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INST# 3951
TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT

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Wakefield, RI 02879
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January 29, 2020

Scot V. Hallberg
235 Main Street
Wakefield, Rhode Island 02879

RE: **PRELIMINARY PLAN REVIEW, MAJOR LAND DEVELOPMENT PROJECT – Hillside Commons**, proposed development of 18 residential units, including a combination of detached structures and triplexes with associated parking and infrastructure improvements, AP 57-1, Lot 59, located at 76 Kelley Way.

Dear Mr. Hallberg,

At the meeting of the South Kingstown Planning Board held on **January 28, 2020** the Board voted as follows:

Motion: “The South Kingstown Planning Board hereby grants Preliminary Plan approval to Hillside Commons, an eighteen (18) unit major land development consisting of twelve (12) detached dwelling units and two (2) triplex structures, with three (3) of these units being restricted low- and moderate-income housing units, located at 76 Kelley Way, Scot V. Hallberg, owner/applicant. This approval is based upon plan set entitled: ‘*Preliminary Plan Submission – Hillside Commons, 76 Kelley Way, South Kingstown, Rhode Island, Assessor’s Plat 57-2, Lot 59, Sheets 1 through 11, dated March 28, 2019, prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920. This approval is based on the following Findings of Fact and Conditions of Approval:*

Findings of Fact

- A. This land development project is consistent with the requirements of the South Kingstown Comprehensive Community Plan.
- B. This land development project conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. No dwelling is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance as amended.
- D. There will be no significant negative environmental impacts from this land development project as depicted on the above referenced plans, with the required Conditions of Approval.
- E. The land development project, as proposed, will not result in any physical constraints to development such that that building on the lot according to pertinent regulations and building standards would be impracticable.
- F. This land development project has adequate and permanent physical access to a public street, namely Kelley Way.
- G. With the required Conditions of Approval, this land development project promotes high quality and appropriate design and construction.

- H. With the required Conditions of Approval, this land development project supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
- I. The land development project is well-integrated with the surrounding neighborhood with regard to natural and built features, and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- J. Thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

Findings of Fact, Relief Requested

- K. The applicant was granted the following waivers by the Planning Board on March 27, 2018 as part of their Conceptual Master Plan approval:
 - a. Open Space required to be established as a separate lot or lots from the intended residential use (Article IV, Section A.11.a); and
 - b. Perimeter buffer of 50' reduced to 10' (Article IV, Section A.13).
- L. The applicant was granted the following from the by the Zoning Board on May 16, 2018:
 - a. Variance from the rear-yard parking and service lane access requirements of the Zoning Ordinance (Section 605.9[D][4] – Dimensional Standards & Density Standards).

Conditions of Approval

- 1. This approval is limited to eighteen (18) units.
- 2. The development shall be serviced by public water and public sewer.
- 3. Approval is based upon the provision of 20% (3 units) subsidized housing units available for low and moderate income residents. The low and moderate income dwelling units (LMI Housing units) will be sold to a person or family with an income at or below 80% of the Area Median Income and be deed restricted for a period of 99 years.
- 4. Proposed LMI Housing units shall be integrated throughout the development, shall be compatible in scale and architectural style to the market rate units within the project, and they shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units.
- 5. As part of the Final Plan submittal, the applicant shall indicate which specific units will contain the LMI Housing units and shall propose the schedule by which the LMI Housing units will be constructed. Said schedule shall not exceed the construction of five (5) market-rate units for every one (1) LMI Housing unit.
- 6. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and a 'Deed Restriction' that will ensure that affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel.
- 7. The monitoring agreement between the developer 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.
- 8. Prior to Final Plan approval, the applicant shall review the limits of disturbance shown on the Final Plan Set with the Town's Tree Warden and the Project Landscape Architect to ensure protection of the two (2) copper beech trees from construction on the site is adequate.

9. Prior to Final Plan approval, the applicant shall assess the potential impact to the existing copper beech trees associated with removal of stone walls in close proximity to such. The applicant shall submit an assessment of the anticipated impacts and necessary steps to ensure continued protection of the trees for review and approval of the Administrative Officer and the Town's Tree Warden.
10. Any stonewalls to be removed for construction purposes shall be reused on the site.
11. Additional trees shall be planted toward the rear of the development between or in proximity to Unit #10 and Unit #11. The quantity and species of said trees shall be depicted on the Final Plan set.
12. As part of the Final Plan submittal, the applicant shall submit evidence of an acceptable school bus turn-around location to service the development.
13. The Landscape Plan provided as part of the Final Plan Set shall replace proposed boxwood plantings with *Ilex glabra* (inkberry) plantings.
14. The applicant shall submit a Final Plan Set that meets the requirements of the 'Final Plan Checklist, Major Land Development Project,' as found in the Regulations. The Final Plan shall contain notation of Conditions of Approval numbers fifteen (#15), sixteen (#16), seventeen (#17), and eighteen (#18) listed below. The Final Plan Set shall include a draft Record Plan as required by the Checklist. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of any applicable Conditions contained within the Final Plan approval, the applicant shall submit the Record Plan on polyester film to the Administrative Officer for endorsement by the Planning Board Chair, and shall record the same in the Town of South Kingstown Land Evidence Records.
15. The applicant has proposed to retain ownership of the site upon completion of construction; however, if the project transitions to a condominium ownership model in the future, the condominium documents shall include the RIDEM approved Operations & Maintenance plan for the development which shall outline the maintenance and care requirements for the copper beech trees.
16. The applicant shall secure Physical Alteration Permits from the Rhode Island Department of Transportation (RIDOT) prior to modification and installation of curb cuts within the Kelley Way right-of-way.
17. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit from the Town's Department of Public Services prior to applying for any building permits on the lots.
18. Should the applicant wish to establish a performance bond for allowable infrastructure or landscaping improvements, as provided in the Subdivision and Land Development Regulations, the performance bond amount shall be established to the satisfaction of the Administrative Officer and the Director of Public Services."

Respectfully,



Jean A. Riendeau, Chair
Planning Board

CC: John Kenyon
Eric Prive, P.E.