



# SMITHFIELD PLANNING BOARD

64 Farnum Pike, Smithfield, RI 02917  
(401) 233-1017 – (401) 233-1091  
Crepeau Hall 2<sup>nd</sup> Floor

## **REGULAR MEETING NOTICE & AGENDA** **THURSDAY, September 16, 2021 - 6:00 PM**

### **EMERGENCY EVACUATION AND HEALTH NOTIFICATION**

#### **CONSENT AGENDA**

1. **MINUTES**: Discuss and approve the August 26, 2021 meeting minutes.

#### **REGULAR AGENDA**

##### *OLD BUSINESS*

1. **REVIEW PROPOSED AMENDMENTS TO THE ZONING ORDINANCE**  
Including: 9.4 Economic Growth Overlay District - 9.4.4. Applicability, 9.4.9 Architectural Standards, H. Industrial & Institutional Design Standards, Section 4.4 Supplementary Use Regulations including: J-1A.Manufacture of Drugs and Pharmaceuticals, H-2. Wholesale Business & Storage and G-26. Communication Antenna(s), 4.3 Table of Uses.
  - a. The Board may vote to recommend that the Town Council adopt all, some or none of the proposed amendments.
  - b. The Board may continue the matter for further discussion at a future meeting.

##### *NEW BUSINESS*

1. **NONE.**

**[Agenda posted: September 10, 2021](#)**

**NOTE:** The Planning Board will hear no further agenda items after 10:00 PM, at the Planning Board's discretion. All items not covered on the agenda will be placed in the same order on the next Planning Board Agenda. The public is welcome to any meeting of the Planning Board. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior to the meeting. Please call (401) 233-1017 with any Technical difficulties during the meeting.



# Town of Smithfield *Planning Board*

64 FARNUM PIKE                      ESMOND, RHODE ISLAND 02917

## **August 26, 2021 Meeting Minutes**

**Members Present:** Al Gizzarelli, Richard Colavecchio, Jennifer Hawkins, Mike Moan, Al Nani, Ken Orabona, Curtis Ruotolo  
**Members Absent:** Mike Pinelli, John Yoakum  
**Others Present:** Michael Phillips, *Town Planner*, Scott Levesque, *Assistant Town Solicitor*

Chairman Al Gizzarelli opened the August 26, 2021 meeting of the Smithfield Planning Board at 6:00 p.m.

**MINUTES:** Discuss and approve the July 22, 2021 meeting minutes.

Ken Orabona made a motion, seconded by Al Nani, to approve the Planning Board meeting minutes for July 22, 2021. The vote on the motion was all in favor and the motion carried.

### **NEW BUSINESS**

#### **ALCO PROPERTIES - (ID#: 21-002) PUBLIC HEARING**

Major Subdivision – Combined Master & Preliminary Plan Review  
AP 48/Lot 4C – 400 George Washington Highway  
AP 48/Lot 5 – 34 Rocky Hill Road  
9.31 Acres (approx.) / Zoning: HC/EGO District  
Applicant: Alco Properties, LLC  
Owner: Alco Properties, LLC / Alfred Costantino  
Surveyor: Marsh & Long Surveying, Inc.

- a. *The Board may vote to combine Master Plan review and Preliminary Plan, waive the public informational meeting and hold a Preliminary Plan public hearing.*
- b. *The Board may hold a public informational meeting on the Master Plan.*
- c. *Review and discuss the proposed submission with the project proponent.*
- d. *Discuss/schedule a site visit.*
- e. *Receive input from the public on the proposed submission.*
- f. *The Board may approve the Combined Master & Preliminary Plan as submitted, approve with changes and/or conditions, deny the application, or continue the meeting to a future date.*
- g. *The Board may approve the Master Plan as submitted, approve with changes and/or conditions, deny the application, or continue the meeting to a future date.*
- h. *The Board may authorize the Town Planner to prepare a written decision consistent with the Board's findings of fact and motion for signature by the Chair and subsequent recording.*

Ken Orabona made a motion, seconded by Al Nani, to combine the master plan and preliminary plan review. The vote on the motion was all in favor and the motion carried.

