



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**North Woods Subdivision - Flexible Design Residential Project**

**Major Subdivision – Preliminary Plan Review**

September 27, 2022

Project Type:	<b>Major Subdivision – Flexible Design Residential Project</b>		
Review Stage:	<b>Preliminary Plan</b>		
Address:	<b>Intersection of Curtis Corner Road and South Road</b>		
Plat:	<b>47-2</b>	Lot:	<b>120</b>
Parcel Size:	<b>26 acres</b>	Zoning District:	<b>R30</b>
Applicant:	True North Land Company, LLC c/o Earl M. Greco 11 Knight Street, Unit E-19 Warwick, RI 02886	Owner:	Earl Greco; Michael O’Brien; David Merriam
Current Plan Set:	<i>Major Subdivision, Flexible Design Residential Project, Preliminary Application Plan for North Woods Subdivision, A.P. 47-2, Lot 120, South Road/Curtis Corner Road, South Kingstown, Rhode Island, 14 Sheets (Title Sheet, S1-S5, E1-E7, &amp; L1), dated January 30, 2022 with revisions through July 28, 2022), completed by Groundbreaking Designs, LLC, 90 Highland Avenue, South Kingstown, RI 02879.</i>		

**Property Characteristics**

The subject property is an undeveloped parcel in an R30 zoning district that is approximately 21.4 acres (933,173 square feet) in total area with primary frontage along South Road to the east. The Site contains a sizable amount of wetland area (~3.18 acres) that has been delineated by Natural Resource Services, Inc. and verified by RIDEM on October 20, 2017 (RIDEM #17-0214). The site contains two (2) historic cemeteries: The Joseph P. Potter Plot (#57) and the Holly Oakley Plot (#29). The site also contains stone walls along its perimeter and are also interspersed internally throughout the Site. The property consists of substantially overgrown pastureland from historical farming use that is populated with Red Pine, mature Holly, mature Red, White and Black Oak trees, as well as uniform stands of Norway Spruce and Larch.

Total Parcel Area	~21.4 acres
Total Wetland Area	~3.18- acres
Total Land Suitable for Development	~18.2 acres

A minor subdivision of the property was completed in 2018 which created three (3) lots for development, one lot to contain an existing structure with a deed-restriction limiting the parcel from residential use, and a remainder parcel. Said remainder parcel is proposed for the current major subdivision.

**Project Description**

The applicant is proposing to subdivide the existing parcel into sixteen (16) lots for residential development as a Flexible Design Residential Project (FDRP) with access via a private roadway. Of

these parcels, fifteen (15) are proposed to be developed as single-family residences and one (1) proposed to be developed as a duplex. The applicant proposes to provide three (3) affordable units on two (2) of these parcels (one single-family dwelling on Lot 2 and the proposed duplex on Lot 16). The single-family affordable dwelling on Lot 2 will be accessed from the new private roadway and the affordable duplex on Lot 16 will have access from Curtis Corner Road. With approximately 18.4 acres of developable land, current conventional zoning requirements would allow for up to nineteen (19) lots as shown on the *Proposed Yield Plan* included in the Site Plan Set (Sheet 7 of 7).

This subdivision will be serviced by public water and individual onsite wastewater treatment systems (OWTS) and will be constructed in one (1) phase. The majority of these parcels will be accessed via a private road off of South Road with only Lot 16 being accessed along its frontage on Curtis Corner Road. Stormwater will be managed via several proposed best management practice (BMP) areas within the open space area and several private parcels.

Despite being located within the Future Sewer Service Area (FSSA), and after an extensive soil analysis, the Public Services Director has agreed to waive the requirement to connect to the municipal sewer system provided the applicant restricts the density of this development to fourteen (14) market rate plus any affordable units required. The Narragansett Housing Authority has been contracted to be the monitoring agent for the proposed affordable units.

<b>Total Number of Lots</b>	<b>Dwelling Units</b>	<b>Average Proposed Parcel Size</b>	<b>R30 Allowed Density</b>	<b>Average Proposed Density*</b>
16	17	25,957 SF	1.45 DU/Acre	1.78 DU/Acre

As an FDRP, this project will reserve 40% of the total existing parcel area (325,180 square feet) to dedicated open space as required in Article IV, Section A(11) of the Subdivision and Land Development regulations. The open space will consist of garden plots and perennial plantings in portions of the overgrown pastures and will also include designated walking trails, a picnic rest area and an observation location. The proposed 75' buffer surrounding this FDRP to the north and east, as well as the wetland area, will also be part of this designated open space area. Although the open space area includes the wetland complex (land unsuitable for development), the total net area of the open space that is suitable for development appears to satisfy the 40% requirement with the Subdivision and Land Development Regulations.

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### Decision Deadline

This application has not been certified complete at this time. The applicant is still waiting for correspondence from RIDEM in regard to stormwater modifications and changes that have been proposed after the original review of this project by RIDEM.

