

**D. SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS:**

**1. PUBLIC INFORMATIONAL MEETING ON CONCEPTUAL MASTER PLAN, MAJOR LAND DEVELOPMENT PROJECT (CONTINUED) – HILLSIDE COMMONS**

Scot V. Hallberg, *owner/applicant*

**Application Overview**

Project Name:	Hillside Commons
Project Type:	Flexible Design Residential Project (FDRP), Major Multi-Household Land Development Project
Review Stage:	Conceptual Master Plan
Location:	AP 57-2, Lot 59
Address:	76 Kelley Way
Parcel Size:	2.95 acres
Zoning District(s):	Route 1 SMD
Development Proposal:	A 19-unit multi-household land development project, also designed as an FDRP where all units are free standing, situated around a “P” loop. The 100’ buffer from Kelley Way is maintained as open space, except for the single access drive.
Open Space:	.91 acres, or 30.8% of the site is currently proposed as open space, including the preserved area within the 100-foot buffer and the common area within the “P” loop. The proposed site design preserves two, existing, large Copper Beech trees, as noted. To qualify as an FDRP, .53 acres of open space is required.
Parking and Circulation:	2 spaces are required per unit. Each unit is proposed to include 1 garage space and 1 driveway space, and an additional 7 visitor spaces are proposed, parked parallel on the western side of the loop.
Utilities:	Municipal water and sewer are proposed, and the site will be served by natural gas. All utilities will be underground.
Existing Use/Conditions:	The site is currently vacant, and is primarily wooded, with an existing cleared area.
Additional Information:	The site is within FEMA Flood Zone “X,” which includes areas outside of the 0.2% annual chance of flooding. The site does not fall within the Town’s Groundwater Protection or High Flood Danger overlay zones, nor

is it within an RIDEM Groundwater Protection Area or Natural Heritage Area, or the area covered by any CRMC Special Area Management Plan.

### **Decision Deadline**

**The applicant has agreed to a 30-day extension of the decision deadline.** By law, a decision must be rendered within 90 days of the issuance of a Certificate of Completeness. The Certificate of Completeness was issued on December 4, 2017. Therefore:

*The Planning Board has until **April 3, 2017** to render a decision on the application.*

**This is the last meeting before the required decision deadline.**

### **Review to Date**

#### *Pre-Application Concept Review*

4/26/17 TRC review of Pre-Application Concept Plan

5/9/17 Planning Board review of Pre-Application Concept Plan

#### *Conceptual Master Plan*

10/18/17 TRC review of Conceptual Master Plan

12/28/17 Planning Board review of Conceptual Master Plan

01/23/18 Planning Board review of Conceptual Master Plan, continued

02/27/18 Planning Board review of Conceptual Master Plan, continued

### **Regulatory Considerations**

This project is subject to several sets of Regulations, as it is 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 sets forth the standards for review of projects within the Route 1 SMD;
- Multi-Household Land Development Projects (MHLDPs) are governed by standards contained within the Route 1 SMD section of the ordinance and Article IV, Section H of the Regulations; and
- Flexible Design Residential Projects (FDRPs) are governed by Section 502.5 of the Zoning Ordinance and Article IV, Section A of the Town's Subdivision and Land Development Regulations ("the Regulations").

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

### *Additional Findings*

Section 605.5 of the ZO sets forth the following standards, on which the Board must make positive findings of fact during the Conceptual Master Plan stage of review:

- “1. The proposed use will have no or very limited impact on those Town capacities that are critical in constraining the Town's current six-year capacity, as identified by the Town Council in determining that capacity as provided in Article 11, Section 1102.4.D of the Zoning Ordinance.
2. The applicant has demonstrated that the site planning methodology, standards and techniques utilized in the preparation of the site plan for the proposed land development project are consistent with the "South Kingstown Residential Design Manual", (South Kingstown Subdivision and Land Development Regulations, Article IV, A.4.a - e).
3. The design and scale of the project is found to preserve and enhance the Route 1 viewshed by providing buffers that are determined to be adequate, building yard setbacks that meet or exceed the requirements of any adjacent residentially zoned properties and open space that meets the requirements of Article 6, Section 605, without the inclusion of required highway buffer areas.
4. The density of the proposed development is found be appropriate to the southern district setting.”