Attorney Tim Kane, having offices at 625 Putnam Pike in Smithfield, represented the applicant on this request for a two lot subdivision on a 9.3 acre lot currently housing Melvin's Tire Pro and NRI Self Storage. Atty. Kane stated that the applicant is seeking to subdivide the property into two lots; one for each business. Atty. Kane added that it is a straight forward request but because it is in the EGO District it falls into the major subdivision category and is asking for delegation of the Final Plan approval.

Richard Colavecchio questioned where the parking will be located on the subdivided lot and the applicant, Al Costantino of 34 Rocky Hill Road, Smithfield replied that the parking is located to the right of the Tire Pro's where there is contiguous parking that runs all the way to the gate.

The public hearing was opened at 6:10 p.m. and there being no one present to speak to this application was promptly closed.

Curtis Ruotolo made a motion, seconded by Ken Orabona, to approve the master and preliminary plan as submitted incorporating the memo dated August 12, 2021 from the Town Planner be submitted as Board's Exhibit #1 and that the Final Plan approval be handled administratively. The vote on the motion was all in favor and the motion carried.

**WHIPPLE ROAD - SLEBODA - (ID#: 21-001) PRE-APPLICATION/CONCEPT REVIEW**

Minor Subdivision – Pre-Application/Concept Review

AP 42/Lot 14 – 169 Whipple Road

14.46 Acres (approx.) / 4 Lots / R-80 Zone

Applicant/Owner: Daniel & Susan Sleboda

Engineer: Timothy Behan, P.E. - Commonwealth Engineers & Consultants, Inc.

- a. *The Board will review the submission with the applicant and provide input for future review stages.*

Solicitor Scott Levesque stated that he recently learned that a prior Zoning Board decision was made involving this lot wherein a recorded condition of the decision is that this lot cannot be further subdivided. Atty. Levesque stated that this is an enforceable restrictive covenant that runs with the land and that he does not see a way around the chain of title.

Timothy Behan, Professional Engineer with Commonwealth Engineers of Providence, reviewed the existing site conditions and stated that the applicants are seeking to subdivide the property and that the conventional plan yields four lots. Mr. Behan noted, however, that the applicants are seeking approval of a conventional design with only 3 lots but are seeking waivers on road width, cul-de-sac slope, lot angles, a waiver to have no curbs, and to allow recycled asphalt versus pavement.

Ken Orabona questioned whether there is any water available for fire protection and Mr. Behan replied that, if the subdivision is approved, they will meet with the Fire Marshall who may require a cistern.

Curtis Ruotolo noted that the wetlands delineation may be mistaken as it differs from one plan to another.

**PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENT**

- a. *The Board will conduct a public hearing to receive input from the public on a proposed amendment to Figure LU-11 Future Land Use which will change the land use designation of Assessor's Plat 47, Lot 34, 115 Mann School Road, from Low Medium Density Residential (LMDR) to Medium Density Residential (MDR).*

Town Planner Michael Phillips stated that the land use amendment is associated with the Yoakum subdivision on Mann School Road whose lot is located just outside of recently made land use map amendments. Mr. Phillips noted that he did envision this property being included and that it is fitting to extend the land use from low medium density residential to medium density residential.

Attorney Jean Fallago, with offices at 132 Pleasant View Avenue, stated that she represents John and Christine Yoakum who recently received conditional approval of a minor subdivision.

The public hearing was opened at 6:38 p.m. and there being no one present to speak to this application was promptly closed.

Curtis Ruotolo made a motion, seconded by Ken Orabona, to recommend that the Town Council change the land use map from low-medium residential to medium density residential and amend the Zoning Map for this property from R-80 to R-Med. The vote on the motion was all in favor and the motion carried.

**REVIEW PROPOSED AMENDMENTS TO THE ZONING ORDINANCE**

**AMENDMENTS** - Including: Sections 3.9 Building Or Structure Nonconforming By Dimension; 5.3.4-Buffers; 9.4 Economic Growth Overlay District; 12.5 Review Process For The Construction Of Low And Moderate Income (LMI) Housing; 4.3 Table Of Uses; and, 4.4 Supplementary Use Regulations

- a. *The Board may vote to recommend that the Town Council adopt all, some or none of the proposed amendments.*
- b. *The Board may continue the matter for further discussion at a future meeting.*

Town Planner Michael Phillips stated that this is basically a rewriting of the Zoning Ordinance based on recent Comprehensive Plan amendments.

