



**SOUTH KINGSTOWN PLANNING DEPARTMENT**  
**PROJECT REVIEW MEMO**  
**Hillside Commons**

**Major Land Development – Preliminary Plan Review**

Project Type:	<b>Major Land Development</b>		
Review Stage:	<b>Preliminary Plan</b>		
Address:	<b>76 Kelley Way</b>		
Plat:	<b>57-1</b>	Lot:	<b>59</b>
Parcel Size:	<b>2.97 acres</b>	Zoning District:	<b>Rt. 1 SMD</b>
Applicant:	Scot V. Hallberg	Owner:	Scot V. Hallberg
Current Plan Set:	<i>'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.</i>		

- Development Proposal:** The applicant proposes to construct 18 residential units on the parcel including 12 detached dwelling units and two (2) triplex structures with associated site infrastructure and open space. Three (3) units must be developed as deed restricted low- and moderate-income housing units.
- Open Space:** 30.8% (0.91 acres) of the site is proposed as open space. To qualify as a Flexible Design Residential Project within the district 15% of the parcel (0.45 acres) must be designated as open space. Additionally, the 100' foot buffer adjacent to Kelley Way is proposed to remain with the exception of the access road.
- Access & Circulation:** The applicant proposes a "P" loop private access road for the residential development including seven (7) visitor parking spaces and a sidewalk on one side of the proposed road. Use of permeable paving materials is proposed for the roadway and sidewalk. The applicant has received a physical alteration permit from RIDOT relative to the connection to Kelley Way.
- Utilities:** The applicant has proposed public water and sewer for the development. The applicant has received written confirmation from Suez Water District and the Town of South Kingstown Department of Public Services for the proposed utilities.
- Additional Information:** The property is not located within an identified flood zone, does not contain any known historic cemeteries, or other significant historic or natural features with the exception of two (2) copper beach trees which have been integrated into the site design. The applicant has received approval of the site layout relative to emergency access from the Union Fire District.

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## Review to Date

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### *Pre-Application Concept Review*

- 04/26/17 TRC review of Pre-Application Concept Review
- 05/09/17 Planning Board review of Pre-Application Concept Review

### *Conceptual Master Plan Review*

- 10/18/17 TRC review of the Conceptual Master Plan
- 11/15/17 Conservation Commission review of the Conceptual Master Plan
- 12/28/17 Planning Board review of the Conceptual Master Plan
- 01/23/18 Planning Board review of the Conceptual Master Plan
- 02/27/18 Planning Board review of the Conceptual Master Plan
- 03/27/18 Planning Board issuance of Conceptual Master Plan approval
- 05/16/18 Zoning Board issuance of Dimensional Variance Request (Relief from rear yard parking and service lane access requirements of the SMD)

### *Preliminary Plan Review*

- 04/10/19 TRC Review of Preliminary Plan
- 11/13/19 TRC Review of Preliminary Plan
- 12/10/19 Public Hearing with the Planning Board on the Preliminary Plan

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## Decision Deadline

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A decision must be rendered within 90 days of the issuance of a Certificate of Completeness.

- 11/13/2019 Certificate of Completeness Issued

Therefore, the Planning Board has until February 11, 2020 to render a decision on this application. There is one (1) regularly scheduled Planning Board meetings between now and the deadline, January 28, 2020.

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## Regulatory Considerations

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This project is subject to several sets of Regulations, as a Flexible Design Residential Project (FDRP), designed as a Multi-Household Land Development Project, within the Route 1 Special Management District:

- Section 605 of the Zoning Ordinance (ZO) sets forth the standards of review for projects within the Route 1 SMD;
- Multi-Household Land Development Projects (MHLDPs) are governed by standards within the Route 1 SMD section of the ZO, and Article IV, Section H of the Regulations; and
- Flexible Design Residential Projects (FDRPs) are governed by Section 502.5 of the ZO and Article IV, Section A of the Subdivision and Land Development Regulations.

The project is also subject to the inclusionary zoning requirements of the Zoning Ordinance, found in Section 502.6.

### *Dimensional Standards and Open Space*

Relevant dimensional standards are derived primarily from the Zoning Ordinance. This project contains a mix of multi-household structures and single-household detached structures. The presence of the multi-household structures allows the general standards for the lot to be governed by Section 605.9.D.4 of the Ordinance. However, the building-specific dimensional regulations – such

as yard setbacks and building separation – are applied based on the unit type, as described in the Ordinance.

