

1 STATE OF RHODE ISLAND  
2 THE TOWN OF NORTH SMITHFIELD

3  
4 AN ORDINANCE TO AMEND  
5 SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS

6 I

7 *It is Ordained by the Town Council of the Town of North Smithfield, Rhode Island as follows:*

8  
9 SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS of the North Smithfield Code  
10 of Ordinances is hereby amended as follows:

11  
12 SECTION 6.  
13 SUPPLEMENTARY DISTRICT REGULATIONS  
14  
15

16 **Sec. 6.19. Water Supply Protection Overlay District.**

17 **6.19.1. Establishment and purpose of the district.**

18 There is hereby established a Water Supply Protection Overlay District (WSPD) which shall be  
19 the area defined as those assessor's lots which are indicated as the WSPD on the official zoning  
20 map of the Town of North Smithfield. The WSPD is an overlay district superimposed over the  
21 existing underlying zoning districts established by this ordinance. The regulations imposed by  
22 the WSPD shall apply in addition to the regulations of the underlying zoning district. In the event  
23 of a conflict or inconsistency between the regulations imposed by the WSPD and those  
24 established by the underlying zoning district, the regulations imposed by the WSPD shall prevail.

25 The regulations herein governing the development and use of lands within the water supply  
26 protection overlay district aquifers shall take precedence over any other conflicting laws,  
27 ordinance, or codes, and are established for the following purposes:

- 28  
29 (A) To protect the quality and supply of future and present sources of drinking water  
30 for the residents of the Town of North Smithfield and adjacent communities by  
31 regulating the use and development of land to protect major stratified drift  
32 aquifers and their recharge areas (GAA Classification), surface drinking water  
33 supplies and their watersheds, community well-head protection areas, and town-  
34 owned non-transient, non-community wellhead protection areas (schools) and to  
35 prevent uses of land detrimental thereto;  
36  
37 (B) To protect, preserve and enhance drinking water resource quality and the integrity  
38 of natural systems;  
39  
40 (C) To protect the health, safety, and general welfare of the public.  
41  
42 (D) To protect the supply of future and present sources of drinking water from high  
43 intensity land development and from potentially hazardous materials associated  
44 with specific land uses; as contained in section 6.19.5 and 6.19.8.4

45  
46 **6.19.2. Definitions.**

47  
48 For the purpose of this subsection and this ordinance generally, the following terms shall have  
49 these meanings:

50 Aquifer- A saturated and permeable geologic formation that can yield significant quantities of  
51 water to wells, springs, or surface water bodies.

52  
53 Bedrock - ~~means~~ The solid rock, commonly called "ledge," that forms the earth's crust.

54  
55 Community water system- A public water system which serves at least fifteen (15) service  
56 connections used by year-round residents or regularly serves at least twenty-five (25) year-  
57 round residents.  
58

59 Contaminant - means any physical, chemical, biological, or radiological substance or matter  
60 in water which impairs its intended or feasible use.

61  
62 Degradation - means a deterioration or a decline in ambient water quality

63 Discharge to groundwater- The intentional, negligent, accidental, or other release of any  
64 pollutant onto or beneath the land surface, in a location where it is likely to enter the  
65 groundwater of the State.

66 Disposal- The deposit, injection, dumping, spilling, leaking, incineration of, or placing of any  
67 pollutant or hazardous materials into or on any land or water so that such pollutant(s),  
68 hazardous material(s) or any constituent thereof may enter the environment.

69  
70 GAA Classification- Groundwater classified GAA includes those groundwater resources that are  
71 known or presumed to be suitable for drinking water use without treatment, including the  
72 following:

73 (1) The state's major stratified drift aquifers that are capable of serving as a  
74 significant source for a public water supply (groundwater reservoirs) and  
75 the critical portion of their recharge areas as delineated by DEM; and  
76

77 (2) The wellhead protection area for each public water system community water  
78 supply well. Community water supply wells are those that serve resident  
79 populations and have at least 15 service connections or serve at least 25  
80 individuals (e.g., municipal wells, and wells serving nursing homes,  
81 condominiums, mobile home parks, etc.)

82 Groundwater Water located beneath the ground surface which completely fills the open spaces  
83 between particles of sediment and within rock formations.

