

**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MAJOR SUBDIVISION
FINAL PLAN APPROVAL OF
CEDAR FOREST ESTATES – CEDAR FOREST ROAD
ASSESSOR’S PLAT 49, LOT 24**

CEDAR FOREST ESTATES

AP 49 / Lot 24 – Cedar Forest Road

22.85 Acres (approx.) / R-80 Zone

Applicant/Owner: Cedar Forest Associates, LLC

Engineer: Commonwealth Engineers & Consultants, Inc.

Rec # 84344



INST: 2021-175
BK: 1327 PG: 14
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5 Page(s)
PLANNING BOARD DECISION
Lyn Antonuccio, Acting Town Clerk

A handwritten signature in black ink, appearing to read "Lyn Antonuccio".

WHEREAS, the Smithfield Planning Board met on November 12, 2020 to consider an application for a Major Subdivision located at Cedar Forest Road, on approximately 22.85 acres, in the R-80 Zone; and

WHEREAS, the record includes: Final Plan Application received October 29, 2020; Certificate of Completeness dated October 29, 2020; Soil Erosion Permit approval – dated September 28, 2018; Final Planset prepared by Commonwealth Engineers dated May 28, 2019 (rev. 8/9/2019); Final Water approval - Gene Allen, Director of Public Works, Water Commissioner - dated October 29, 2020; Deeds for Open Space parcels A, B and C, Roadway Extension, Drainage and Access easement (Lots 1 & Description for access easement (Open Space parcel A), Sample Warranty Deed for subdivisions lots containing stone features; Declaration of the Restrictive Covenants w/ language on preservation of stone features; Planning Department Staff Recommendation dated November 5, 2020; Findings; and

WHEREAS, Board Member Richard Colavecchio recused himself from the hearing of this application; and

WHEREAS, Attorney John Shekarchi represented the applicant and stated that the applicant is in agreement with the recommendations outlined in the memorandum from the Town Planner; and

WHEREAS, Town Planner Mike Phillips stated that the applicant has agreed to previous conditions for the historic features on the site being protected, granting a right of way to the abutting landowner who was landlocked, deeding 9.4 acres of open space, and is now recommending Final Plan approval be granted without condition; 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 Attachment A; 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 project as just described above, which evidence the Board credits at this Final 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 Final Plan submission for the proposed Major Subdivision project can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, MIKE MOAN MADE A MOTION, SECONDED BY JOHN STEERE, TO APPROVE THE FINAL PLAN AS IT MEETS WITH THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND INCORPORATING THE FINDINGS OF FACT SUBMITTED BY THE TOWN PLANNER AS EXHIBIT B-1. 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, Richard Colavecchio, Mike Pinelli, Mike Moan, Curtis Ruotolo, John Steere and John Yoakum

Voting in Opposition: None

Abstaining/Recused: None

Members Absent: Jennifer Hawkins

NOW BE IT THEREFORE RESOLVED by majority vote of seven (7) members for in favor and zero (0) against and zero (0) abstaining, that the Major Subdivision Final Plan Approval for Cedar Forest Estates – Cedar Forest 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 12th day of January, 2020.

Attachment A
Findings of Fact

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 LU-1

ESTABLISH A BALANCE BETWEEN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, RECREATIONAL, PUBLIC FACILITY, AGRICULTURAL AND CONSERVATION LAND USES THAT SERVICE THE CURRENT AND FUTURE NEEDS OF THE COMMUNITY THROUGH THE DEVELOPMENT OF SOUND LAND USE PRACTICES.

Action LU-1.2c Implement innovative planning of residential and commercial development. Continue to require conservation developments in residential zones where appropriate to address new land development, and reduce the minimum lot area requirements by zoning district.

Comment: The proposed development is proposed as a Conservation Development.

GOAL LU-2

PROMOTE THE PRESERVATION, IMPROVEMENT AND ENHANCEMENT OF THE POSITIVE AND DESIRABLE CHARACTERISTICS OF SMITHFIELD'S ENVIRONMENT AND LAND USE PATTERNS.

Policy LU-2.2 Recognize the Town's scenic rural landscapes, roads, wildlife habitat, sensitive resources and vistas as important cultural and economic resources, and act to preserve them.

