

**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MAJOR LAND DEVELOPMENT
MASTER PLAN APPROVAL OF
GEORGIAVILL PLACE – 95 FARNUM PIKE
ASSESSOR’S PLAT 23, LOT 1**

Rec # 84343



**INST: 2021-174
BK: 1327 PG: 7**
01/12/2021 12:12:18 PM
7 Page(s)
PLANNING BOARD DECISION
Lyn Antonuccio, Acting Town Clerk

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GEORGIAVILLE PLACE

AP 23 / Lot 1 – 95 Farnum Pike

.79 Acres (approx.) / R-20 Zone

Applicant: Farnum Development, LLC

Owner: Homes R US, LLC – c/o Carlos Quezada

Engineer: Joe Casali Engineering, Inc.

WHEREAS, the Smithfield Planning Board met on November 12, 2020 to consider an application for a Major Land Development located at 95 Farnum Pike, on approximately .79 acres, in the R-20 Zone; and

WHEREAS, the record includes: Master Plan Application received October 16, 2020; Master Plan Narrative and Master Plan Set prepared by Joe Casali Engineering, Inc., dated October 2020; RI Housing Letter of Eligibility, w/Project Pro Forma, dated October 16, 2020; Certificate of Completion dated October 30, 2020; Technical Review Committee Comments dated November 3, 2020; Master Plan Public Hearing Notice – Valley Breeze, October 29, 2020; List of Abutters; Site Context Map; Planning Department Staff Recommendation dated November 5, 2020; Findings of Fact; and

WHEREAS, Nicholas Goodier, Attorney for the applicant, stated that this project was before the Board for pre-application review over the summer and are back tonight requesting master plan approval on this comprehensive permit. Atty. Goodier stated that the proposal is to raze the existing single family home on property to develop 9 multi-family units being more in conformance with the surrounding area and that the project meets with the goals and objectives in the Town’s low to moderate income housing plan; and

WHEREAS, Mike Moan stated that the Technical Review Committee had a comment from the Town Planner regarding RI Housing and the affordable units being offered at 120% AMI and that he is concerned that may affect the marketability of those units being that it is not much different from the market rate units. Mr. Phillips stated that he rechecked the number and it is correct and agreed that the higher the price of the LMI unit, the less likely people will buy a deed restricted unit when it is so close to the market rate. Attorney Nicholas Goodier replied that they have met the criteria required by receipt of the letter of eligibility from RI Housing and that the affordability can fluctuate as the market will dictate the price at the point this project is finalized; and

WHEREAS, Joe Casali, Registered Professional Engineer with offices located at 300 Post Road in Warwick, stated that the parcel is located on a parcel having condominium complexes on either side with a 50’ perimeter wetland, and that proposal is to raze the existing structure and per the Comprehensive Permit ordinance utilize a density of 12 units per acre by providing 50% of LMI units for a total of 9 two bedroom units with 5 LMI units being serviced by a private roadway; and

WHEREAS, Joe Casali stated that the 5 lmi units are dispersed throughout the development, providing for 32 parking spaces exceeding the requirements, having a sewer easement located at the rear of the property for tie-in and Providence Water is available. Mr. Casali stated that permit approvals will be sought from RIDEM, RIDOT, Sewer Authority, Fire Department, and Narragansett Electric; and

WHEREAS, Joe Casali stated that they are seeking waivers from the Zoning Ordinance and the Land Development and Subdivision Regulations for a pre-existing, non-conforming multi-family to be allowed in single family zone, for 5 dwelling units per structure to be allowed in the multi-family zone, proposing 9 units per single family zone, to allow 16,156 s.f. per dwelling unit, needing 125 feet of frontage in an R-20 zone, relief from minimum lot area, frontage, and side yard setbacks and for a proposal of 22 feet in roadway width; and

WHEREAS, Mike Moan questioned the Conservation Commission TRC comment and Attorney Nicholas Goodier replied that the property at one time incorporated developments on the north and south side that were split previously and has nothing to do with the subject property that is before the Board. Attorney Goodier added that there is no covenant restricting development of this lot. Al Gizzarelli stated that he thinks that the comment was concerned with, if this development gets approved, adjacent lots could come back to request further subdivision and Attorney Goodier replied that this project does not preclude anyone from submitting a development plan; and