Planner Phillips stated that the proposed amendments to Section 3.9, "Building or Structure Nonconforming by Dimension", are to address the onerous process for building and structure enlargements on non-conforming lots. Al Nani made a motion, seconded by Curtis Ruotolo, to recommend that the Town Council approve the Zoning Ordinance amendment with regard to "Building or Structure Non-Conforming By Dimension". The vote on the motion was all in favor and the motion carried.

Planner Phillips stated that the proposed amendment to Section 5.3.4, "Buffers", is in anticipation of RIDEM adopting new wetland regulations that will be removing the ability for cities and towns to have different setbacks from DEM and will, therefore, be removing the Town's additional 100 foot wetland setback requirement from the Zoning Ordinance. Curtis Ruotolo made a motion, seconded by Ken Orabona, to recommend that the Town Council approve the Zoning Ordinance amendment with regard to buffers. The vote on the motion was all in favor and the motion carried.

Planner Phillips stated that the proposed amendments to Section 9.4, “Economic Growth Overlay District”, came about in review of buildings that are not necessarily conforming to the language in the EGO ordinance such as the new fire station. Mr. Phillips stated that this amendment will allow exemptions to those uses coming in under the underlying zone and not subject them to the design standards of the overlay zone.

Curtis Ruotolo stated that seeing a map that shows what lots could be impacted by this change would be helpful.

Solicitor Scott Levesque stated that this is just streamlining the process so that applicants don’t need to go to Zoning Board if they don’t really have to and suggested that the Town could perhaps relax the design standards.

Curtis Ruotolo made a motion, seconded by Al Nani, to continue the proposed Zoning Ordinance amendments on “Economic Growth Overlay District”, “Table of Uses” and “Supplementary Uses” to the next meeting. The vote on the motion was all in favor and the motion carried.

Planner Phillips stated that the proposed amendments to Section 12.5, “Review Process for Construction of Low and Moderate Income Housing”, provides language that is pretty much right from the Comprehensive Plan and also refines vague areas identified south of Douglas Pike. Mr. Phillips stated that changes are proposed to applicability, and general conditions, dimensional regulations, architectural standards, and setbacks and buffer requirements. Jennifer Hawkins stated her concern with applying the requirement for LMI housing be made town-wide.

Ken Orabona made a motion, seconded by Al Nani, to recommend that the Town Council approve the Zoning Ordinance amendment with regard to “Review Process for Construction of Low and Moderate Income Housing”. The vote on the motion was as follows:

Voting In Favor: Members Gizzarelli, Colavecchio, Moan, Nani, Orabona, and Ruotolo

Voting In Opposition: Hawkins

Abstaining: None

The vote on the motion being six in favor with one in opposition, the motion carried.

Ken Orabona made a motion, seconded by Al Nani, to continue Section 4.4.G-26, “Communication Antennas”, to the next meeting. The vote on the motion was all in favor and the motion carried.

Ken Orabona made a motion, seconded by Al Nani, to continue Section 4.4.H-2, “Wholesale Business & Storage”, to the next meeting. The vote on the motion was all in favor and the motion carried.

Ken Orabona made a motion, seconded by Al Nani, to continue Section 4.4.J-1A, “Manufacture of Drugs and Pharmaceuticals”, to the next meeting. The vote on the motion was all in favor and the motion carried.

*Ken Orabona made a motion, seconded by Curtis Ruotolo, to adjourn the meeting at 7:45 pm. The vote on the motion was all in favor and the motion carried.*

The next meeting is scheduled for **Thursday, September 16, 2021 at 6:00 p.m.**

Respectfully submitted,

Donna A. Corrao, Recording Secretary

**Proposed Zoning Amendments- 8/13/21, Rev. 9/8/21**

**3.9 BUILDING OR STRUCTURE NONCONFORMING BY DIMENSION**

Commented [m1]: PB Voted to Recommend to TC 8/26

Buildings or structures that are nonconforming by dimension are likely to cause overcrowding and congestion in the neighborhoods, contribute to unhealthy conditions and are contrary to the purposes of this Ordinance. Buildings or structures that are nonconforming by dimension cause disruption of the comprehensive land use pattern of the Town, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this Ordinance for themselves or for any other property.

