



MEETING AGENDA

Town of North Smithfield Planning Board

Meeting Date: Thursday, March 14, 2024

Time: 7:15 p.m.

Location: North Smithfield Town Hall
Town Council Chambers
83 Greene Street
North Smithfield, RI 02896

The meeting will be livestream. Please join the meeting from your computer, tablet, or smartphone by clicking on this link:

https://www.youtube.com/channel/UCFgw5KxL950ZgZ_DKz8B-MQ

or go to the North Smithfield YouTube page - North Smithfield Town Meetings.

Documents related to the meeting will be posted on the Planning Department's page of the Town's website on Friday, March 8, 2024.

Item 1
Call to Order

Item 2
Roll Call

Item 3
Minutes
Review and approval of the December 14, 2023, meeting minutes.

Item 4
Disclosure
Planning Board members shall disclose potential conflicts on matters before the Planning Board.

Item 5
Disclosure & Notice:
Planning Board members shall disclose any ex parte communications about any contested or material adjudicatory facts or opinions concerning the merits of any application before the Planning Board.

Item 6
Declaration of voting members

Item 7
Public Hearing
Unified Development Review
American Tower

Applicant: American Tower, LLC.
Location: 51 Industrial Drive
Assessor's Plat: 5
Lot: 484
Zoning District: Manufacturing – (M)
Land Area: 6.693 Acres
Number of lots: 1
Engineer: Joshua H. Walton

Unified development plan review requires that the Planning Board act as the “authorized permitting authority” and consider the requests for a special use permit and dimensional variances. As the “authorized permitting authority”, the Planning Board shall grant said requests upon making the required positive findings under RIGL 45-24-41, “Variances,” and RIGL 45-24-42, “Special-use Permits.” These approvals shall be conditional upon and prior to consideration of the land development project.

The purpose of the public hearing is to consider a Unified Land Development Project for a combined preliminary/final approval. The applicant is requesting approval to install and operate a temporary 140’ wireless communications monopole-style ballast tower with the antennas and equipment of three (3) FCC-license wireless service providers at the rear of 51 Industrial Drive, in a (M) Manufacturing District.

The project requires a special use permit in accordance with zoning section 5.6.3.10(6)(A)1, and dimensional variances for less than the required front, rear and side setbacks, and less than the required setback from a residential property line.

Dimensional Variances

In granting the requested dimensional variances, the authorized permitting authority shall require that evidence to the satisfaction of the following standards is entered into the record of the proceedings:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16).

Planning Office Comment: The request relief is temporary and is a result of the applicant’s need to locate the temporary structure in proximity to the existing antenna located on the town’s water tank. The location is important to ensure the current cell coverage area remains intact.

- (2) That the hardship is not the result of any prior action of the applicant; and

Planning Office Comment: The North Smithfield Water Division requested the applicant permanently remove the antenna from the water tank. Upon inspection of the tank, it was

determined that the process to affix the antenna to the tank was compromising the structural integrity of the tank over time.

- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the ordinance is based.

Planning Office Comment: *The North Smithfield Zoning Ordinance allows cell towers in the Manufacturing (M) Zoning District upon issuance of a Special Use Permit (SUP). Further, there are currently cell antennae mounted on the town’s water tank adjacent to the proposed location. The request is for a temporary structure and the applicant will be required to reapply for a preeminent location in the future.*

Planning Office Recommendation:

The Planning Office recommendation is to grant the requested dimensional variances with the following stipulations:

- 1) The approval shall be contingent upon the granting of a special use permit for the proposed temporary cell tower and Planning Board approval of the Minor Land Development Project,
- 2) That this approval shall be limited to 24 months unless an extension is granted by the Authorized Permitting Authority.
- 3) That the applicant shall post a bond payable to the Town of North Smithfield in the amount of \$56,000 to cover the cost of removal and site restoration in compliance with Zoning Ordinance Section 5.6.3.10(8).

Permitting Authority Vote

| | | |
|----------------------------|-----|----|
| Gary Palardy, Chairman | Yes | No |
| Jeffrey Porter, Vice-Chair | Yes | No |
| Lucien Benoit | Yes | No |
| Roland Menard | Yes | No |
| Cynthia Roberts | Yes | No |
| Cheryl Marandola (Alt.) | Yes | No |
| Ariana Ramos | Yes | No |

Special Use Permit

Zoning Section 5.6.3.10(6)(A)1 Special use permits (SUP) states: “If the tower or antenna is not a permitted use under subsection 5 of this article or permitted to be approved administratively pursuant to subsection 5 of this article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.”