84 Groundwater - means-W water found underground which completely fills the open spaces  
85 between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of  
86 materials filled with groundwater is called the "zone of saturation".

87 Groundwater recharge - means-T the process of the addition of water to the zone of saturation,  
88 that zone beneath the water table.

89 Underground storage tank (UST)-Any one or more combinations of tanks (including  
90 underground pipes connected thereto) used to contain petroleum or other hazardous material  
91 and which is located wholly or partly beneath the surface of the ground.

92 Hazardous waste- Any material or combination of materials of a solid, liquid, contained  
93 gaseous, or semi-solid form which because of its quantity, concentration or physical,  
94 chemical, or infectious characteristics may:

95 (1) Cause or significantly contribute to an increase in mortality or an increase in  
96 serious irreversible, or incapacitating reversible, illness; or

97 (2) Pose a substantial present or potential hazard to human health or the  
98 environment. Such materials include, but are not limited to, those which are toxic,  
99 corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or  
100 concentrated in and are detrimental to tissue, or which generate pressure through  
101 decomposition or chemical reaction and include septic wastes. In addition, such materials  
102 include "industrial waste" as such term is used in the Rhode Island General Laws, as  
103 amended, unless the context shall clearly indicate otherwise. Hazardous waste shall also  
104 include all waste types as defined in the rules and regulations adopted in accordance with  
105 Title 23, Chapter 19.2 of the General Laws of the State of Rhode Island, and Providence  
106 Plantations, as amended.

107 Hazardous material- Any material defined as a "hazardous substance" by section 101 (14) of  
108 the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of  
109 1980 (42 USC 9605) as amended. Hazardous Material shall include any hazardous waste as  
110 well as any of the following materials: acetone, ethanol, ethylene oxide, methanol, methylene  
111 chloride, perchloroethylene and petroleum products. The enumeration of the above materials is

112 not intended in any way to minimize the list of material defined in the aforesaid section.

113 Maximum contaminant level - ~~means~~ The maximum permissible level of a contaminant present in the  
114 water determined at a point of entry into the distribution system and at any point in the distribution  
115 system.

116 Hazardous waste management facility- A facility, excluding vehicles, for  
117 collection, source separation, storage, processing, treatment, recovery, or disposal  
118 of hazardous stations for hazardous waste, and may include a facility at which such  
119 activities occur, and hazardous waste has been generated.

120 ~~Natural Fill - Natural uncontaminated sand, soil and general particles without any  
121 other materials including those which are man-made. (Need DEM to approve)~~

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122 Onsite wastewater treatment system- One installed to provide sanitary sewage disposal  
123 by leaching into the ground where no public sewer system is available or accessible.

124 Pollutant- A man-made or man-induced substance which causes or could cause the  
125 alteration of the chemical, physical, biological, or radiological integrity of groundwater.

126 Recharge area of aquifer- Any area in which precipitation percolates to the water table and  
127 flows through materials to the aquifer.

128  
129 Reservoir. A pond, lake, or basin, either natural or artificial, for the storage, regulation, and  
130 control of water.

131 Solid wastes- Useless, unwanted, or discarded solid materials with insufficient  
132 liquid content to be free-flowing. This includes, but is not limited to, rubbish,  
133 combustion residues, garbage, scrap materials, junk, fill material, demolition  
134 debris, construction wastes and refuse.

135 Town-owned non-transient non-community water system- A town-owned non-community  
136 water system that regularly services at least 25 of the same persons over six months of the  
137 year (e.g., schools).

138 Water Supply Protection Overlay District- The Water Supply Protection Overlay District  
139 includes all land in the Town identified as major stratified drift aquifers and their recharge areas  
140 (GAA Classification), surface drinking water supply watersheds, community wellhead  
141 protection areas, and town-owned non-transient, non-community wellhead protection areas  
142 (schools). The term Water Supply Protection Overlay District shall be synonymous with  
143 Groundwater Aquifer Protection Overlay District.

144 Water Supply Watershed-The portion of land drained by a river and its  
145 tributaries to a reservoir used for the storage, regulation, and control of  
146 public drinking water.

147 Water table- The upper surface of the saturated zone in an unconfined aquifer.

148 Wellhead protection area- The critical portion of a three-dimensional zone, surrounding a  
149 community public well or town-owned non-transient non-community well (schools) through  
150 which water will move toward and reach such a well or well field as designated by the RIDEM  
151 and any amendments thereto.