...

**D. Addition and Enlargement**

A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the Zone in which the building or structure is located, or unless a special use permit is granted pursuant to §3.13. Except that in the R-20, R-Med, R-80, R-200, Village and Mixed Use zones, a building permit may be issued for the enlargement or improvement of a dwelling that is dimensionally nonconforming if said enlargement or improvement will not increase the extent of the nonconforming dimension.

**5.3.4 Buffers**

A. No structure, ~~except as provided below,~~ shall be located within ~~a required buffers for rivers and streams which must comply with jurisdictional wetland or buffer as defined in Section 1.4 Definitions of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, as amended, without obtaining a permit from the Rhode Island Department of Environmental Management (RIDEM) standards. Within the additional fifty (50) feet of Fresh Water Wetlands buffer required by this Ordinance, the following structures are permitted:~~

- ~~1. Decks, porches, gazebos, patios, above-ground swimming pools, in-ground swimming pools, septic systems, fences, signs, permitted accessory residential and/or non-residential structures under two hundred (200) square feet, driveways, parking lots.~~

B. No structures shall be erected in a non-residential zone within one hundred (100) feet of a residential zone.

Commented [m2]: PB Voted to Recommend to TC 8/26

**9.4 ECONOMIC GROWTH OVERLAY DISTRICT**

9.4.4. Applicability. Provisions of this section shall apply only to the parcels located within the EGOD as shown on Figure 1. Any permitted use in the underlying zone is permitted in the EGOD. Uses permitted by Special Use Permit are allowed if granted by the Zoning Board of Review as provided herein. All projects proposed within the EGOD are subject to the design standards and provisions of the following sections: 9.4.9 Architectural Standards; 9.4.10 Schematic Building Elevations; 9.4.11 Dimensional and Density Standards; 9.4.13 Circulation Standards; 9.4.14 Parking Requirements, Standards, and Design, 9.4.15 Outdoor Lighting; 9.4.16 Landscaping and Screening Standards, and 9.4.17 Signs.

However, an application submitted for a project based solely on the underlying zoning shall be subject to the review and submission requirements of the Smithfield Land Development and

Subdivision Regulations, Section III. Procedure for Submission of Plans and Plats for Land Development Projects and Subdivisions and the normal zoning review procedures of Article 10 herein and shall be exempt from the EGOD Design Standards listed in 9.4.4 above. Applications submitted for industrial and institutional uses based solely on the underlying zoning shall be subject to design standards in 9.4.9 H. However, the EGO dimensional standards found in 9.4.11 -Table 4, shall be applicable to all such applications, except that the minimum building set back requirements of Section 5.4 Table 1 shall apply where structures abut residential zones.

**Commented [m3]:** Continued for review on 9/16  
New Section H. added 9/8/2021

9.4.9. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. The architectural design of buildings, structures and site layout shall be visually compatible with the traditional historic character of the Town of Smithfield and the surrounding area, including building materials, massing, scale, and roof line.

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#### 9.4.9 Architectural Standards

**Commented [m4]:** Continued for review on 9/16  
New Section H. added 9/8/2021

#### H. Industrial & Institutional Design Standards.

A. Purpose. It is acknowledged that industrial and institutional uses are allowed in the underlying zones of the EGO district. Such uses typically are housed in buildings that are not in the scale of traditional village center. It is the intent to allow larger industrial and institutional uses in the EGO and to employ site and building design standards that help to promote quality design of and minimize the visual impact of large buildings from public spaces. The Town recognizes that the design parameters of e-commerce and life science facilities require high bay construction with clear spans of 40ft. or more. It is also recognized that there are site and building design methods that can be employed to screen and break –up the facades of large buildings to help them blend in with surrounding commercial and residential scale development.