WHEREAS, Mike Moan questioned the Conservation Commission TRC comment with regard to algae bloom observed in the pond and also questioned the need for excess parking. Joe Casali replied that treatment of the stormwater will be infiltrated and will not exacerbate the issue with this proposal. Mr. Casali stated that the parking plan was designed without increasing impervious areas and to reduce the number of spaces would be difficult without changing the building or driveway space; and

WHEREAS, Richard Colavecchio questioned the modern architecture design and Joe Casali replied that they will develop architectural renderings further at the preliminary plan stage. Attorney Nicholas Goodier added that an updated rendering was submitted to the Planner showing garage doors; and

WHEREAS, Mike Pinelli stated that it looks more like an apartment rather than condominiums and seeking a variance for setbacks will bring the units closer together and questioned what the applicant will be doing for privacy. Joe Casali replied that the project has been designed for rear yard privacy for the new as well as existing owners; and

WHEREAS, the applicant Scott Ringland, 8 Tristan Court, stated that he emailed a rendering to the Town Planner showing garages, a standing seam copper roof, and bow windows but that he is open to other ideas; and

WHEREAS, the public hearing was opened at 7:15 p.m.; and

WHEREAS, Patricia Perrino, 93 Farnum Pike, Unit #6 stated that she resides in the abutting complex and they have no privacy right now and questioned how they will propose something with privacy; especially being two bedroom units? Joe Casali replied that they are providing landscaping down the property line. Ms. Perrino stated that she thinks this will take away from the value of their properties and whether the Board has been out to visit the property to see how close all of these developments are. Ms. Perrino questioned whether there is any contamination in the ground and Joe Casali replied that he has found no signs of any hazardous materials in the area; and

WHEREAS, Cate Gorman, 93 Farnum Pike, Unit #8, stated that they found out there are sink holes on their property and that this is filled land. Ms. Gorman stated that she spoke with a woman whose family owned all of the land from Pond View Apartments to the condos and that this plot of land was not intended to be so narrow and never meant to be for multiple family housing. Scott Ringland replied that he did test holes and it is upon the developer to build properly so that there are no sink holes; and

WHEREAS, Tania Medeiros, 97 Farnum Pike, Unit #8, stated that original plan was for the 5 LMI units to be located in the front building along Farnum Pike and questioned whether there are any plans to replace the dividing fence between 95 and 97 Farnum Pike? Attorney Nicholas Goodier replied that the LMI units have to be dispersed throughout the development in conformance with the State laws and with regard to the fence that will depend on ownership of the fence but suspects, if it is owned by the developer, it will be updated and enhanced; and

WHEREAS, Lisa Berard, 97 Farnum Pike, Unit #1, questioned seeing what the front building would look like and Scott Ringland replied that both buildings will be identical. Ms. Berard stated that the waterfront building is going to obstruct her view and doesn't see how her property value will increase and how low income persons can afford a \$270,000 home. Attorney Nicholas Goodier replied that the numbers are provided by RI Housing and due to the flourishing economy and interest rates being so low they established a price of \$279,000 for the LMI units and \$342,000 for the market rate units. Ms. Berard stated that she is also concerned with overflow parking coming onto their site and privacy at the rear of the units. Attorney Goodier stated that this proposal exceeds town requirements for parking and could look at adding additional parking spaces but this is counter to what the Board members have indicated. With regard to the rear setback, Attorney Goodier stated that 15 feet is dictated by the zoning code and that they are within the building envelope and providing a sophisticated landscaping plan; and

WHEREAS, Tommy D'Angelo, 4 St. Michael's Way, stated that that he is concerned with the influx of residents, traffic concerns and what appears to be an urban building; and

WHEREAS, Katie Thompson, 93 Farnum Pike, Unit #7 questioned the height of the building and Scott Ringland replied that it is presently 38 feet but that they are trying to bring it down more. Ms. Thompson stated that she is also concerned with privacy given the height of this new construction. Scott Ringland stated that the project was designed to give privacy for existing owners and new buyers. Ms. Thompson added that she is also concerned with the traffic in the neighborhood; and

WHEREAS, Lisa Berard questioned how many units the Town needs to satisfy the 10% affordable requirement and Town Planner Michael Phillips replied that the number will change when the census is released but somewhere in the area of 430 units; and

WHEREAS, Lance Martin, 93 Farnum Pike, Unit 5 questioned whether any state law addresses encroachment and Attorney Nicholas Goodier replied that there is no encroachment issue but the State statute allows for a density bonus because the development offering LMI units; and

WHEREAS, there being no further comments from the public, the public hearing was closed at 8:14 p.m.; and

