



**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:	<b>Major Subdivision – Flexible Design Residential Project</b>		
Review Stage:	<b>Conceptual Master 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 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 June 7, 2020, 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.

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### Project Description

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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.

<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	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.

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### Decision Deadline

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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.

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### Regulatory Considerations

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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 with the TRC and the following discussions and recommendations were put forward:*

<i>Item Discussed &amp; 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 &amp; 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

May 28, 2020 – Planning Board Review of the Conceptual Master Plan

*The project was extensively discussed and recommendations were made by the Planning Board to design this project to be more in line with a Flexible Design Residential Project. The application was subsequently continued to the June 23<sup>rd</sup>, 2020 Planning Board meeting.*

**June 8, 2020** - the applicant submitted revised plans based on the feedback from the Planning Board at the May 28, 2020 Planning Board meeting.

June 10, 2020 – TRC Review of the Conceptual Master Plan

*The project was discussed and the following recommendations were made:*

<b>Item/Issue Discussed</b>	<b>Recommendation</b>	<b>Status</b>
<b>Size of Residential Lots</b>	The site plan prioritizes large lot sizes over the requirements of the FDRP. The applicant should consider a design that fits the physical constraints of the lot and complies with the FDRP without requiring waivers. The Planning Board must weigh the applicant’s design vision against FDRP requirements in granting any requested waivers.	To be discussed with the Planning Board.
<b>Walking Path</b>	The full scope of the walking path should be depicted on the plans. The open space and path should have at least 2 access points to allow for a walking “loop.” The applicant should establish an easement between 2 lots	To be discussed with the Planning Board.

	allowing the northwest end of the path to connect back to the road instead of dead-ending the path in the open space.	
<b>Buffers</b>	The buffer edges should be consistent across abutting lots, rather than stepped or staggered, so that they are easy to discern by the public and maintain by the lot owners. Buffers should be coordinated with lot boundaries so that they are part of the open space lot(s) rather than being easements across private lots.	To be discussed with the Planning Board.....
<b>Stormwater Management</b>	While the conceptual master plan does not require detailed stormwater designs, the applicant must anticipate stormwater management needs and how it will be incorporated into the overall design in keeping with the spirit of the FDRP. The area of any stormwater management features on private lots must be deducted from the lot’s buildable area, and potential locations for stormwater structures in the open space must be shown on the plans in case they are required.	To be discussed with the Planning Board.
<b>Open Space Improvements</b>	Any structures or improvements proposed for the open space lot must be shown on the site plan (e.g. gardening shed, bus stop).	To be discussed with the Planning Board.
<b>Road Width Waiver</b>	The waiver requested for road width is not necessary for a private road in a FRDP. Private roads in FDRPs do not need to meet public road standards. Instead, it is the applicant’s burden to demonstrate to the satisfaction of the Board that the proposed private road is “adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means.”	To be discussed with the Planning Board.
<b>Pervious Pavement</b>	While not recommended for private roads, pervious asphalt could be considered for driveways.	To be discussed with the Planning Board.

<b>Cemetery Maintenance</b>	The applicant needs to investigate and establish its (and the future HOA's) responsibilities for maintaining the 2 historic cemeteries on-site. Special Counsel Goins will report back to the Planning Board on the applicant's legal obligations.	To be discussed with the Planning Board.
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### 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**

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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 June 7, 2020, 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:

<b><i>Section</i></b>	<b><i>Waiver</i></b>
Article IV, Section A(5) Frontage Requirements	Waiver from the minimum 80’ frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.
Article IV, Section A(13) 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.

Article XIII, Section B Paved Area, Private Roadway	Waiver from the required 24' pavement width to a width of 20'.
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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.