B. Applicability. The following site design and architectural standards shall apply to all new industrial, institutional, hospital and life science, and similar nonresidential structures, and additions to such structures. Deviation from the standard design features may be evaluated on a case-by-case basis when appropriately integrated into an overall design theme that is of exceptional unique character, and approved through the Land Development Review process.

##### 1. Architecture.

a. A unified architectural and design theme shall be applied to all structures within a development.

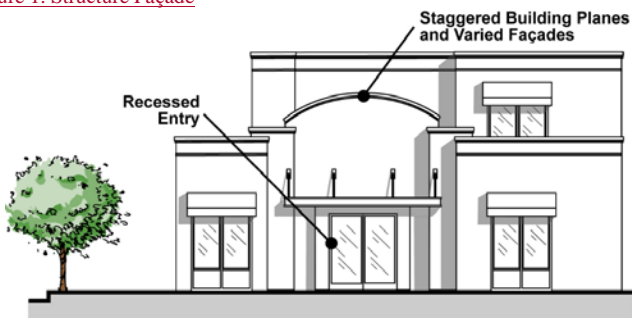
b. Quality and definable treatment shall be applied to all façades exposed to public view. Blank end walls shall be avoided. Treatments shall include architectural features, landscaping, or art elements that tie into the overall design theme.



- c. Structures shall as designed to avoid long, monotonous, plain façades. Techniques such as staggered building planes, variation of façades, recessed entries, and use of relief features shall be used to create variety and interest (see Figure 1).
- d. Roof lines and materials shall be compatible with the architectural style of the structures. Particular consideration to color and material shall be given to the design and treatment of roofs because of their potential visual impact.
- e. Roof flashing, rain gutters, down spouts, vents, and other roof protrusions shall be screened from view or finished to match adjacent materials and/or colors of the parent structure.
- f. Additions to structures shall be designed to match the roofline, style, and colors of the original structure. Where the original structure has limited design quality, the addition shall work to enhance the overall appearance of the site.

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Figure 1. Structure Façade



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- g. The use of wood shingles, simulated wood shingles, flat concrete tiles, metal or other roofs shall generally not be acceptable unless approved in a specific case.
- h. All lighting and illumination fixtures should complement architectural style of project. See outdoor lighting standards in 9.4.15. Outdoor Lighting, herein
2. Where a lot line of an industrial use or a hospital abuts a property zoned for residential use, a minimum six-foot-high wall shall be required, except for any portion in a required yard abutting a street. See Landscaping and Screening Standards in 9.4.16, herein.
3. Circulation and access. Parking structures shall be designed and constructed according to the highest standards of quality to ensure consistency with the building architecture planned for the nonresidential project.

4. Loading access.

a. Loading and service areas shall not be visible from street frontages or along at-grade freeway corridors. Loading dock and service areas must be located on interior building side or rear yards and concealed from public view.

b. Loading areas shall be designed and located to avoid conflicts with interior pedestrian and vehicular circulation.

5. Scale and massing.

a. Nonresidential structures adjacent to residential uses shall incorporate sensitive transitions in scale and massing. For example, structure mass shall be broken down using height step-backs, articulated sub-volumes, and horizontal and vertical façade articulation.

b. Long linear walls shall be staggered horizontally to provide interest and break long lines.

c. Building forms shall be designed to create and define visually attractive exterior and functional spaces.

d. Random or irregular building relationships shall be avoided.

6. Service facilities and equipment screening. Service facilities and equipment screening. Buildings, walls, and landscaping should be arranged to screen less visually aesthetic components necessary for industrial development, including loading and service bays, storage areas, trash enclosures, mechanical equipment, and noise and odor producing functions. Service areas should be located at the sides and/or rear of main buildings, and screened with compatible architectural features and walls, and/or dense landscaping.

a. All mechanical equipment shall be fully screened. Roof-mounted equipment shall be screened utilizing roof lines, parapets, or other similar methods. Equipment located on the ground must be fully screened with materials that are architecturally compatible with the structures they serve.

b. Mechanical screens and penthouses shall be integrated with the building façade whenever possible and constructed of architecturally compatible materials. Screens should be continuous and solid.