Section 605.5 also states,

“Within the southern portion of the District, the Board may allow a greater percentage of buildable land (50 percent) to be devoted to low-impact residential development provided such development is found by the Board to be at a scale and density appropriate to the southern District setting, provides adequate buffers to existing land uses in the vicinity and is not visually intrusive from Route 1.”

### *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
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<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-Application Concept 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. The plan now identifies two Copper Beech trees to be preserved based on site analysis. **The CMP includes a reduced number of visitor parking spaces based on Pre-Application discussions.**

### *TRC Review of Conceptual Master Plan*

The TRC discussed the Conceptual Master Plan on October 18, 2017. For a full summary of the issues discussed, please see the Meeting Summary.

### *Review by the SK Conservation Commission*

The South Kingstown Conservation Commission reviewed the project plans at a meeting on November 15<sup>th</sup> and provided the comments listed in the table, below.

One recommendation of the Conservation Commission was relative to protection of the two Beech trees to be preserved on site. The Conservation Commission recommended the applicant have the trees appraised, and following appraisal, the Planning Board fine the applicant if the trees die within 5 years due to construction damage. **After discussing with legal counsel, staff does not recommend that you take this recommendation.** First, it would be difficult to determine, 5 years after construction, whether a tree has died due to construction related impacts. Second, the Board cannot impose a fine unless given the authority to do so by statute.

### *Review by Other Agencies*

During the Conceptual Master Plan stage of review, the Planning Department solicits comments from other agencies, both with SK Town government and State government. Of note, two agencies requested the sidewalk be moved to the outside of the "P" loop, adjacent to the dwelling units – the SK Police Department and RIDOT. The Police Department also requested the project include sidewalks

on Kelley Way, to connect to the existing sidewalk. **The sidewalk system is depicted on the outside of the loop on the revised plan.**

*Review of Revised Plan – Variances and Waivers Needed*

**At the time of writing, the applicant has not submitted revised plans based on Planning Board comments from the February 27<sup>th</sup> meeting. Should a revised plan be submitted in advance of the meeting, staff will review the plan to determine whether any revisions to the required variances and waivers is needed.**

Review of the current plan shows that there are three requirements that have not been satisfied, as explained below:

1. A rear yard setback of a minimum of 25 feet is required for the single-household detached structures. The proposed rear yard setback is only 10 feet. The Ordinance allows the Planning Board to give an incentive which can reduce the rear yard setback by up to 25%, which would allow an 18.75 foot setback.
2. A minimum building separation of 30 feet for the multi-household dwelling structures. The provided building separation is only 15 feet. The Ordinance allows the Planning Board to give an incentive which can reduce the building separation by up to 25%, which would allow a 22.5 foot building separation.
3. Rear yard parking and service lane access is required for the multi-household dwelling structures. The Planning Board cannot give an incentive relative to this requirement.

To move forward with the proposed plan, the applicant will need to obtain variances from the Zoning Board of Review relative to the three (3) items outlined above, or modify the plan to satisfy the

Review of the current plan also shows that the applicant will need two waivers from the standards contained within the Regulations, as explained below:

1. Article IV, Section A.11.a requires the open space for an FDRP be established as a separate lot or lots from the intended residential use. The open space is currently proposed within the single lot proposed for development, which will require a waiver.
2. Article IV, Section A.13 requires a perimeter buffer of 50', which can be reduced by the Planning Board to 10'. As depicted, the reduction to 10' will require a waiver.

*Identified Issues*

Item/Issue Discussed	Recommendation	Recommending entity	Status
Plan notes	Ensure all plan notes are correct	TRC	Resolved
Accessory solar energy	Pursue the ability to provide solar energy systems as an option for the dwelling units	TRC	Applicant attests that the units will have the capability to hold solar arrays