# **North Woods Subdivision**

## **Major Subdivision – Flexible Design Residential Project South Road & Curtis Corner Road**

### **Pre-Application Concept Plan**

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
April 8, 2019	N/A	N/A	N/A	N/A	N/A	N/A

### **April 23, 2019 - Planning Board Regular Meeting**

Earl Greco, Michael O’Brien, and Michael Greco, were present representing the application. The applicant stated that the property was previously approved for a minor subdivision which created three (3) conforming lots for development located along Curtis Corner Road, one (1) lot donated to the Curtis Corner Baptist Church for non-residential use, and one (1) remainder parcel. The applicant proposes a sixteen lot subdivision of the remainder parcel including 14 market rate units, and two (2) affordable housing units as required by the Town’s inclusionary zoning requirements. The project is proposed as a flexible design residential project.

The Planning Board and applicant discussed the location and size of the proposed open space parcel. The open space parcel includes 6.25 acres of land, with approximately 3.5 acres of wetland. The applicant stated they have worked to design the future subdivision lots for development in such a manner that most lots conform to the dimensional standards of the R-30 district in which they are located while still utilized the flexible design residential project (FDRP) model to provide community open space.

The Planning Board and applicant discussed the buffer from the proposed development to South Road. As required by the Subdivision and Land Development Regulations a 100 foot wide buffer is required for FDRP projects with frontage along a public road. The applicant intends to seek relief from this requirement in order to reduce the width of that buffer below the required 100 feet. Board members noted that the existing buffer in that area appears to be dense, however removal of invasive species and clean-up of that area will likely reduce the effectiveness of that screening. Board members noted there is very minimal undergrowth in that area. Board member noted that supplemental planning to establish undergrowth within the proposed buffers should be considered.

The applicant noted that they are proposing to develop a private road to access the development lots, they stated they will request a waiver from the right-of-way width of the street from 40 feet to 30 feet, and will a waiver to provide an 18 foot wide travel way for the paved road. Board members noted that a reduced travel width may not be looked a favorably given the number of lots with access along the road.

The applicant indicated they intend to develop some no-cut buffers on the individual building site in some areas. The Board advised the applicant to keep the limit of disturbance and building envelopes tight on the developable lots.

The Board and applicant discusses water provision on the site. The applicant has proposed use of a public water system on the site. The applicant plans to use individual on-site wastewater treatment systems on the parcel.

Board members noted a concern with fragmentation of the open space parcel and the proposed reduction of the required buffers from both the public right of way and surrounding residential properties. Discussion ensued regarding potential opportunities to provide additional open space behind lots 8, 9, and 10.

The Board and applicant discussed the proposed low- and moderate income lots (LMI lots). Discussion ensued. It was noted that the parcel on Curtis Corner Road looks to be too narrow. The applicant stated

they intend to donate at least one of the LMI lots to the Curtis Corner Baptist Church. Staff noted that the applicant and church may want to meet with an approved monitoring agent for the LMI housing units early in the process to understand the requirements.

Ms. Mack invited members of the public to speak during the Pre-Application Concept Review.

Residents, John Underhill, Tim Handegin, Jeff Naise, and Mike Harris expressed concerns regarding the reduced buffer between the proposed development and the existing residential development located off Henry Case Way, the location of the proposed development lots to properties along Henry Case Way, and impacts from the location of the proposed roadway associated with drainage, and safety concern relative to the location of the proposed road given the topography of the land and lines of sight along South Road.

The Planning Board and applicant discussed the location of the proposed roadway and its associated drainage requirements. It was noted that a traffic engineer will need to analyze and evaluate the proposed location of the roadway to ensure safe traffic conditions. It was noted that the proposed road may not create any increase in peak flow or volume of stormwater discharged from the property.

The Planning Board noted that the project should receive an advisory opinion from the Affordable Housing Collaborative during the Conceptual Master Plan stage of review relative to the proposed integration, location, and method of provision for the LMI housing units.

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**Conceptual Master Plan**

<u>Received</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
August 29, 2019	September 6, 2019	--	--	--
January 31, 2020	February 10, 2020	--	--	--
February 28, 2020	March 9, 2020	--	--	--
March 12, 2020	March 16, 2020	--	--	--
March 20, 2020	March 26, 2020	--	--	--
March 30, 2020	--	April 9, 2020	90	<b>July 8, 2020</b>

**February 12, 2020 - Technical Review Committee Meeting**

*Representing the applicant was Earl Greco, Michael Greco, and Michael O'Brien.*

Mr. E. Greco stated the biggest issue with the previous proposal related to buffering along the roadway, providing access in the northeast corner, and the location of the low- to moderate-income lots. Entrance to the development was redesigned to the south end of the property based on Staff suggestions and concerns that have now been addressed. Design elaborates on the provided open space and walking trails while the lots have stayed the same mostly the only changes include roadway and curvatures. Mr. Greco stated that the access drives continue to promote more of a natural setting with a bit more privacy.