### 152 153 **6.19.3. Applicability.**

154  
155 ~~With the exception of exempt industrial or commercial areas as depicted on Water Supply  
156 Protection Overlay District Map, The Water Supply Protection Overlay District ("the WSPD"),  
157 shall apply to those areas so designated on the Official Zoning Map that is part of this Ordinance,  
158 and on file at the Town Clerk's Office and on display in the Building Inspector's Office.~~

159  
160 The map of the Water Supply Overlay District is based upon natural topography and estimated  
161 groundwater recharge flow lines, not property boundaries. The boundaries of the water supply  
162 basin include sub watersheds of the Blackstone Watershed and further, a drinking water sub  
163 watershed of the Peters River to Mouth area known as the Crookfall Brook Watershed. The

164 primary groundwater protection areas were delineated by the RI DEM pursuant to the  
165 methodology described in the Groundwater Quality Rules, June 2010, and amendments thereto.

166  
167 ~~The Water Supply Protection Overlay District is superimposed over any other zoning district  
168 established by this Ordinance. The regulations imposed by the Water Supply Overlay District  
169 shall apply in addition to the regulations of the underlying zoning district. In the event of a  
170 conflict or inconsistency between the regulations imposed by the Water Supply Overlay District  
171 and those established by the underlying district, the regulations imposed by the Water Supply  
172 Protection Overlay District shall govern.~~

173  
174 The Crookfall Brook Watershed encompasses and is home to the City of Woonsocket public  
175 drinking water natural resource. Accordingly, the City of Woonsocket, Town of Lincoln, and  
176 Town of Smithfield, shall be notified regarding projects within the Crookfall Brook Watershed.  
177 Project's falling within the GAA area in the northern part of North Smithfield shall require  
178 notice to the Towns of Uxbridge, Millville, and Blackstone, Massachusetts.

179  
180 Overlay zones were determined using an analytical model for delineation from RI DEM  
181 (specifically the United States Geological Survey 7.5-minute quadrangle maps (1:24,000 scale).  
182 All district boundaries may be revised based upon improved data and delineations provided by  
183 RI DEM through amendments to Groundwater Quality Rules and RIGIS Updates.

184  
185  
186 When a lot is partially within the overlay district, the entire lot shall be  
187 considered to be located within the overlay district for application purposes.

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#### 188 189 **6.19.4. Characteristics.**

190  
191 Water generally enters an aquifer by downward percolation from land surface recharge area and  
192 moves laterally underground toward areas of natural and man-induced discharge. The soils and  
193 subsoil conditions of the lands in the groundwater aquifer zone are such that any use introducing  
194 pollutants or hazardous materials into the natural drainage system could adversely affect the  
195 quality of drinking water resources, including the waters of the Slatersville and the Woonsocket  
196 Water Supply Reservoirs.

#### 197 198 **6.19.5. Permitted uses.**

199 All uses permitted in the various zones established by this ordinance that do not cause the  
200 introduction of pollutants or hazardous materials into the ground or waters of the Town (either  
201 directly or through atmospheric disposition) shall be permitted in the Water Supply Protection  
202 Overlay District. Any property located within the Water Supply Protection Overlay District and  
203 identified in Zoning Section 5.4 the District Use Regulations Table ~~required to obtain a special~~  
204 use permit ~~as being zoned BH, MU1, MU2, and Manufacturing~~ shall also be required to apply  
205 for and successfully obtain a special use permit in compliance with the standards contained in  
206 Section 6.19.8.4. Special-use permit approval criteria.

#### 207 208 **6.19.6. Prohibited uses.**

209  
210 The following uses, except those lawfully ~~established~~ ~~maintained~~ pre-existing uses, are  
211 specifically prohibited within the Water Supply Protection Overlay District:

- 212  
213 (A) Any use, or accessory use which is not a permitted use as contained in Section  
214 5.4 the District Use Regulations Table or is authorized by special use permit in  
215 the underlying municipal zoning district shall be classified as ~~a prohibited~~  
216 prohibited use.
- 217  
218 (B) Emerging contaminants of concern shall be considered/regulated as health  
219 standards become available.
- 220  
221 (C) Any uses identified by RIDEM in Groundwater Quality Rules (250-RICR-150-  
222 05-3), Active Rule and as amended.
- 223  
224 (A) ~~Any uses prohibited (N) in the underlying zoning districts;~~
- 225

