



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

North Woods Subdivision - Flexible Design Residential Project

Major Subdivision – Conceptual Master Plan Review

Public Informational Meeting

May 28, 2020

Project Type:	Major Subdivision – Flexible Design Residential Project		
Review Stage:	Conceptual Master Plan		
Address:	Intersection of Curtis Corner Road and South Road		
Plat:	47-2	Lot:	120
Parcel Size:	26 acres	Zoning District:	R30
Applicant:	True North Land Co., Inc. c/o Earl M. Greco 11 Knight Street, Unit E-19 Warwick, RI 02886	Owner:	Earl M. Greco & Michael O'Brien
Current Plan Set:	<i>Conceptual Master Plan – Flexible Design Residential Project (FDRP), North Woods Major Subdivision Plan, Proposed Overall Site Conditions, A.P. 47-2, Lot 120, 607 Curtis Corner Road, South Kingstown, Rhode Island, Sheets 2 through 6, dated January 30, 2020 with revisions through March 18, 2020, prepared for True North Land Company, LLC, prepared by Michael A. Fontaine, PLS, 593 Green Hill Beach Road, 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 15 and the proposed duplex on Lot 16). The single-family affordable dwelling on Lot 15 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 6 of 6).

This subdivision will be serviced by public water and individual onsite wastewater treatment systems (OWTS) and will be constructed in one (1) phase. The vast 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 along the private roadway that is proposed.

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.

Total Number of Lots	Dwelling Units	Average Proposed Parcel Size	R30 Allowed Density	Average Proposed Density*
16	17	27,897 SF	1.45 DU/Acre	1.53 DU/Acre

As an FDRP, this project will reserve 40% of the total existing parcel area (317,944 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 50' 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.

Decision Deadline

This application was Certified Complete on April 9, 2020. The Planning Board has until **July 8, 2020** (90 days from date of completion) to render a decision.

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)

- 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.
- Minimum amount of Open Space in the R-30 district is 40% of the land suitable for development.
- None of the minimum required open space area shall be devoted to land unsuitable for development.

Buffer Areas (Article IV.A.13)

- 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.
- 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.
- 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)

- 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

- *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

Waivers being requested by the applicant associated with this Comprehensive Permit include the following:

<i>Section</i>	<i>Waiver</i>
<u>Article IV, Section A(5)</u> Frontage Requirements	Waiver from the minimum 80’ frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.
<u>Article IV, Section A(13)</u> FDRP Buffer Requirements	Waiver from the required 100’ buffer width for the lots on the outer perimeter of the FDRP which are directly adjacent to a public street.
<u>Article XIII, Section B</u> Paved Area, Private Roadway	Waiver from the required 24’ pavement width to a width of 20’.

Review to Date

Pre-Application Concept Review

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

Conceptual Master Plan Review

September 11, 2019 - TRC Review of the Conceptual Master Plan

The project was discussed with the TRC and it was determined that the application should return to the TRC with additional information. Specifically, the Department of Public Services asked the applicant to pursue an alternative entrance/access for the private roadway off South Road.

February 12, 2020 – TRC Review of the Conceptual Master Plan

The project was discussed and the following recommendations were made:

<i>Item Discussed & Recommendation (requestor)</i>	<i>Status</i>
<i>Landscape Buffering</i>	
Consider design opportunities to increase perimeter buffering from abutting residential properties to the north and South Road to the east. (PB)	To be discussed.
<i>Yield Plan</i>	
Provide a proper yield plan as defined by local regulations. (AO)	Satisfied, submitted with application materials.
<i>LMI Housing Integration</i>	
Consider opportunities to best integrate LMI housing units, and increase compatibility of LMI units with regard to unit type, access and lot size. (AO)	To be discussed.
<i>Affordable Housing Collaborative Advisory</i>	

Receive an advisory from the Affordable Housing Collaborative on the proposed project (PB)	Incomplete, can potentially be scheduled for June AHC meeting.
<i>Viewshed Photos</i>	
Provide viewshed photos of post-construction conditions in support of waivers associated with 100' buffer requirement. (AO)	Satisfied, submitted with application materials.
<i>Open Space</i>	
Provide a management plan defining the use, management and maintenance of the open space areas proposed. (AO)	Satisfied, submitted with application materials.
<i>Roadway & Utilities</i>	
Determine if roadway will be public or private, determine and discuss any implications on utilities or services (<i>i.e.</i> , water, sewer, fire, school bus access, etc.) (AO; DPS)	Satisfied, submitted with application materials.

AO = Administrative Officer
DPS = Dept. of Public Services
PB = Planning Board Duty Member

Required Findings

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.

Draft Motion

The following motion with associated findings and conditions of approval is being offered for consideration by the Planning Board during and should be amended accordingly if deemed appropriate or otherwise necessary.