c. Utility connections, gas storage tanks, storage and maintenance equipment, and telephone junction boxes shall be screened from public view with the use of fencing or walls, berming, and/or landscaping.

d. Trash and recyclable materials collection bins shall be located within a standard City trash enclosure. The enclosure shall be finished using materials compatible with the

surrounding architecture, and shall be softened with landscaping. Gates shall be solid metal painted to match adjacent buildings.

e. Utility rooms, switchgears, and other similar utility equipment should be within the building that it serves or in other decorative/architecturally designed structure approved by ARB.

f. Roof access and/or ladders should be installed internal to the building or incorporated into the design that is hidden from the public right-of-way.

g. Where feasible, appurtenant equipment, plumbing, and related solar energy fixtures shall be installed in the attic, or if infeasible, flush mounted or ground mounted. Appurtenant equipment, plumbing, and related solar energy fixtures shall comply with the setback requirements of the building code (Permitted Projections into Required Setback Areas) and shall be screened from public view.

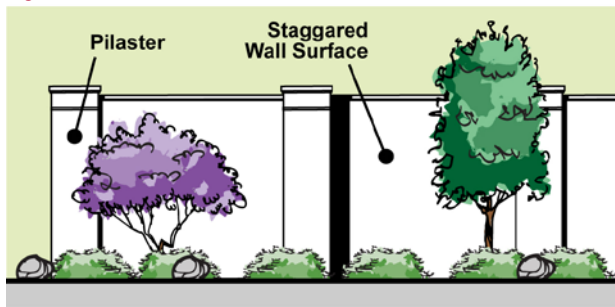
#### 7. Walls and fences.

a. Wall and fencing materials and patterns should be compatible with the style and themes of the structures.

b. Where walls are erected in locations visible from a public right-of-way, the use of full dimension caps, pilasters, and changes in wall surfaces (staggering) shall be applied (see Figure ---).

d. In locations where walls might invite vandalism or graffiti, landscaping should be provided along the walls.

Figure --- . Walls



C. Hospital site design and architectural standards.

1. Access and circulation.

- a. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of a hospital or other medical facility shall be designed to avoid conflict with vehicular traffic and to easily accommodate access for the disabled and elderly. Pedestrian paths shall be clearly delineated with pavement materials and/or markings and signage, and shall be located to create the shortest possible, safe path between parking lots and passenger loading areas to the primary entrance.
- b. Passenger loading areas shall be provided at convenient and safe locations and shall be clearly identified.
- c. Wherever physically possible, reciprocal parking area access between adjacent related or similar medical uses shall be provided.
- d. Parking structures shall be designed and constructed according to the highest standards of quality to ensure consistency with the architecture of the hospital and medical buildings.

2. Architecture. For hospital complexes, a unified and complementary architectural theme shall be applied to all structures within the complex and associated signage. See sign standards and regulation in 9.4.17 (Signs).

**12.5 REVIEW PROCESS FOR THE CONSTRUCTION OF LOW AND MODERATE INCOME (LMI) HOUSING**

**DELETE EXISTING AND REPLACE AS FOLLOWS:**

- 12.5.1. Purpose. To encourage the development of quality LMI housing at appropriate scales, the Town has identified a range of allowed densities based on the percentage of LMI units proposed, as well as other dimensional requirements. These dimensional regulations apply regardless of LMI housing type (family, elderly or special needs). Dimensional regulations, in concert with the performance standards, ensure that LMI development is located appropriately to minimize conflict with neighboring uses.

There are four geographic areas in Town that will be considered for LMI housing. These general area include the areas in and around the villages of Esmond, Georgiaville, and Greenville, and ~~the some areas~~ region of town along Douglas Pike ~~due~~ south of the intersection with Interstate 295.

Commented [m5]: PB Voted to Recommend to TC 8/26

12.5.2. Applicability. The Planning Board shall make a determination whether a proposed Low and Moderate Income (LMI) housing project is located in the general areas as described in 12.5.1 and also meets the performance standards set herein, at a Pre-application meeting held in accordance with Section III, Article A of the Land Development and Subdivision Regulations.