226 ~~(B) Septic and solid waste management, treatment, or transfer facilities, including,~~  
227 ~~without~~  
228 ~~limitation, landfills, junkyards and salvage yards. Additionally, land disposal of~~  
229 ~~sewage and sewage sludge, resource recovery or recycling facilities, and hazardous~~  
230 ~~waste treatment facilities;~~

231  
232 ~~(C) Storage of petroleum or petroleum products, including, without limitation,~~  
233 ~~gasoline service stations, fuel dealers, oil and bottled gas sales and service,~~  
234 ~~and open lot storage of such fuels. This prohibition shall not apply to the~~  
235 ~~replacement or upgrading of existing underground storage tanks~~  
236 ~~containing petroleum products or hazardous materials and associated piping,~~  
237 ~~having the same storage capacity or less, installed prior to the effective date of these~~  
238 ~~regulations, provided that such activity is regulated by the RI Department of~~  
239 ~~Environmental Management and takes place in accordance with all applicable state and~~  
240 ~~federal regulations;~~

241  
242 ~~(D) Storage of road salt, sand/salt mixtures, or other de-icing chemicals in quantities~~  
243 ~~greater than for normal individual household use. At locations where such~~  
244 ~~materials have been stored prior to the effective date of these regulations, such~~  
245 ~~materials must, at a minimum be covered with a secured, durable,~~  
246 ~~waterproof cover to protect the materials from precipitation, with an~~  
247 ~~impermeable storage and handling surface that will prevent contaminated~~  
248 ~~runoff;~~

249  
250 ~~(E) Manufacture, use, storage, or disposal of toxic or hazardous materials, excluding~~  
251 ~~normal household activities;~~

252  
253 ~~(F) Industrial uses which discharge process liquids on site, like metal plating,~~  
254 ~~machine shops,~~  
255 ~~metal working shops and welding shops, finishing and polishing, including~~  
256 ~~jewelry manufacturing;~~

257  
258 ~~(G) Commercial chemical users, including but not limited to hairdressers,~~  
259 ~~photographic processors, print shops; and dry cleaners, excluding pick-up or~~  
260 ~~drop-off;~~

261  
262 ~~(H) Furniture stripping and refinishing businesses;~~

263  
264 ~~(I) Storage or disposal of hazardous waste, including, without limitation, chemical~~  
265 ~~wastes, radioactive materials, and waste oil other than in the course of~~  
266 ~~normal household activity;~~

267  
268 ~~(J) Boat or motor vehicle service or repair shops, gasoline or diesel powered engine~~  
269 ~~repair shops and commercial car washes;~~

270  
271 ~~(K) All fossil fuel fired power plants.~~

272  
273 ~~(L) The storage, disposal, or use as fill of material containing asphalt, concrete,~~  
274 ~~construction debris or stumps, even if determined to be non-hazardous;~~

#### 275 **6.19.7. Exemptions.**

276  
277 ~~The following uses shall be exempt from the provisions of this subsection:~~

278  
279  
280 ~~(A) Agricultural uses, as defined by subsection 3.4.1 of this ordinance;~~

281  
282 ~~(B) Onsite wastewater treatment systems associated with otherwise permitted uses;~~

283  
284 ~~(A) Storage of petroleum products in a free-standing container within a building for~~  
285 ~~the purpose of heating that building.~~

286  
287 ~~(B) Routine maintenance of buildings and landscape care; however, application of~~

288 fertilizers and pesticides in close proximity to wetlands and associated state or  
289 local buffer areas in not recommended. Enhancement of wetland buffers by  
290 allowing natural re-vegetation of native plants or planting in accordance with  
291 DEM standards is encouraged.  
292

293 Notwithstanding any other provision herein, a nonconforming and already permitted use within  
294 the Water Supply Overlay District may be continued and maintained so long as it remains  
295 otherwise lawful. No such use shall be enlarged, altered, extended, or operated in any way which  
296 increases its threat to groundwater quality or otherwise contravenes the purpose and intent of this  
297 ordinance.  
298

#### 300 **6.19.7. Pre-Existing Nonconforming uses:**

302 Any nonconforming use lawfully established prior to the adoption of this section shall be  
303 considered a preexisting nonconforming use and shall be allowed to continue in its current state  
304 until such time the nonconforming use is discontinued, abandoned, or converted to a conforming  
305 use, and no such nonconforming use shall be expanded.