“The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to the North Woods Major Subdivision, a sixteen (16) lot major subdivision – flexible residential design project, to contain fifteen (15) single-family dwellings and one (1) duplex structures for a total of seventeen (17) dwelling units, with fourteen (14) of these units being market-rate housing units and remaining three (3) being restricted low- and moderate-income housing units, located near the intersection of Curtis Corner Road and South Road, True North Land Company, LLC, applicant, Earl Greco & Michael O’Brien, owner. This approval is based upon plan set entitled: *Conceptual Master Plan – Flexible Design Residential Project (FDRP)*, North Woods Major Subdivision Plan, Proposed Overall Site Conditions, A.P. 47-2, Lot 120, 607 Curtis Corner Road, South Kingstown, Rhode Island, Sheets 2 through 6, dated January 30, 2020 with revisions through March 18, 2020, prepared for True North Land Company, LLC, prepared by Michael A. Fontaine, PLS, 593 Green Hill Beach Road, South Kingstown, RI 02879. This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. This subdivision/flexible design residential project is consistent with the requirements of the Comprehensive Plan.
2. This subdivision/flexible design residential project design conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
3. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
5. This subdivision/flexible design residential project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. All proposed lots have adequate and permanent physical access to a public street, namely South Road and Curtis Corner Road.
7. With the required conditions of approval, This subdivision/flexible design residential project will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
8. The design and location of building lots, utilities, drainage improvements, and other improvements in this subdivision/flexible design residential project minimize flooding and soil erosion.
9. The flexible design plan presented for consideration better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and Design Manual than would a conventional development after considering all of the criteria set forth at Article III, Section A of the Regulations.

Findings of Fact, Inclusionary Zoning & Affordable Units

1. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicant which demonstrates the ability of the development parcel to support a 'basic maximum number' of nineteen (19) lots.
2. The applicant has proposed that three (3) of the sixteen (16) lots (Lots 15 and 16, respectively) will be deed restricted affordable to 'low and/or moderate income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
3. The Planning Board finds that the proposed affordable units (on Lots 15 and 16) are integrated within the development and that the design of the lots is consistent with the design of the market rate lots within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I of the Town's Subdivision and Land Development Regulations.
4. These affordable units (on Lots 15 and 16) shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.
5. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units (on Lots 15 and 16) shall be exempt from the Town's Pacing and Phasing requirements.

6. The affordable units (on Lots 15 and 16) shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1 of the Zoning Ordinance and Section II, Element 5, III of the Town’s Capital Improvement Program.

Findings of Fact, Requested Relief

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:

<i>Section</i>	<i>Waiver</i>
<u>Article IV, Section A(5)</u> Frontage Requirements	Waiver from the minimum 80’ frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.
<u>Article IV, Section A(13)</u> FDRP Buffer Requirements	Waiver from the required 100’ buffer width for the lots on the outer perimeter of the FDRP which are directly adjacent to a public street.
<u>Article XIII, Section B</u> Paved Area, Private Roadway	Waiver from the required 24’ pavement width to a width of 20’.

In doing so, the Planning Board finds that:

1. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations; and that
2. 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.

Conditions of Approval

1. The use of the property shall be limited to Use Code 10 (single-household detached structure) and Use Code 11 (two-household detached structure) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.
2. This approval is limited to sixteen (16) building lots in total.
3. This approval is further limited to fourteen (14) market rate units and three (3) affordable units for a total of seventeen (17) units.
4. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the fourteen (14) market rate units.
5. The subdivision shall satisfy its affordable housing component requirement with the dedication of Lots 15 and 16 as units available for ownership/occupancy by ‘low/moderate-income households’ as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
6. The lease, sale or transfer of Lots 16 and 17 shall remain affordable to low or moderate income households for a period of ninety-nine (99) years.
7. The affordable units must meet the criteria for subsidy and deed restrictions such that the units count toward the low and moderate income housing stock within the Town.
8. As part of the Preliminary submittal, the applicant shall provide a traffic report detailing the anticipated traffic impacts from the proposed development and the adequacy of the existing and proposed roadways to safely accommodate existing and projected traffic.

9. Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.
10. The preliminary project design shall include a detailed erosion and sedimentation control plan including any proposed stockpile containment. The plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and Sedimentation Control Handbook.
11. Electric, telephone and cable services shall be installed underground.
12. Final design of the cul-de-sac shall conform to the requirements of the Union Fire District.
13. The applicant shall utilize low impact drainage methodologies in conformance with the Rhode Island Stormwater Design and Installation Standards Manual or other best management practices.
14. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
15. Any monitoring agreement between the developer/association and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.
16. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.