WHEREAS, Mike Pinelli stated that he understands the privacy issue and would like the façade to feel more like Smithfield; and

WHEREAS, Richard Colavecchio stated that he would hope the applicant addresses the concerns indicated by the Board and abutters; and

WHEREAS, Curtis Ruotolo stated that traffic is always a concern with every project but it is a safety concern and he would like the applicant to take the privacy of the neighbors into consideration; and

WHEREAS, John Yoakum stated that more details are coming with the preliminary plan but that the project at this point mirrors the surrounding area; and

WHEREAS, Mike Moan stated that his concern is the justification for exceeding the minimum parking requirements and privacy; 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 Land Development project as just described above, which evidence the Board credits at this Master 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 Master Plan submission for the proposed Major Land Development project can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, CURTIS RUOTOLO MADE A MOTION, SECONDED BY JOHN YOAKUM, TO APPROVE THE MASTER PLAN AS SUBMITTED INCORPORATING THE PLANNER'S MEMORANDUM DATED NOVEMBER 5, 2020 INDICATING THAT THE MASTER PLAN CONDITIONS OF APPROVAL HAVE BEEN SATISFIED, ALL WAIVERS BEING GRANTED, REQUESTING MODIFICATION TO THE PLAN FOR ADDITIONAL PRIVACY BY LANDSCAPING AND A BUILDING DESIGN IN BETTER CONFORMANCE WITH THE SURROUNDING AREA, AND INCORPORATING THE FINDINGS OF FACT MARKED 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 Land Development Master Plan Approval for Georgiaville Place – 95 Farnum Pike, 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.

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 Town chose to identify sites in the community where LMI housing development shall be promoted (Strategy 2).

While the subject lot, is not listed in Table H-25, the project density is based on the allowed density and LMI percentage defined in Housing Strategy #2/Table H-25, in the Comprehensive Plan. The site would meet the criteria for an LMI site and would meet the performance standards that the Planning Board has been discussing to replace Table H-25.

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.*
 - A. While the project is not listed in H-25 Selected Properties For The Construction Of Low And Moderate Income Housing and would not technically be eligible for review under Zoning Ordinance Section 12.5, The Low and Moderate, projects submitted under 45-53 must be accepted for review.
 - B. The 9 units proposed are within the 79-unit yearly limit established by Smithfield Ordinance, Section 68-5. No other Comprehensive Permit projects were under consideration in the 2020 when the subject project was certified complete.
 - C. The project meets the dimensional regulations which apply to the R-20M District with the exception of density regulations.
 - D. The project density (9 Units) as proposed is conforms with the maximum density of up to twelve (12) units per developable acre project which constructs a minimum of 50% LMI units.
 $.79 \text{ developable acres} \times 12 \text{ units/AC} = 9.48 \text{ Units}$
 - G. Land considered unsuitable for development under sections 6.8.1 and 5.3.4 A has been deducted from the overall land area used to calculate density.

The entire site is considered buildable.
 - H. The units depicted for the development of building proposed appear to be aesthetically compatible with similar residential developments within the Town.

Project roadways will not be public streets and are designed with a 22' paved section with 2- 11' travel lanes and 1' cape cod berms. This design is commensurate with other condominium developments in the

Town. Roadway base, pavement structure and other appurtenances will be required to meet the specifications called for in Section VII of the Land development and Subdivision Regulations.

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 are four (4) LMI units located in the 5-unit building and one (1) LMI unit is located in the 4-unit building.

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 wetland on the subject lot. All development proposed will be outside of RIDEM jurisdictional wetlands. Municipal sewers and water service are available to the site. Areas for the collection and treatment of stormwater have been identified on the plans. Final design plans for the drainage systems, sewers and other systems will be required at Preliminary Plan stage. RIDEM permits and other State Permits will be required at Final Plan stage in accordance with 45-53.

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.

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

The development has one main access driveway on Farnum Pike. The driveway appears to have adequate sight distance.

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.*

The first buildings in the proposed development will be set back from Farnum Pike approximately 35' from the roadway; the required setback is 30'. The proposed roadway width of 22' with (2) 11' travel lanes and 1' berms is consistent with other roadways proposed under these regulations. Farnum Pike has sidewalks on both sides of the street within the village. Municipal sewers and water service are available to the site. Areas for the collection and treatment of stormwater have been identified on the plans. Final design plans for the drainage systems, sewers and other systems will be required at Preliminary Plan stage. RIDEM permits and other State Permits will be required at Final Plan stage in accordance with 45-53.