Item/Issue Discussed	Recommendation	Recommending entity	Status
Façade variation	Provide a varied appearance to the proposed dwelling units	TRC	Resolved as a condition of approval
Fiscal impact statement	Provide a fiscal impact statement for the development	TRC	Resolved
Water service	Submit written confirmation that water service is available	TRC	Resolved
Outdoor refuse and recycling	Include on the plan set the proposed location of outdoor refuse storage and collection and recycling areas	TRC	Preliminary Plan item
Construction schedule and phasing	Include notation of the construction schedule and any proposed phasing	TRC	Resolved
	Consider phasing construction to limit the amount of soil disturbance at one time	Conservation Commission	Provided as an Optional Condition of Approval
View from Kelley Way	Provide a rendering of the view of the proposed development from Kelley Way	TRC	Deemed unnecessary by PB on 1/23
Soil compaction	Show, on the SERSC Plan, the areas on site that will be protected from compaction during construction, including areas designed for stormwater infiltration and areas within drip lines around existing trees	Conservation Commission	Preliminary Plan item
	Protect such areas with robust fencing, such as chain link	Conservation Commission	Preliminary Plan item
Specimen trees	Appraise the financial value of the two specimen trees to be preserved, and assess a fine equal to the value of the trees if the tree dies within 3-5 years due to construction damage	Conservation Commission	Staff and legal opinion that the Board cannot pursue this condition
	Hire a licensed arborist to determine if and where there may be tree root growth beyond the drip line to ensure that such roots are not damaged and	Conservation Commission	Provided as an Optional Condition of Approval

Item/Issue Discussed	Recommendation	Recommending entity	Status
	that the location of underground utilities be considerate of tree root locations		
Provision of sidewalks	Consider waiving the requirement for a sidewalk for this project to reduce impervious coverage	Conservation Commission	Deemed not appropriate by PB on 1/23
	Move sidewalk to the side of the road where the dwelling units are located	SK Police Dept/ RIDOT	Resolved with revised plan
	Provide sidewalks on Kelley Way and tie into the existing sidewalk located on the western side of the entrance to Old Tower Hill Road	SK Police Dept	Deemed not appropriate by PB on 1/23
Permeable pavers	Use permeable pavers for sidewalks and driveways to reduce impervious surface coverage	Conservation Commission	Provided as an Optional Condition of Approval
Planting Plan	Provide a planting plan as part of the Preliminary Plan submittal	Planning Board	Preliminary Plan item
Variances required	Obtain variances for three required items prior to submittal of Preliminary Plan	AO	Resolved as a condition of approval

#### DRAFT MOTION

Should the Board feel approval of the Conceptual Master Plan is appropriate, the following draft motions are offered for consideration and amendment, if applicable. Should the Board wish to deny the application, the Board can vote to deny and request staff draft a motion for approval at the following meeting.

“The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to Scot Hallberg for the Hillside Commons Multi-Household Land Development Project and Flexible Design Residential Project, a proposed 19-unit residential project consisting of 13 single-family units and two multi-family buildings each containing three units, located at Assessor’s Plat 57-2, Lot 59, with a physical address of 76 Kelley Way. Approval is based on the following plans, prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI:

- ‘Master Plan Submission, Hillside Commons,’ sheets 1 through 3 of 4, dated 3-30-2017 with revisions through 11-3-2017; and



- 'Alternative Layout – Triplex Option,' sheet 1 of 1, dated 3-30-2017 with revisions through 2-12-18.

This approval is based on the following Findings of Fact and Conditions of Approval:

*Findings of Fact*

1. The proposed development is consistent with the South Kingstown Comprehensive Community Plan.
2. With the requested rear setback, building separation, and rear yard service and parking variances, the proposed development is in compliance with the standards and provisions of the South Kingstown Zoning Ordinance, and specifically Section 605 relative to the Route 1 Special Management District.
3. Use Codes 12.0, *Multi-Household Detached Structure*, up to 12 units, and 12.1, *Multi-Household Land Development Project*, are permitted uses in the Route 1 Special Management District zoning district.
4. The proposed building will be served by public sewer; therefore no relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended, is required.
5. There will be no significant negative environmental impacts from the proposed land development project as depicted on the above referenced plans, with the required Conditions of Approval.
6. The proposed land development project will not result in the creation of individual lots with such physical constraints to development that building on the lots according to pertinent regulations and building standards would be impracticable.
7. The proposed land development project has adequate and permanent physical access to a public street, namely Kelley Way.
8. The proposed use will have no or very limited impact on those Town capacities that are critical in constraining the Town's current six-year capacity, as identified by the Town Council in determining that capacity as provided in Article 11, Section 1102.4.D of the Zoning Ordinance.
9. The applicant has demonstrated that the site planning methodology, standards and techniques utilized in the preparation of the site plan for the proposed land development project are consistent with the "South Kingstown Residential Design Manual", (South Kingstown Subdivision and Land Development Regulations, Article IV, A.4.a - e).
10. The design and scale of the project is found to preserve and enhance the Route 1 viewshed by providing a buffer that is determined to be adequate.
11. The density of the proposed development is found to be appropriate to the southern district setting.