Discussion ensued as to the timing of construction, anticipated time of completion and the need for an overall development schedule in accordance with the sewer feasibility agreement. Mrs. Gray indicated that a proper yield plan, as defined in local regulations, is required. Mrs. Gray also suggested that viewshed photos would be helpful in showing what the post-construction conditions would look like in support of their request from the 100' buffer requirement. Mrs. Gray also reminded the applicant that open space management plan is needed to define open space use and management.

Discussion ensued as to the completion of the road as a public or private street. Mr. Earl Greco stated their first choice would be a private street but they needed to work out the details with Suez otherwise it

would have to be public and built to public standards. The applicant is waiting to hear back from Suez on this determination. Mr. Hiener stated that the road would need to be a minimum of 20' in width and private road hydrants will need to be maintained by the homeowners if Union Fire Department is to provide service. Mrs. Gray stated also that if the roads are private, school buses will not travel on them and encouraged the applicants to show any bus pick-up structures located on open space areas on the plans.

Discussion ensued regarding the low- to moderate-income properties and design requirements. Mrs. Gray explained that any restrictions of use of any open space (or any features in the development in general) would not be a positive component of the application. Mrs. Gray stated that inclusive rights/exclusion of fees are options for them to consider but HOA docs need to be setup before everything is finalized. Mr. Earl Greco stated that he would consult with the monitoring agent to determine if 80% LMI or 100% LMI would be worth pursuing relief from the Zoning Board for.

The Committee recommended the application move forward to the Planning Board for review once the applicant has been issued a Certificate of Completeness.

Item/Issue Discussed	Recommendation
Development/completion schedule	Provide overall development schedule for completion in accordance with the sewer feasibility agreement.
Yield Plan	Provide a proper yield plan as defined by local regulations.
Viewshed Photos	Provide viewshed photos of post-construction conditions in support of waivers associated with 100' buffer requirement.
Open Space	Provide a management plan defining the use, management and maintenance of the open space areas proposed.
Roadway	Determine if roadway will be public or private, determine and discuss any implication on utilities or services (i.e., water, sewer, fire, school bus access, etc.)

**May 28, 2020 – Planning Board Meeting**

*Representing the applicant was Earl Greco, Michael Greco, and Michael O'Brien with True North Land Company, LLC.*

The 14-lot subdivision on 21.42 acres of land is proposed as a Flexible Design Residential Project (FDRP) which requires 40% open space and perimeter buffer requirements. Mr. E. Greco stated that while the FDRP regulations allow for a reduction of lot sizes down to the R10 zoning requirements they are proposing lot sizes that are 2.5-3 times that size as they feel that this design is more compatible with the neighborhood and the open space adds to the quality and aesthetic of the development. Mr. E. Greco also indicated that a number of changes have been made based on input from Staff and discussions with the TRC. Mr. E. Greco described the project and stated that existing landscaping is being supplemented with infill plantings within buffer areas to enhance visual buffering.

Mr. DiMasi indicated that at the pre-application meeting the Planning Board had concerns with the reduction of the buffers along South Road and along the north side of the property however the buffer issue has not been addressed. Mr. E. Greco indicated that the buffers had been increased from 25' to 50' from the pre-application plan. Mr. DiMasi felt that the project is more representative of a conventional subdivision and that it doesn't meet the intent or the requirements as an FDRP project. Mr. DiMasi also noted that the proposed low- to moderate-income units still don't appear to be integrated into the development. Mr. O'Brien indicated that the infill plantings are proposed to increase and enhance the buffer by staggering plantings of native species to further enhance screening and preserve and enhance the visual aesthetics that the existing pastures exhibit.