<b>GENERAL DIMENSIONAL STANDARDS FOR THE LOT</b>		<b>DERIVED FROM</b>
Max residential density	5.0 units/ developable acre	ZO, Section 605.9.D.4
Minimum lot area	20,000 sq ft	ZO, Section 605.9.D.4
Minimum pervious area	30%	ZO, Section 605.9.D.4
Max lot building coverage	60%	ZO, Section 605.9.D.4
Setback from Kelley Way	100'	ZO, Section 605.7
Minimum amount of open space required	15% of land suitable for development (.44 acres)	ZO, Section 605.15
Minimum amount of open space to receive FDRP bonus (1.1)	Additional 20% of required amount (.53 acres total)	Regulations, Article IV, Section A.7

<b>BUILDING-SPECIFIC DIMENSIONAL STANDARDS</b>		<b>DERIVED FROM</b>
<b>Multi-Household Dwelling Structures</b>		
Bedrooms per unit	2	ZO, Section 605.9.D.4
Front yard	Min 10'; Max 20'	ZO, Section 605.9.D.4
Rear yard	55'	ZO, Section 605.9.D.4
Side yard	10'	ZO, Section 605.9.D.4
Min separation between bldgs	30'	ZO, Section 605.9.D.4
<b>Single-Household Detached Structures</b>		
Bedrooms per unit	2	ZO, Section 605.9.D.1
Front yard	Min 10'; Max 25'	ZO, Section 605.9.D.1
Rear yard	25'	ZO, Section 605.9.D.1
Side yard	10'	ZO, Section 605.9.D.1
Min separation between bldgs	20' where both walls contain windows with habitable space; 15' where only one wall has a window with habitable space	ZO, Section 605.9.D.1

*Design Standards*

Upon review of the Zoning Ordinance and Regulations, it appears the following design standards would apply to this project.

<b>DESIGN STANDARDS</b>	<b>DERIVED FROM</b>
Rear yard parking and services lane access required for multi-household dwelling structures	ZO, Section 605.9.D.4
Vehicular access to be provided by a common internal street	ZO, Section 605.7
The Board may require additional screening landscaping, or buffering to mitigate any adverse impacts upon adjacent residential property	ZO, Section 605.8
Architectural design of buildings shall be visually compatible with the traditional historic character of the Town, including materials, massing, scale and roof line	ZO, Section 605.16
Electric and communication lines to be placed undergrounds	ZO, Section 605.18
Streets, parking areas, and pedestrian areas shall be provided with adequate lighting while minimizing adverse impacts on adjacent properties	ZO, Section 605.21
Along all sidewalks, courtyards, community greens, and interior open spaces, 12-foot high decorative lamp posts shall be provided at regular intervals	ZO, Section 605.21

Lighting on residential streets shall be confined to intersections and corners	ZO, Section 605.21
Residential areas shall require porch light and/or yard post lighting	ZO, Section 605.21
Adequate, safe, and attractive pedestrian and/or bicycle circulation shall be provided	ZO, Section 605.22
Open space to be established as a separate lot or lots from intended residential and accessory uses	Regs, Article IV, Section A.11.a (FDRP)
A permanent buffer along the perimeter of the property line of 50' is required. Can be reduced to 10' by the Planning Board. Buffer is to be a separate open space lot or a permanent easement. If an easement, such area cannot be counted toward the minimum open space area.	Regs, Article IV, Section A.13 (FDRP)
Fences, walls, earthen berms or vegetative screening shall be provided along the perimeter of a MHLDP <u>where needed</u> to provide a physical barrier and visual screen.	Regs, Article IV, Section H.6 (MHLDP)
Off-street parking, service areas for loading/unloading, utility areas, and exterior lighting structures shall be screened from adjacent single-family districts or public streets	Regs, Article IV, Section H.6 (MHLDP)

### Identified and Outstanding Issues

#### *Pre-Application Concept Review*

During Pre-App review, architectural design, sidewalks, visitor parking, traffic flow, and the 100' buffer were discussed. The Planning Board recommended the applicant review the site to determine if any significant landscape features existed.

#### *Conceptual Master Plan Review*

During CMP review, two (2) copper beach trees were identify as significant landscape features, and changes were made to the configuration of units proposed on the site, from 19 proposed detached structures to 18 units with the current proposal of two triplex units and 12 detached units in order to preserve the trees and better align with the dimensional standards of the Special Management District (SMD). CMP review identified relief necessary from particular design requirements of the, including rear yard parking and service land access requirements.