306 ~~In the event that a nonconforming use has ceased for a period of one (1) year, such~~  
307 ~~nonconforming use shall not shall not be resumed except in conformity with the provisions of~~  
308 ~~this Section.~~

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#### 310 **6.19.8. Special use permits.**

312 ~~Any property located in the Water Supply Protection Overlay district and identified in the~~  
313 ~~District Use Regulation Table in Section 5.4, as BH, MU1, MU2, and Manufacturing, shall be~~  
314 ~~required to required to apply for and successfully obtain a special use permit.~~

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316 The Special Permit Granting Authority under this Water Supply Protection Overlay District shall  
317 be the Zoning Board of Review. Such special permits shall only be granted if the Board  
318 determines that the intent of this ordinance and each of its specific criteria are fully met. In  
319 making such determination, the Board shall ~~give consideration to consider~~ the demonstrated  
320 reliability and feasibility of the use and pollution control measures proposed and the degree of  
321 threat to water quantity and quality which would result if the control measures performed at less  
322 than design efficiency. In addition, the Board shall take into consideration the sensitivity of the  
323 water body to which the site drains. A water body and its watershed will be considered sensitive  
324 if a Total Maximum Daily Load is written or under development for it, or it is included on  
325 RIDEM'S 303(d) list, or is included on RIDEM'S list of Special Resource Protection Waters  
326 (Appendix D of the Water Quality Regulations) or has been noted by the Town Council or the  
327 Comprehensive Plan to be a critical resource of special concern. The Board may impose such  
328 conditions, safeguards, and limitations as it deems appropriate. The Board shall document the  
329 basis for any departures from the recommendations of other town boards or agencies, in its  
330 decisions.  
331

#### 332 **6.19.8.1 Exemptions.**

333 Any lawfully established use in effect prior to the adoption of this ordinance on [insert adoption  
334 date] may be exempt from the special use permit requirements contained in this Section 6.19.  
335 Water Supply Protection Overlay District, subject to the following criteria:

336 -  
337 A. Any expansion and/or addition of a lawfully established use that is less than or  
338 equal to twenty (20%) percent of the existing gross floor area (GFA) shall be  
339 exempt from the provisions of this section and shall not require a special use  
340 permit, or

341 -  
342 B. Any expansion and/or addition of lawfully established use that does not result in a  
343 net increase of impervious area shall be exempt from the provisions of this section  
344 and shall not require a special use permit.

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348 ~~6.19.8.1. Technical assistance. To assist its review of applications for special use permits, the~~  
349 ~~Board may, shall may engage a professional licensed geologist, hydrologist, soil scientist, or~~  
350 ~~engineer experienced in groundwater evaluation or hydrogeology to review the application for~~  
351 ~~completeness and accuracy, and to verify the inclusion of the subject property within the Water~~  
352 ~~Supply Protection Overlay District. Said professional shall work on behalf of and advise the~~  
353 ~~Zoning Board in all matters related to the application, the cost of which shall be borne by the~~  
354 ~~applicant.~~

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356 If an application submitted to the Board does not contain adequate data, including field and  
357 laboratory measurement results and fully documented calculations, performed and certified by a  
358 professional geologist, hydrologist, soil scientist or licensed Rhode Island engineer experienced  
359 in groundwater evaluation, or water supply information submitted in support of the application  
360 and subject land, whichever is proposed, the Board may engage a professional geologist,  
361 hydrologist, soil scientist or licensed Rhode Island engineer experienced in groundwater  
362 evaluation or hydrogeology to perform analyses and prepare all data necessary for an accurate  
363 evaluation of the application and shall charge applicant for the costs of such information.