Ms. Mack stated that she agreed with Steve that it was made very clear to the applicant that the board had concerns about the buffer and that FDRPs must conform to the requirements because the project is

enjoying the benefits of that type of development, therefore the conditions need to be complied with. Also, Ms. Mack indicated that she felt that the LMI units are not integrated at all into the site which is a requirement for approval.

Mr. Riendeau noted that a waiver was being requested from the required 24' pavement width to 20' and inquired if the roadway included a Cape Cod berm. Mr. E. Greco stated that the road included a right-of-way of 35' and Mr. Bourbonnais clarified that the actual roadway would be 20' with no Cape Cod berm. Mr. Bourbonnais questioned the waiver and whether it would be for width or for roadway classification as this would classify as a 'Local Street B' which requires a 50' right-of-way with 24' of pavement with a 1' Cape Cod berm on either side. Mr. Bourbonnais clarified that the waiver appears to be from the roadway classification however we have no other category for private roadways in major subdivisions. Discussion ensued on roadway design and classification and the fact that the Department of Public Services wouldn't want to see anything less than 40' for utility separation and future considerations. Mr. Bourbonnais stated that he doesn't have a problem with a 20' paved roadway with a 40' right-of-way while discharging water within the right-of-way itself. Staff also confirmed that school buses would not travel a private roadway to pick-up school children and that a bus shelter located 60' from the intersection with South Road may result in issues with school bus loading and is not close enough to South Road.

Discussion ensued on the proposed LMI units, their location and what they look like in compliance with the ordinance that requires these lots and units to be comparable and compatible to the rest of the proposed development. Mr. O'Brien stated that while the LMI units may not be comparable in (lot) size they will be compatible in (unit) design. Ms. Torello felt that the units aren't integrated and feels more like the units are being developed, and Ms. Rubinoff noted that one the LMI units is proposed as a duplex without any other duplexes in the development. Mr. E. Greco indicated that their intention is to convey Lot 15 to Narragansett Affordable Housing for development and that Lot 16 would be conveyed to the Curtis Corner Baptist Church for development. Discussion ensued regarding compatibility and timing of construction in regard to imposed conditions for construction phasing. Discussion also ensued regarding the impact on Home Owner Association (HOA) fees on affordability of the LMI lots.

Chairman Riendeau opened the discussion up to public comment and heard from the following members of the public: Paul Richmond (559 Curtis Corner Road) who was concerned with perimeter buffering, easements, and the entrance to the development at the South Road intersection; Charles Nystedt (Genesee Way) had questions regarding wetlands, seasonal stream, surface & ground water runoff, and preservation of vegetation on wetlands; Attorney William Landry, representing the Nystedt, O'Neill, and Ewing families (Genesee Way) had concerns regarding wetland vegetation, screening and buffering, and open space calculations; Attorney Patrick Dougherty, representing Henry Case Way residents, discussed open space calculations, flexible design, visual buffering, expert information, LMI units, and late submission of a report from Ashley Sweet; Mark Vacarro (Henry Case Way) had questions regarding restoration and maintenance of stonework and artifacts in the two historical cemeteries on the site.

The following motion, made by Mr. DiMasi and duly seconded by Ms. Mack, passed by unanimous poll vote (Aye - S. DiMasi; M. Mack; J. Murphy; J. Riendeau; P. Rubinoff; and E. Torello):

**Motion:** "The South Kingstown Planning Board hereby continues the Conceptual Master Plan Public Informational Meeting on a major subdivision, flexible design residential project – North Woods Subdivision to the June 23, 2020 regular session".

Discussion ensued regarding Mr. Dougherty's late submission of a report from Ashley Sweet, which had not been reviewed by all Board Members, and the fact that Ms. Sweet is unable to attend the June 23, 2020 meeting. Mr. Earl Greco, applicant, agreed to extend the Planning Board's Decision deadline to July 28, 2020.