The applicant received approval of the following waivers from the Regulations:

1. Open Space required to be established as a separate lot or lots from the intended residential use (Article IV, Section A.11.a);
2. Perimeter buffer of 50' reduced to 10' (Article IV, Section A.13)

#### *Zoning Board Review*

The Zoning Board granted relief from the requirements of the SMD described above and in the CMP approval of the project.

#### *TRC Review of Preliminary Plan*

The TRC reviewed the Preliminary Plan submittal in April and November of 2019. TRC members discussed water and wastewater utility provision, landscaping plans, use of pervious materials for the roadway, sidewalks and driveways, drainage from the residential units, architectural renderings, and sidewalks.

*Planning Board*

The Planning Board opened and closed the Public Hearing for this application on December 10, 2019. The Planning Board requested a condition be placed upon the approval requiring the development of inclusionary zoning units to keep pace with the development of the market rate units. The Board also asked that the stonewall be relocated and reused on the site in the areas it must be removed for the construction of dwellings and noted that the landscape architect should evaluate if any particular consideration must be made for the relocation of stonewalls adjacent to the northern copper beech tree. The Board also noted that the Homeowners Association Documents for the development should include discussion of this topic including the operations and maintenance manual for the development. The Board also asked the applicant to consider changing the proposed boxwood plantings shown on the landscape plan and to consider that locations for additional trees be incorporated toward the rear of the development between or in the vicinity of units 10 & 11.

<b>Item/Issue Discussed</b>	<b>Recommendation</b>	<b>Recommending Entity</b>	<b>Status</b>
Architectural Renderings	Submit architectural renderings of the buildings to demonstrate conformity with Section 605.16 of the ZO, and shall demonstrate that a varied appearance between buildings and within the development including differentiation of facades along the street.	Planning Board, CMP decision	Discussed with Planning Board during December 2019 meeting; CMP submittal included a rendering of one (1) detached structure.
Trash disposal	Depict area for trash and recycle collection on the site plan.	Planning Board, CMP Decision	Resolved.
Stormwater Infrastructure	Consider development of draft documents for a future potential homeowners association relative to maintenance of the permeable pavement proposed for use on the site if the ownership of the project is not retained by the developer.	TRC	Resolved as a condition of approval.
Specimen Trees	Request an inspection from the tree warden relative to the limits of disturbance surrounding the two (2) copper beech trees on the site. The tree warden should inspect the limit of disturbance once in place on the site prior to commencement of construction activities.	TRC	Resolved as a condition of approval.
	Evaluate the impact of relocating existing stone walls in the vicinity of copper beech trees for their protection.	PB	Resolved as a condition of approval.
	Homeowners Association Documents for the development should include maintenance and care of the copper beech trees in the operations and maintenance manual for the development	PB	Resolved as a condition of approval.

Item/Issue Discussed	Recommendation	Recommending Entity	Status
Landscaping	Consider replacing the boxwoods proposed on the landscaping plan with a suitable alternative.	PB	Resolved as a condition of approval.
Trees	Consider locations for additional trees to be incorporated toward the rear of the development between or in proximity of units 10 and 11.		Resolved as a condition of approval.
Stonewalls	Request that the stonewall be relocated and reused on the site in the areas it must be removed from for the construction of dwellings.		Resolved as a condition of approval.
Pedestrian circulation	Discuss interconnectivity of the sidewalks within the development and the existing sidewalk network located on Old Tower Hill Road with the Planning Board to determine if off-site improvement to connect the sidewalks are necessary.	TRC	Resolved, discussed with the Planning Board in December 2019, no sidewalks required.
School Bus Access	Work with the school department to determine a suitable turn-around configuration to service the development.	PB	Resolved as a condition of approval.
Wastewater	Complete a sewer feasibility study and a downstream carrying capacity analysis relative to wastewater service on the site.	TRC	Resolved.
Inclusionary Zoning Units	Identify which units will be developed as deed-restricted low- and moderate-income dwelling units.	Principal Planner	Resolved as a condition of approval.
	Condition that the development of inclusionary zoning units keep pace with market-rate units	PB	Resolved as a condition of approval.

**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.

#### **Draft Motion**

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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 zoning relief 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. 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 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), ~~and~~ 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.
  - ~~17-18.~~ 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.
  - ~~18-19.~~ And any other conditions deemed necessary by the Planning Board in consideration of this application...