12.5.3. General Conditions. Properties meeting the following general conditions as determined by the Planning Board shall be eligible for consideration as an LMI project.

1. Property shall be located in or within close proximity to one of the Town's existing population centers.
2. Accessible to major transportation and transit routes
3. Proximal to community services and amenities.

12.5.4. Performance Standards. Any parcel(s) meeting the General Conditions may be considered for LMI housing density bonuses, so long as the proposed development meets the following additional performance standards:

1. Connected to a public water supply and/or public wastewater treatment system or easily connected to a system via minor extension;
2. 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
3. All required parking for the number of units proposed can be accommodated on the proposed development site.

The applicant for any development not connected to a public water supply and/or wastewater treatment system must demonstrate to the satisfaction of the Planning Board that any alternatives for water supply and wastewater treatment are environmentally sound per state laws and regulations and sustainable over the expected lifespan of the building(s) in the context of the particular development.

12.5.5. Maximum Residential Density. The maximum density allowed in a qualified LMI developments is based on the percentage of LMI units provided in the proposed development as follows:

1. A maximum density of five (5) units per developable acre may be permitted for any development proposal having greater than twenty-five percent (25%), but less than fifty percent (50%) LMI housing.
2. For development proposals in which at least fifty percent (50%) but less than seventy-five percent (75%) of the total units would be LMI housing, a maximum density of seven (7) units per developable acre may be permitted.
3. For development proposals in which at least seventy-five percent (75%) of the total units would be LMI housing, a maximum density of ten (10) units per developable acre may be permitted.

- 12.5.6 Dimensional Regulations. The minimum lot area for an LMI project is 30,000 square feet. With the exception of density regulations, the dimensional regulations for Multi-Family Dwellings found in Sec. 5.5 of the Town's Zoning Ordinance (except Sec. 5.5.1 Minimum Lot Area and Sec. 5.5.2 Maximum Number of Dwelling Units) shall apply. However, any development abutting the R-200, R-80, or PD zoning districts to the rear shall comply with the minimum rear yard setbacks for those zones.
- 12.5.7 Mixed use buildings with a mix of commercial and residential uses are allowed at the densities described above so long as the underlying zoning district allows commercial and residential uses and all required parking for all uses can be accommodated on the site.
- 12.5.8 For purposes of this Article, the following land shall be considered undevelopable:
1. land deemed unsuitable for development under sections 6.8.1 and 5.3.4A herein;
  2. land within the development that is proposed for non-residential use within a mixed use development, including the parking areas designated for nonresidential uses;
  3. land within the development that is proposed for use as drainage detention or retention basins; and
- 12.5.9. In reviewing LMI project, the Planning Board shall insure that the architectural standards utilized in the development reflect the Town's vision of community character and are aesthetically compatible with similar residential developments within the Town.
- 12.5.10 Buffers. The buffer standards of the Conservation Development provisions as detailed in the Town's Land Development and Subdivision Review Regulations Section X. Article N. Buffer Areas shall apply to LMI projects.

#### **4.4 SUPPLEMENTARY USE REGULATIONS**

**G-26. Communication Antenna(s)** - Installation of communication antenna(s) and ancillary equipment other than a microwave dish on any existing tower or structure shall be allowed in all zoning districts ~~by Special Use Permit~~ by right provided that there is not a substantial change, under the Spectrum Act and the codified regulations 47 CFR 1.6100, (as amended) and the applicant must demonstrate to the Zoning Official that the request does not violate any of the six (6) FCC standards cited below. Applications not meeting the listed standards will be reviewed by the Zoning Board of Review.

- A. the antennas will not increase the height of the structure by more than 10 % or by the height of one additional antenna array with separation from the nearest antenna not to exceed twenty feet., whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or mnore than ten feet, which ever is greater

**Commented [m6]:** Continued for review on 9/16- Revised 9/8/2021

B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

D. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

E. It would defeat the concealment elements of the eligible support structure; or

F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

in accordance with Section 10.8 of the Zoning Ordinance subject to the following conditions :

- A. The antenna and equipment do not exceed the maximum height of the structure to which they are attached.
- B. The antenna and equipment shall conform to the color of the structure to which they are attached.
- C. The antenna and equipment shall conform to such other requirements as are imposed by the Zoning Board of Review be designed to ensure that they will be as unobtrusive as reasonably possible.
- D. The antenna and equipment shall be designed by a Rhode Island Licensed Professional Structural Engineer and the added antennas shall not diminish the structural integrity of the existing tower or structure to which it will be attached.