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### Regulatory Considerations

The Subdivision and Land Development Regulations allow for FDRP type projects in order to:

1. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;
2. To preserve historical and archeological resources;
3. To protect the natural environment, including South Kingstown's varied landscapes;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning consistent with the "South Kingstown Residential Design Manual," prepared by Dodson Associates, dated January 1999 and as subsequently amended and incorporated into the Comprehensive Community Plan;
6. To perpetuate the appearance of South Kingstown's traditional New England landscape;

7. To allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure costs and density bonuses;
8. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and.
9. To offer an alternative to conventional subdivision

Notable FDRP requirements associated with this subdivision include the following:

Open Space (Article IV.A.11)

- o The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- o Minimum amount of Open Space in the R-30 district is 40% of the land suitable for development.
- o None of the minimum required open space area shall be devoted to land unsuitable for development.

Buffer Areas (Article IV.A.13)

- o A permanent buffer along the perimeter of the FDRP shall be established providing for the preservation of existing trees or other vegetation or for the planting of new vegetation in order to provide a visual and audio screen between the FDRP and adjacent land uses. This buffer may be provided as a separate open space lot (or lots) or; as a permanent easement along the perimeter of the FDRP. When proposed as an easement the area shall not be counted toward the minimum required open space.
- o The width of the buffer shall be fifty (50) feet provided, the Planning Board may reduce the width of a minimum of ten (10) feet. In doing so the Board shall consider six (6) enumerated factors found on Pages 28 & 29 of the Regulations.
- o Lots on the outer perimeter of the proposed FDRP which are directly adjacent to a public street must be separated from said public street by a wooded buffer or screen of at least one hundred (100) feet in width along the entire street frontage, except for any necessary access streets.

Streets (Article IV.A.14)

- o Streets within an FDRP may be publicly or privately owned and maintained and shall conform to the standards of Article XIII, Section B. “Street Design Standards” of the Regulations. Streets shall be designed to conform to the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

Inclusionary Zoning

- o *Requirements from the Subdivision Regulations regarding design standards* - Article IV, Section I includes the following language relative to the design of affordable units in major subdivisions:
  - a) Inclusionary Dwelling Unit Design Considerations – required inclusionary dwelling units per Section 502.6 of the South Kingstown Zoning Ordinance shall be similar in exterior design and construction methodology and materials to other dwellings or units with the subdivision or land development project.
  - b) Lot Configurations – The Board may permit units to be sited on smaller lots than the base-zoning district or otherwise modify lot requirements for such inclusionary units.

### Waivers Requested

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Upon completion of the Conceptual Master Plan review, the Planning Board granted conditional approval and approved the following waivers in the September 2, 2020 Conceptual Master Plan decision:

*In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waivers:*

<b>Section</b>	<b>Waiver</b>
<i>Article IV, Section A(5) Frontage Requirements</i>	<i>Waiver from the minimum 80' frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.</i>
<i>Article XIII, Section B Paved Area, Private Roadway</i>	<i>Waiver from the required 24' pavement width to a width of 20'.</i>

*In addition, the Planning Board hereby grants conditional approval of the following waiver subject to review and approval of an adequate, complimentary landscape plan at Preliminary:*

<b>Section</b>	<b>Waiver</b>
<i>Article IV, Section A(13) FDRP Buffer Requirements</i>	<i>Waiver of the required 100' buffer width for the lots on the outer perimeter of the FDRP which are directly adjacent to a public street (South Road) and authorizing a minimum buffer width of 75'.</i>

At this stage of review, there are no new waivers being requested. In accordance with the September 2, 2020 Conceptual Master Plan decision, the Planning Board reserved the right to revisit the waiver associated with the 100' buffer width of the outer perimeter of this FDRP following review and approval of an adequate, complementary landscape plan for the proposed 75' buffer at the current stage of review (Preliminary Plan).

### Review to Date

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Pre-Application Concept Review

April 23, 2019 - Planning Board Review of Pre-Application Concept Plan

Conceptual Master Plan Review

August 25, 2020 – Planning Board Review and conditional approval of the Conceptual Master Plan

Preliminary Plan Review

June 8, 2022 & July 13, 2022 – Technical Review Committee (TRC) review of the Preliminary Plan

August 23, 2022 – Planning Board review of the Preliminary Plan

### Required Findings

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Upon review of this Preliminary Plan submittal for a Major Land Development Project, the Planning Board must make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

- 1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- 2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- 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;

- 4) The subdivision, as proposed, will not result in the creation of individual lots with any 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 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; and
- 5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

Additionally, the approving authority must address each of the following general purposes of zoning:

- 1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- 2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- 3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- 4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- 5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- 6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- 7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- 8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations, in regard to the granting of waivers, the Planning Board has the authority to waive and/or modify one or more of the requirements for subdivision or land development approval provided that the Planning Board finds that:

- a. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and
- b. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.