Planning Office Comment: *Temporary towers are not authorized in the Zoning Ordinance and/or cannot be approved administratively, as a result the applicant is seeking a SUP in accordance with section 5.6.3.10(6)(A)1.*

Section 5.6.3.10(6)(B) Factors considered in granting special use permits. The Zoning Board shall consider the following factors in determining whether to issue a special use permit, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if they find that the goals

of this section are better served thereby.

- 1) Height of the proposed tower.
- 2) Proximity of the tower to lot boundaries.
- 3) Nature of uses on adjacent and nearby properties.
- 4) The opportunity for natural screening of telecommunication facilities through a combination of reduced facility height due to site elevation, lot depth, natural vegetation, or topography.
- 5) Design of the tower, with particular references to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 6) Proposed ingress and egress; and
- 7) Availability of suitable existing towers for co-location and other structures as discussed in Subsection 3C and D of this article. The applicant shall submit a co-location statement as well as an evaluation of friendly sites as called for in Subsection 3C.

Planning Office Comment: *The applicant is seeking dimensional variances for items 1 & 2. The subject property is zoned Manufacturing (M), and the facility is currently vacant. Regarding items 4 & 5, the proposed tower is to be a temporary condition not necessarily warranting screening and/or aesthetic review. The proposed ingress and egress appear adequate. Finally, the facility was collocated on the abutting town-owned water tank and is being relocated at the request of the North Smithfield Water Division.*

Planning Office Recommendation:

The Planning Office recommendation is to grant the requested special use permit for the proposed temporary cell tower with the following stipulations:

- 1) The approval shall be contingent upon Planning Board approval of the Minor Land Development Project,
- 2) That this approval shall be limited to 24 months unless an extension is granted by the Authorized Permitting Authority.
- 3) That the applicant shall post a bond payable to the Town of North Smithfield in the amount of \$56,000 to cover the cost of removal and site restoration in compliance with Zoning Ordinance Section 5.6.3.10(8).

Permitting Authority Vote

| | | |
|----------------------------|-----|----|
| Gary Palardy, Chairman | Yes | No |
| Jeffrey Porter, Vice-Chair | Yes | No |
| Lucien Benoit | Yes | No |
| Roland Menard | Yes | No |
| Cynthia Roberts | Yes | No |
| Cheryl Marandola (Alt.) | Yes | No |
| Ariana Ramos (Alt.) | Yes | No |

Item 8
Public Meeting
Minor Land Development Project for Development Plan Review
Combined preliminary/final approval
American Tower

Applicant: American Tower, LLC.
Location: 51 Industrial Drive
Assessor's Plat: 5
Lot: 484
Zoning District: Manufacturing – (M)
Land Area: 6.693 Acres
Number of lots: 1
Engineer: Joshua H. Walton

This application is contingent upon Planning Board approval of the requested dimensional variances and special use permit.

The applicant is requesting approval to install and operate a temporary 140' wireless communications monopole-style ballast tower with the antennas and equipment of three (3) FCC-license wireless service providers at the rear of 51 Industrial Drive, in a (M) Manufacturing District.

Planning Office Findings

The Planning Office finds the proposal to be generally consistent with Article 1.1 "Purpose" of the Towns Land Development and Subdivision regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.

Economic Development Policy 3.a. Encourage private investment in the town's existing commercial areas.

- 2) In compliance with the standards and provisions of the Town's Zoning Ordinance.

Use Table 5.4.18 Cellular communications tower 125'-200' is an allowed use in the Manufacturing (M) Zoning District. This finding is also contingent upon the applicant receiving the necessary dimensional variances and SUP from the "authorized permitting authority."

- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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.
- 5) That the proposed development possesses adequate physical access to a public street.

Planning Office Recommendation

The Planning Office recommendation is to grant a combined preliminary/final approval with the following stipulations:

- 1) That this approval shall be limited to 24 months unless an extension is granted by the Planning Board.
- 2) That the applicant shall post a bond payable to the Town of North Smithfield in the amount of \$56,000 to cover the cost of removal and site restoration in compliance with Zoning Ordinance Section 5.6.3.10(8).

Planning Board Vote

| | | |
|----------------------------|-----|----|
| Gary Palardy, Chairman | Yes | No |
| Jeffrey Porter, Vice-Chair | Yes | No |
| Lucien Benoit | Yes | No |
| Roland Menard | Yes | No |
| Cynthia Roberts | Yes | No |
| Cheryl Marandola (Alt.) | Yes | No |
| Ariana Ramos (Alt.) | Yes | No |

Item 9

Public Meeting

Amendment to the Town’s Zoning Map

| | |
|------------------|---|
| Applicant: | High Rocks II, LLC. |
| Assessor’s Plat: | 3 |
| Lot(s): | 2A |
| Zoning District: | Manufacturing (M) |
| Map Amendment: | Zoning map amendment to rezone a 39,982 S.F. parcel from Manufacturing (M) to Residential Urban (RU). |

The applicant is requesting a zone change from Manufacturing (M) to Residential Urban (RU) for the purpose of constructing a 4-unit residential building while requesting dimensional relief to exceed the maximum density on a lot with less than the required frontage, less than the required side yard setbacks and less than the required driveway width.