*Findings of Fact, Zoning Incentive*

1. Section 605.15 of the South Kingstown Zoning Ordinance authorizes the Planning Board to allow incentives in order to encourage a comprehensive system of open space throughout the District, on adjacent parcels, or on a single parcel.
2. The granting of the requested incentives, namely a reduction in rear yard setback and required building separation between multi-family structures, promotes the objectives and purposes of the Comprehensive Community Plan and the Zoning Ordinance.

3. Pursuant to the Zoning Ordinance, Hillside Commons is required to provide a minimum of 15% of its developable land area, or .4425 acres, as open space.
4. The project, as proposed provides .71 acres, or 24% of the developable land area, as open space.
5. The requested reduction in the rear yard setback represents 25% of the requirement, from the required 25 feet to 18.75 feet.
6. The requested reduction in separation between multi-family buildings represents 25% of the requirement, from the required 30 feet to 22.5 feet.

#### *Findings of Fact, Waivers*

1. The applicant has requested the waivers from the following standards of the South Kingstown Subdivision and Land Development Regulations:
  - i. Article IV, Section A.11.a, which requires the open space for an FDRP be established as a separate lot or lots from the intended residential use; and
  - ii. Article IV, Section A.13, which requires a perimeter buffer of 50', and can be reduced by the Planning Board to 10'.
2. The waivers requested are reasonable and within the general purposes and intents of these Regulations.
3. Waiver of the requested 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. This approval is limited to nineteen (19) residential units, consisting of thirteen (13) single-family structures and two (2) multi-family structures each containing three (3) dwelling units, as depicted on the approved plan set, and seven (7) visitor parking spaces.
2. Prior to application for Preliminary Plan review, the applicant shall secure a rear setback variance from the South Kingstown Zoning Board of Review, as 18.75 feet of separation is required and only 10 feet has been provided.
3. Prior to application for Preliminary Plan review, the applicant shall secure a building separation variance from the South Kingstown Zoning Board of Review, as 22.5 feet of separation is required and only 15 feet has been provided.
4. Prior to application for Preliminary Plan Review, the applicant shall secure a dimensional variance from the South Kingstown Zoning Board of Review for relief from the requirement for rear yard parking and service lane access.
5. As part of the Preliminary Plan submittal, the applicant is to include architectural renderings of the buildings. Such renderings shall demonstrate conformity with Section 605.16 of the Zoning Ordinance. Such renderings shall also provide a varied appearance between buildings within the development, with differentiation in facades along the street.
6. The Preliminary Plan submission shall include indication of where outdoor refuse collection and storage is to be provided.
7. The Preliminary Plan submission shall include a Soil Erosion, Runoff and Sedimentation Control Plan depicting the areas on site that will be protected from compaction during construction, including areas designed for stormwater infiltration and areas within drip lines around existing trees. The areas intended for protection shall be adequately demarcated.

8. The Preliminary Plan submission shall include a Landscape Plan, which identifies the plant locations and materials, and includes appropriate planting notes and details.”

*OPTIONAL ADDITIONAL CONDITIONS OF APPROVAL*

9. As part of the Preliminary Plan submission, the applicant shall propose a construction phasing plan with the intent of limiting the amount of soil disturbance occurring on the site at any given time.
10. The Preliminary Plan submission shall depict the extent of tree root growth for the two Copper Beech trees indicated to be protected. Such depiction is to be based on an assessment by a licensed arborist.
11. The Preliminary Plan submission shall propose permeable pavement materials for sidewalks and driveways, and shall include an operations and maintenance manual relative to the same.

**Motion #2:** “The South Kingstown Planning Board hereby recommends favorable action by the Zoning Board of Review on the application of Scot Hallberg for a rear setback variance the Hillside Commons Multi-Household Land Development Project and Flexible Design Residential Project located at Assessor’s Plat 57-2, Lot 59, with a physical address of 76 Kelley Way.”

**Motion #3:** “The South Kingstown Planning Board hereby recommends favorable action by the Zoning Board of Review on the application of Scot Hallberg for a dimensional variance relative to separation of the multi-household structures for the Hillside Commons Multi-Household Land Development Project and Flexible Design Residential Project located at Assessor’s Plat 57-2, Lot 59, with a physical address of 76 Kelley Way.”