### **June 10, 2020 – Technical Review Committee Meeting**

*Earl Greco, Michael Greco and Michael O'Brien appeared on behalf of the project for the applicant.*

The applicant submitted a new set of development plans on June 8, 2020 in response to comments received from the Planning Board on May 28, 2020. The proposed design changes include:

- increasing the road ROW from 35' to 40';
- relocating the entrance to the development to the south;
- relocating the single-family LMI lot to be better included in the neighborhood layout;
- increasing buffer widths along South Road and the northern property boundary using buffer easements on several lots;
- designating an area on South Road as a community bus stop; and
- creating a new residential lot near the end of the cul-de-sac to compensate for the lot lost to the creation of the bus stop.

The applicant reviewed the design changes in the new plans. The applicant also responded to comments made by abutters to the north and west during the Planning Board meeting. The applicant noted that the 50' buffer along the northern boundary complied with FDRP requirements and had been increased to 60' in two locations. The applicant also noted that the lot to the north was cleared to the property boundary. With respect to the abutters to the west, the applicant noted that he had surveyed the distances from that rear lot lines of the abutter's lots to the proposed rear lot lines for the residential lots in the new plat and that the open space between the lot lines ranged from 320' to 460' and that the distance between the structures would be even greater.

Mr. Riendeau commented that the Planning Board had expressed concern that the applicant was trying to develop the parcel with large individual lots akin to a conventional subdivision and was not adequately taking advantage of the FDRP criteria to be more creative with the development layout. Mr. Riendeau acknowledged the applicant's efforts to make design changes in response to the Planning Board, but felt that the lots were not small enough to make the most of the open space buffer. With respect to the use of the open space, Mr. Riendeau also commented about the limited access available to the open space. Staff noted that the FDRP criteria required that the largest possible number of lots abut the open space and that any non-abutting lots have reasonable access to the open space. Mr. Riendeau proposed adding an additional open space access easement near the end of the cul-de-sac that would provide access to the open space to some of the interior lots and create a "loop" for the walking path using the road.

The applicant replied that at least some of the lot size considerations were driven by topography and the need to comply with town requirements for a 150' wetlands setback for OWTs.

In response to TRC questions about routing the walking path through the northern 50' buffer, staff commented that (1) the plans needed to show the full proposed walking path and not leave it as an open-ended project, and (2) walking paths are really an element for areas designated for community open spaces and that putting a walking path in a designated "buffer" area might conflict with the buffer's purpose as an audio-visual screening element if the path reduced the buffer width below the FDRP requirement. Adding extra width to the buffer to offset the path would fix this problem.

Mr. Bourbonnais warned the applicant against making comments that no work would be performed in the open space areas as it had done in previous meeting to appease abutting property owners. Mr. Bourbonnais noted that the conceptual master plan proposal does not include adequate information on stormwater attenuation and that it is possible that the applicant may need to use locations in the open space parcel to attenuate peak stormwater volume in future design phases in order to meet town requirements. The applicant replied that their engineer believed that stormwater could be managed without impacting the open space parcel, but that if necessary it could look at subsurface attenuation structures. Mr. Parker noted that the FDRP rules only allow drainage structures in dedicated open space if they can be fully and coherently integrated into the design and the Planning Board had discretion to prohibit such structures if they were not in keeping with the spirit of the FDRP concept. Mr. Parker further noted that because FDRPs look at the project in its entirety, as a cohesive whole, the applicant needs to account for how future drainage designs might impact the overall project design or risk denial of the application. Ms. Gray noted that the Conceptual Master Plan should identify tentative locations for stormwater features in case those features wind up being necessary.

Mr. Parker made the following comments on behalf of the staff:

- The applicant is seeking a waiver from the FDRP requirement for a 100' buffer along a public road, notwithstanding the fact that there is more than enough area to comply with the 100' buffer requirement and create the requested number of lots. Mr. Parker opined that the applicant was making a *design choice* to ask for the waiver to accommodate larger lot sizes, rather than use smaller lots that would allow compliance with the FDRP buffer requirement. The applicant again responded that the lot size decisions were, in part, a result of the Town's 150' wetland setback for OWTSs. *(However, a review of the site plans indicates that the 150' OWTS setback would likely only impact system location on 1 or 2 lots.)* The applicant inquired about relief from the 150' setback requirement; however, Attorney Goins advised that an FDRP requiring a Special Use Permit could not also obtain a dimensional variance from the OWTS wetlands setback.
- The incorporation of buffer easements in the new designs needlessly complicates the plans with different buffer widths on each lot, and increases the enforcement burden on the Town to police the easements. Mr. Parker stated that a consistent buffer depth along South Road would be easier for the public to recognize and for owners to maintain. The applicant replied indicating that it would look at reducing the lot sizes along South Road to create a consistent buffer depth and to coordinate the buffers with property lines rather than use easements.
- The open space management plan mentioned a garden shed and a bus stop enclosure, but that those things were not included on the site plan. The applicant indicated that the plans would be revised to show those structures.

Ms. Gray made the following comments on behalf of the staff:

- The stormwater management system shown on the site plans included features located on private lots. The developable area of each lot needs to be reduced by any area occupied by drainage features.
- The application stated that 2 waivers were being requested – 1 for the buffer depth on South Road and another for road width. Ms. Gray clarified that no waiver was required for the road because the applicant was proposing a private road to which the public road standards did not apply. Ms. Gray noted, with Attorney Goins' concurrence, that for private roads the applicant must demonstrate, to the Planning Board's satisfaction, that the private road is adequate to support the intended use and vehicular traffic and will be maintained by the owners in the subdivision.

Mr. Flanders inquired about the potential for using pervious asphalt in the road. Mr. Schock and the applicant opined that it was not recommended. Mr. Schock stated that pervious pavement works well in southern climates, but in New England it is problematic with winter road treatments, particularly sanding. Mr. Schock also stated that pervious asphalt does not hold up as well as standard asphalt and that with maintenance of a private road being managed by a homeowner's association he felt that it would be too much of a maintenance responsibility. Mr. Schock said that pervious asphalt would be more appropriate for driveways.

Mr. Pimental stated that the wall of the cemetery parcel on South Road was in a deteriorated condition and inquired if that was the applicant's responsibility. Attorney Goins indicated that she would investigate the question of maintenance responsibility and report back.

Item/Issue Discussed	Recommendation
<b>Size of Residential Lots</b>	The site plan prioritizes large lot sizes over the requirements of the FDRP. The applicant should consider a design that fits the physical constraints of the lot and complies with the FDRP without requiring waivers. The Planning Board must weigh the applicant's design vision against FDRP requirements in granting any requested waivers.

<b>Walking Path</b>	The full scope of the walking path should be depicted on the plans. The open space and path should have at least 2 access points to allow for a walking “loop.” The applicant should establish an easement between 2 lots allowing the northwest end of the path to connect back to the road instead of dead-ending the path in the open space.
<b>Buffers</b>	The buffer edges should be consistent across abutting lots, rather than stepped or staggered, so that they are easy to discern by the public and maintain by the lot owners. Buffers should be coordinated with lot boundaries so that they are part of the open space lot(s) rather than being easements across private lots.
<b>Stormwater Management</b>	While the conceptual master plan does not require detailed stormwater designs, the applicant must anticipate stormwater management needs and how it will be incorporated into the overall design in keeping with the spirit of the FDRP. The area of any stormwater management features on private lots must be deducted from the lot’s buildable area, and potential locations for stormwater structures in the open space must be shown on the plans in case they are required.
<b>Open Space Improvements</b>	Any structures or improvements proposed for the open space lot must be shown on the site plan (e.g. gardening shed, bus stop).
<b>Road Width Waiver</b>	The waiver requested for road width is not necessary for a private road in a FRDP. Private roads in FDRPs do not need to meet public road standards. Instead, it is the applicant’s burden to demonstrate to the satisfaction of the Board that the proposed private road is “adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means.”
<b>Pervious Pavement</b>	While not recommended for private roads, pervious asphalt could be considered for driveways.
<b>Cemetery Maintenance</b>	The applicant needs to investigate and establish its (and the future HOA’s) responsibilities for maintaining the 2 historic cemeteries on-site. Special Counsel Goins will report back to the Planning Board on the applicant’s legal obligations.