Comment: Provisions have been made to preserve man made stone features on the site with deed restrictions.

GOAL LU-5

CONSIDER THE NATURAL CAPACITY OF THE LAND TO SUPPORT FUTURE DEVELOPMENT, POPULATION AND THE EXISTING QUALITY OF LIFE.

Policy LU-5.1 Promote land development which is sympathetic to the existing landforms.

Action LU-5.1a Create open space systems and corridors that protect complete ecological units, link to contiguous open space in adjoining communities and provide structure and character to the built environment.

Policy LU-5.5 Retain open spaces large enough to serve as wildlife habitat, store flood waters, abate air and water pollution, provide a sense of openness, and serve as buffers and aesthetic amenities to existing development.

Policy NR – 4.1 Preserve large contiguous tracts of open space for wildlife habitat. Acquisitions, Easements and Conservation Development Techniques shall be used.

Action NR – 5.1b Make judicious use of the special provisions of the Town's Land Development Regulations enabling the Town to reserve suitable open space for recreation and conservation opportunities in larger subdivisions. (On going Close to 200 acres of OS in subdivision dedications)

Comment: One of the proposed open space lots is contiguous with an adjoining open space lot owned by the Land Trust.

**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 7 additional single-family homes.

**GOAL NR-2
ENSURE NEW LAND DEVELOPMENTS ARE DESIGNED TO PROTECT ENVIRONMENT OF THEIR SURROUNDINGS.**

Policy NR – 2.1 Promote land development which is sympathetic to the surrounding environment.

Comment: The project is design to avoid any large cuts or fills thus maintaining the natural topography to the greatest extent possible.

**GOAL CR-2
PRESERVE AND RESTORE SMITHFIELD’S HISTORIC AND ARCHAEOLOGICAL DISTRICTS, SITES, BUILDINGS, STRUCTURES, DOCUMENTS AND OBJECTS.**

Action CR–2.1a Identify, protect, and restore Smithfield’s historic districts sites, buildings and structures, to promote and encourage the donation and preservation of historic documents, maps, objects and artifacts as representations of the Town’s cultural heritage.

Policy CR–2.6 Promote inter-office and inter-agency coordination and cooperation in historical preservation activities.

Action CR-2.6b Coordinate with the Smithfield Historic Preservation Commission on all projects that may affect designated historic properties.

Comment: The Smithfield Historic Preservation Commission was consulted regarding the stone features and the applicant has agreed to protect the delineated stone features as shown on the Final plan set during construction and record restrictions on each deed that prohibit the disturbance of the stone features.

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 Table 5.6.1 Conservation Developments as shown below. The 20.5 acres open space provided exceeds the requirement for open space as detailed on the cover sheet of the Cedar Forest Estates Final Subdivision plan set, Prepared by Commonwealth Engineers & Consultants, Inc., Revised August 9, 2019.

Table 5.6-1 – Dimensional Requirements in a Conservation Development

<i>Utilities</i>	<i>Min. Buildable Lot Area (sq. ft.)</i>	<i>Min. Lot Frontage and Width (ft.) (see Note)</i>	<i>Min. Front Yard Depth (ft.)</i>	<i>Min. Rear Yard Depth (ft.)</i>	<i>Minimum Side Yard (each side) (ft.)</i>	<i>Maximum Building Coverage (percent)</i>
<u>Single Family Dwelling</u>						
<i>Public water and sewer</i>	20,000	80	25	30	16	30

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: RIDEM issued a Permit To Alter Freshwater Wetlands on February 9, 2010 for the project including roads, drainage structures, retaining wall and utility installation. The Soil Erosion Permit was granted on September 28, 2019.

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.

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 the proposed street.

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: The proposed roadway meets subdivision standards and no sidewalks were proposed or required. Stone features on the property have been identified and have been provided with a 15’ buffer. A deed restriction have be submitted for review that will protect the stone features in perpetuity.

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: RIDEM has approved the wetland alteration to allow for the construction of the road and drainage structures. Soil Erosion Permit was granted on September 28, 2019.

Suggest Conditions of Approval: Subject to issuance of a Soil Erosion Permit, final water piping approval, submission of a revised access easement, deed restriction for the stone features, deed and descriptions of the adjoining parcel to be added as open space.