364 ~~▲ If it has been determined by the Board or the Board's professional consultant that an application~~  
365 ~~does not contain adequate data, including field and laboratory measurement results and fully~~  
366 ~~documented calculations, performed and certified by a licensed professional geologist,~~  
367 ~~hydrologist, soil scientist, or engineer experienced in groundwater evaluation, or water supply~~  
368 ~~information submitted in support of the application, the Board shall notify the applicant, and the~~  
369 ~~applicant shall be allowed to provide the required material for review by the Board. Should the~~  
370 ~~applicant decline the opportunity and/or refuse to provide the supplementary material, the Board~~  
371 ~~shall deny the application with prejudice and the applicant shall not reapply within 12 months of~~  
372 ~~the denied application.~~

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374 **6.19.8.2 Expert testimony. At the request of the Zoning Board, the Town may**  
375 **engage a professional civil engineer, hydrologist, geologist, soil scientist, or**  
376 **other appropriate professional for outside expertise, at the expense of the**  
377 **applicant, to provide findings and recommendations, including a statement of**  
378 **general consistency of the application with the goals and purposes of this**  
379 **section. Said findings shall be provided to the Zoning Board and applicant and**  
380 **shall be a public document available for review in the office of the Zoning**  
381 **Official.**

382 **6.19.8.32. Application contents.** In addition to the requirements of the North Smithfield Zoning  
383 Ordinance and all applicable state and federal requirements, the following requirements will  
384 apply:

- 385
- 386 (1) Each application for a special permit shall be filed with the Board and shall  
387 comply with the Rules and Regulations of the Board. The application, including any plans and  
388 accompanying text, shall be sufficient to allow full evaluation of the proposed use and its  
389 impacts on the Groundwater Protection Overlay District.
  - 390 (2) The application shall be prepared in accordance with the data requirements of the  
391 proposed developed site plan review, erosion, and sedimentation control plan, etc.
  - 392 (3) The application shall include an analysis by a licensed professional geologist,  
393 hydrologist, soil scientist, or engineer experienced in groundwater evaluation or hydrogeology to  
394 demonstrate that the proposed activity will not be detrimental to the purpose of the district. At a  
395 minimum, the analysis shall fully describe the seasonal profile of the volumes and directions of  
396 groundwater and surface water flows for pre and post development ~~scenarios-scenarios~~, the  
397 location and use of all present and potentially suitable future drinking water supplies that could  
398 be affected by uses, and the location and use of any surface and/or groundwater that could be  
399 affected by the proposed use.
- 400 The application shall contain adequate data, including field and laboratory measurement results  
401 and the fully documented calculations.
- 402 (4) The applicant shall present a profile of potential events which could adversely  
403 affect the normal range of quality or quantity of water leaving the site. Such events shall include  
404 any which could reasonably be expected to occur at least once in the lifetime of the proposed

409 use.

410  
411 **6.19.8.34. Review by other town boards or agencies.** Upon receipt of the special permit  
412 application, the Zoning Board of Review shall transmit forthwith, a copy of the application to the  
413 Planning Board, Conservation Commission, Town personnel, and other such Boards or Agencies  
414 as it may deem necessary or appropriate for their written reports. Any such board or agency to  
415 which petitions are referred shall make recommendations or submit such reports as they may  
416 deem appropriate and shall send a copy thereof to the ~~Planning Zoning Board~~Zoning Board and  
417 the applicant within ~~forty-five (45)~~ thirty (30) days of receipt of the application by such board or  
418 agency. Failure to make a written recommendation or submit a written report within the ~~thirty-~~  
419 ~~five (35)~~ thirty (30) day period shall be deemed a lack of opposition.

420  
421 **6.19.8.54. Special-use permit approval criteria.** After notice and public hearing, and after due  
422 consideration of the reports and recommendations of other Town personnel, boards and agencies,  
423 ~~and the Board's professional consultant,~~ the Zoning Board of Review may grant such a special  
424 use permit if it finds the proposed use has met the recommended ~~criteria which~~criteria which  
425 includes but is not limited to:

426  
427  
428 (1) The ability to meet the standards contained in the 250-RICR-150-  
429 05-3, Groundwater Quality Rules Section 3.11 "Groundwater  
430 Quality Standards and Preventive Action Limits," pertaining to  
431 GAA and GA classified groundwater areas. ~~(1)~~

432 (2) ~~Submit a copy of approved H hazardous materials reporting plan shall be~~  
433 ~~submitted annually to the local municipality (as applicable to the use).~~

434 Proper storage of any potentially hazardous material and a hazardous materials  
435 contingency plan for these materials. Examples include but not limited to:

- 436 A. Waste manifest
- 437 B. Small and/or large quantity generator status.
- 438 C. Chemical hazard inventory.
- 439 D. Air pollution reports.
- 440 E. Hazardous material inventory / waste management plan.
- 441 F. Regulated medical, and/or pharmaceutical waste.
- 442 G. Any other state and/or federal requirements.