Planning Office Findings

The Planning Office finds the proposal to be in compliance with the Town’s Comprehensive Plan including the Land Use Element, the Housing Element, Services & Facilities Element, Implementation Section, Policies and Actions. The Planning Office also finds the proposed zoning amendment to be generally consistent with the following purposes of the Town’s Zoning Ordinance:

- (1) Promote the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensity of use appropriate to the character of the town reflecting current and future needs.
- (3) Provide for orderly growth and development which recognizes:
 - (a) The goals and patterns of land use contained in the Comprehensive Plan;

- (e) The availability and capacity of existing and planned public and/or private services and facilities;
- (f) The need to shape and balance urban and rural development; and
- (8) To promote a balance of housing choices for all income levels and groups, to assure the health safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- (12) To promote implementation of the comprehensive plan of the Town adopted pursuant to Chapter 22.2 of the State Enabling Acts Related to Land Use Planning.
- (13) To provide for coordination of land uses with contiguous municipalities, other municipalities, the State and other agencies.
- (14) To provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

Planning Office Recommendation

The Planning Office recommendation is for a favorable recommendation to the Town Council for the requested zoning map amendment with the following stipulations:

1. That the applicant shall receive a zone change from the Town Council to allow for the construction of a 4-unit multifamily residential building with less than the required area, less than the required frontage and less than the required side yard setbacks prior to preliminary approval.
2. That the applicant shall receive town water and town sewer approval from the Town of Blackstone, Massachusetts prior to preliminary approval.
3. That the applicant shall comply with all RIDEM requirements for development of the site including but not limited to wetlands approval, Environmental Land Use Restriction (ELUR) Soil Management Plan (SMP), a UIC/RIPDES permit for drainage.
4. That a Soil and Sediment Control Plan shall be required at preliminary approval in conformance with Zoning Section 18 "Soil Erosion and Sediment Control and Stormwater Pollution Prevention Plan."
5. That the applicant shall provide an excavation/construction plan, which may be combined with the Soil and Sediment Control Plan, designed to mitigate the impact of construction on the abutting property which shall include but not be limited to, construction access, best practices for dust control and vibration and hours of operation.
6. That a landscape plan designed by a RI Registered Landscape Architect shall be required prior to preliminary approval.
7. That the proposed development shall not receive any Town of North Smithfield trash hauling services, snow plowing, roadway maintenance, drainage maintenance or other similar services and said stipulation shall be included on all sites plans, within the deeds to the property and within the condominium declaration documents.

Planning Board Vote

| | | |
|----------------------------|-----|----|
| Gary Palardy, Chairman | Yes | No |
| Jeffrey Porter, Vice-Chair | Yes | No |
| Lucien Benoit | Yes | No |
| Roland Menard | Yes | No |
| Cynthia Roberts | Yes | No |
| Cheryl Marandola (Alt.) | Yes | No |
| Ariana Ramos (Alt.) | Yes | No |

Item 10

Public Meeting

Review of Capital Improvements Program (CIP) Budget Requests

North Smithfield Charter, Article XII Planning Board, Section 2 (3) “Capital budget” reads: “The [Planning] board shall review and comment to the Asset Management Commission in regard to the capital budget for the following year and a comprehensive six-year capital improvement program on an annual basis.”

Item 11

Public Meeting

Review and Approval of 2022 Meeting Schedule

The Planning Board to review and approve the annual meeting schedule in accordance with RIGL 42-46-6 (a) Open Meetings Notice: All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (f).

Proposed meeting schedule attached.

Item 12

Public Meeting

Election of Officers

In accordance with North Smithfield Town Charter, Article XII, Section 1. Planning Department – organization:

The [planning] board shall organize annually by electing a chairman, vice-chairman, and a secretary.

Nominations:

Chair

Vice-chair

Secretary

Item 13

Administrative Subdivisions

None

Item 14

Adjournment

Individuals requesting special assistance should contact the Town Planner's Office at 767-2200, ext. 336 seventy-two (72) hours in advance of the meeting date. Agenda posted at Town Hall, North Smithfield Police station, North Smithfield High School, and RI Secretary of State website.

Agenda posted: March 8, 2024