Road, 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 18<sup>th</sup> day of October, 2023.

**Exhibit 2**  
**Findings of Fact**

RE: Whipple Farm Subdivision

To assist the Board in addressing the Required Findings called for in Section II, Article B of the Land Development and Subdivision Regulations, a number of facts addressing the individual findings are provided below.

*Finding #1. The proposed development is consistent with the Smithfield Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;*

**GOAL H-1:**

**MAXIMIZE THE QUALITY, ACCESSIBILITY, VARIETY OF RESIDENTIAL STRUCTURES AND NEIGHBORHOODS.**

**Policy H-1.0** Stimulate development of a variety of housing, in terms of type, cost, size, location and design, to meet the broad range of needs and desires of homeowners and renters, and of all income groups and family sizes.

**Comment: The project will result in the development of 4 additional single-family homes.**

*Finding #2. The proposed development is in compliance with the standards and provisions of the Smithfield Zoning Ordinance;*

**Comment: All proposed lots meet the dimensional requirements of Section 5.4 -Table 1 with a minimum of 80,000 square feet of lot area and 200 feet of frontage on a Town roadway.**

*Finding #3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;*

**Comment: The Wetland report submitted with the Preliminary Plan shows that all work will be outside of RIDEM jurisdictional wetlands and soil tests indicate that the site is generally suitable to support OWTS. Private wells are proposed to service the lots. Waivers are being sought from the waterline connection provisions of the subdivision regulations and the developer is proposing to install a fire control cistern.**

*Finding #4. A subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of "Buildable Lot"). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;*

**Comment: All lots have reasonable building envelopes that are free of physical constraints such as wetlands, steep slopes or easements. It should be confirmed that the wetland north of the rear property line does not impact the proposed house on Lot #4.**

*Finding #5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

**Comment: All lots will have adequate frontage and physical access to Whipple Road. The access to Lot #4 is not located on the portion of the lot that is considered the legal frontage for the lot.**

*Finding #6. A subdivision, as proposed, shall provide for safe circulation of pedestrian and vehicular traffic, for adequate control of surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.*

**Comment: All lots will have adequate frontage and physical access to Whipple Road. Proposed rain gardens are shown on the erosion control plan. The lots are all fairly gently sloping and have sufficient area outside of wetlands and buffers to site homes, yard space and driveways. Perimeter stone walls are shown on the subject lot and compliance with the Town' Stone wall ordinance will be required for proposed driveway cuts that impact historic stone walls.**

*Finding #7: The design and location of streets, building lots, utilities, drainage improvements, and other improvements in a subdivision, as proposed, shall minimize flooding and soil erosion.*

**Comment: The site has very little in the way of steep slopes indicating that soil erosion should not be major concern. Each house lot is subject to Soil Erosion Review at the building permit stage.**