443 Will not cause the groundwater quality to fall below the preventative action limits  
444 established by Rhode Island Department of Environmental Management (DEM),  
445 Rhode Island Department of Health (DOH), U.S. Environmental Protection  
446 Agency (EPA), Rhode Island Public Law Ch. 3799, 1956, (reenacted 1988 Ch.  
447 84) Chapter 13, and where existing upon determination that the proposed activity  
448 will not result in no further degradation of the groundwater.

451  
452 (32) Is in harmony with the purpose and intent of this ordinance and will promote the  
453 purpose of the Water Supply Protection Overlay District.

454  
455 (43) Is appropriate to the natural topography, soils, and other characteristics of the site  
456 to be developed.

457  
458 (54) Will not, during construction or thereafter, have any adverse environmental  
459 impact on any waterbody or course in the Water Supply Protection Overlay ~~District;~~District.

460  
461 (65) Provision of appropriate natural buffers for wetlands and surface water bodies and  
462 will not adversely affect an existing or potential water supply.

463  
464 (76) Provision of an acceptable Soil erosion and sediment control plan designed and  
465 stamped by a licensed RI Professional Engineer (PE).

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466  
467 (78) All permitted and special use permits must include a demonstration and use of  
468 best available control technology and best practices.

469  
470 (8) Hazardous materials reporting plan shall be submitted annually to the local  
471 municipality (as applicable to the use). Examples include but not limited to:  
472 A. Waste manifest  
473 B. Small and/or large quantity generator status.  
474 C. Chemical hazard inventory.  
475 D. Air pollution reports.  
476 E. Hazardous material inventory / waste management plan.  
477 F. Regulated medical and/or pharmaceutical waste.  
478 G. Any other state and/or federal requirements.

479  
480 (9) Any use that includes the use or storage of materials, chemicals or petroleum products  
481 that pose a risk to the underlying groundwater must include groundwater contour  
482 information and the installation of groundwater monitoring wells as identified in  
483 RIDEM Groundwater Quality Rules; Section 3.12 titled Determination of  
484 Compliance with Groundwater Quality Standards and Preventative Action Limits,  
485 and section 3.22 Construction standards for monitoring wells and abandonment  
486 procedures for private drinking wells, monitoring wells, piezometers and other  
487 surface Boeings.

488 a. Applicant/owner shall provide the Town with all test results in relation to the  
489 sampling scheduling provided to DEM.  
490 b. Predevelopment water quality data shall be required and a monitoring plan for  
491 targeted constituents shall be a condition of approval.

492  
493 (9) Emerging contaminants of concern shall be regulated as health standards become  
494 available.

495  
496 (10) (10) Location and description of any proposed facilities for refuse storage and disposal.

#### 6.19.9. Public hearing and decision.

500 The Board shall hold a public hearing no later than sixty five (65) days in an expeditious  
501 manner after filing receiving a completed application and may continue a public hearing under  
502 this section if it finds that such a continuance is necessary to allow the petitioner or applicant to  
503 provide information of an unusual nature and which is not otherwise required as part of a special  
504 permit application and to allow sufficient time for remonstrates and public comment.

#### 6.19.10. Design and operation guidelines.

505  
506  
507 At a minimum, the following design and operation guidelines shall be observed within the  
508 Water Supply Protection Overlay District:

509  
510 (A) *Fill* - Fill materials used in the Water Supply Protection Overlay District shall not  
511 contain solid waste, toxic or hazardous materials, or hazardous wastes. Adequate  
512 documentation shall be provided to the Zoning Board of Review to guarantee the natural  
513 quality of the fill. Any expenses incurred in laboratory analysis shall be solely at the  
514 expense of the applicant.