H-2. ~~Wholesale Business & Storage~~ Wholesale business and storage in connection with the principal use Warehouse Distribution & Storage Facilities and Fulfillment Centers - Warehouse distribution facility includes wholesale distribution where merchandise is received, sorted, stored, repackaged and shipped to retailers. Fulfillment centers are warehouses where orders are received, processed and filled and merchandise is shipped to the consumer. Does not include truck terminals or transfer stations, provided that;

Commented [m7]: Continued for review on 9/16/2021

A. ~~All storage of materials and equipment is completely enclosed in a building, except that outdoor storage of new building materials is allowed provided that the materials are not visible from public roads, internal park roadways and abutting residential areas.~~

~~A.B.~~ Such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials.

### ZONING DISTRICT ABBREVIATIONS

#### **Industrial-Employment Zoning Districts**

**Commented [m8]:** Continued for review on 9/16/2021

~~PCDB — Planned Corporate District (Bio-Pharmaceuticals)~~

**J-1A. Manufacture of Drugs and Pharmaceuticals** – Permitted – The following uses are permitted by right in a Planned Corporate District ~~B~~ subject to compliance with all regulations herein and submission of a site plan under §10.9 of this Ordinance.

A. Manufacturing of drugs and pharmaceuticals limited to those permitted in Biological Safety Level 1 or Biological Safety Level 2 facilities as those terms are defined in the guidelines promulgated by the National Institutes of Health, together with research and development associated with such manufacture.

B. The Town shall be provided with copies of all correspondence to include but not limited to Facilities Documents, FDA Documents and R.I. Department of Environmental Management Documents, etc. relating to the facility and the manufacturing of products in compliance with Bio Safety Level 1 and ~~\_\_\_\_\_~~ pharmaceutical



**4.3 Table of Uses**

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4.3 Table of Uses														
<b>G. RETAIL BUSINESS &amp; SERVICE (cont'd.)</b>														
26. Communication Antenna(s)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
<b>H. WHOLESALE BUSINESS &amp; STORAGE</b>	<b>R-200</b>	<b>R-80</b>	<b>R-Med</b>	<b>R-20</b>	<b>R-20M</b>	<b>MU</b>	<b>V</b>	<b>C</b>	<b>HC</b>	<b>LI</b>	<b>I</b>	<b>PC</b>	<b>PD</b>	
1. Storage of Flammable Materials	N	N	N	N	N	N	N	N	N	S	S	SP**	N	
2. Wholesale Business and Storage Warehouse Distribution & Storage Facilities and Fulfillment Centers	N	N	N	N	N	N	N	N	N	P	P	SP	N	
P**Allowed as an Accessory Use														
<b>Zoning Uses</b>	<b>ZONING DISTRICTS</b>													
	<b>R-200</b>	<b>R-80</b>	<b>R-Med</b>	<b>R-20</b>	<b>R-20M</b>	<b>MU</b>	<b>V</b>	<b>C</b>	<b>HC</b>	<b>LI</b>	<b>I</b>	<b>PC</b>	<b>PD</b>	<b>PCD-B</b>
<b>J. INDUSTRIAL USES</b>														
1. Research & Development	N	N	N	N	N	N	N	N	N	P	P	P	N	
1A. Drug & Pharmaceutical Manufacture & Associated Research & Development <sup>4</sup>	N	N	N	N	N	N	N	N	N	N	N	N-P	N	P
2. Industrial Park	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	
3. Light Industrial	N	N	N	N	N	N	N	N	N	P	P	SP	N	
6. Storage Facility, not including Truck Terminal	N	N	N	N	N	N	N	N	N	S	P	NS	N	

<sup>4</sup>Permitted By Right in PCD-B only. Prohibited in all other zones, only with a Special Use Permit