515  
516 (B) *Drainage* – Storm water shall be managed using Low Impact Development (LID)  
517 practices to avoid and reduce runoff volume to the maximum extent practicable, as specified in  
518 the RI Stormwater Design and Installation Standards Manual and the Rhode Island Stormwater  
519 Management Guidance for Individual Single-Family Residential Lot Development, as amended,  
520 where necessary to protect groundwater quality, runoff from paved parking lots, public and  
521 private streets, loading areas, storage and operating areas, and other impervious surfaces subject  
522 to contamination from road sediments, heavy metals and petroleum products shall be collected  
523 and diverted through an oil/water separator prior to discharge to the environment; collected and  
524 discharged into a “wet” storm water detention basin capable of achieving water quality  
525 enhancement; or diverted toward vegetated filter strips, swales, or bio-retention; or discharged or  
526 diverted to other storm water management facilities designed to attenuate runoff and provide  
527

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528 pollutant removal capabilities. The Zoning Board of Review may require off-site discharge if on-  
529 site discharge is not feasible because of site conditions, or it is undesirable because of risks to  
530 water quality from such recharge.

531  
532 (C) The maximum percentage of impervious area for each zone shall be as follows:  
533 M-40%, BH-35%, REA-10%, RA-12%, RS-15%, RU-25%, ~~PS-40%~~, BN-40%, and all other  
534 commercial-40%. Residential lots of record that are non-conforming by area shall meet the  
535 requirements of the zone for which their area most nearly matches. Non-conforming lots of less  
536 than 15,000 square feet may use 40% impervious cover.

537  
538 (D) Residential storage tanks for petroleum products may be located outdoors  
539 provided that they are located within a containment structure that has an impermeable base and  
540 surrounding dike. Such base and dikes shall be constructed of material which is both  
541 impermeable and compatible with the material being contained.

542  
543 (E) Dumpsters which are used to store solid wastes shall be covered or located within  
544 a roofed area and have drain plugs intact. No washing or rinsing of dumpsters shall occur on-site.

545  
546 (F) Conservation Developments are strongly encouraged for all major subdivision  
547 and land development projects in the Water supply Protection Overlay District (See Zoning  
548 Section 6.20 for Conservations Development requirements and standards).

549  
550 All facilities constructed in accordance with this Section shall be maintained by the owner to  
551 assure their ability to function as designed. Failure to properly maintain said facilities shall  
552 constitute a violation of this Ordinance and is subject to enforcement action by the Town.

553  
554 **6.19.11. Enforcement and violations.**

555  
556 **6.19.11.1. Enforcement-** It is the intent of this Ordinance that all questions of interpretation and  
557 enforcement shall first be presented to the Zoning Enforcement Officer, ~~or designee~~, and that all  
558 questions shall be presented to the Zoning Board of Review only on an appeal from the Officer.  
559 Interpretation, enforcement, and appeals shall be conducted in compliance with Section 9.1 of  
560 the ordinance.

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561  
562 **6.19.11.2. Violations** - Written notice, via certified mail, of any violation of this ordinance shall  
563 be given by the Officer, or designee, to the responsible person within forty-eight (48) hours of  
564 confirmation of the violation, specifying the requirement or restriction violated, the actions  
565 necessary to remove or remedy the violations, preventive measures required for avoiding future  
566 violations and a schedule of compliance. The costs of containment, cleanup, or other action of  
567 compliance shall be borne by the owner or operator of the premises.

568  
569 **6.19.12. Fee schedule.**

570  
571 A schedule of fees, charges, expenses, and penalty fees shall be established in conformation  
572 with section 12, subsection 12.1 of the North Smithfield Zoning Ordinance.

573  
574 (Ord. of 04/01/2013, Ord. of 11/02/2020)

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582  
583  
584

585 The undersigned, the duly elected Town Council of the Town of North Smithfield have hereunto  
586 set their hands and caused this ordinance to be adopted.

587  
588 This ordinance shall take effect upon passage.

589

590 First Reading: \_\_\_\_\_

591 Second Reading: \_\_\_\_\_

592  
593 Passed by the Town Council on \_\_\_\_\_

594  
595  
596 \_\_\_\_\_

597 Town Clerk

598  
599 Approved as to form: \_\_\_\_\_

600 David V. Iglizzi, Town Solicitor

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604 NORTH SMITHFIELD TOWN COUNCIL

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609 Kimberly Alves, President

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613 Douglas Osier Jr., Vice President

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617 Paulette Hamilton

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