

PLANNING BOARD MINUTES

A regular meeting of the South Kingstown Planning Board was held on Tuesday, May 9, 2017 at 7:00 p.m. in the Council Chambers, South Kingstown Town Hall, 180 High Street, Wakefield, Rhode Island.

A. ROLL CALL:

Mack - Present	Murphy - Present	Rubinoff – Present	Scherer – Present
Torello – Present	Riendeau – Present	DiMasi - Present	

Chelsea Siefert, Principal Planner, Joshua Rosen, Town Engineer, and Andrew Teitz, Town Solicitor were also in attendance.

B. CONSENT AGENDA (CA):

Ms. Mack read the items on the Consent Agenda.

C. APPROVAL OF MINUTES:

(CA) **March 14, 2017 Regular Meeting Cancellation**

D. SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS:

2. (CA) **DRAFT MOTION ON PRELIMINARY PLAN, MINOR SUBDIVISION WITH WAIVER REQUEST – Smith Family Subdivision**, a proposed four (4)-lot minor subdivision with flexible frontage request, with two (2) lots to contain existing single-family dwellings and two (2) lots to be held in conservation easement by the South Kingstown Land Trust, AP 43-1, Lot 68, located at 66A Torrey Road, Heather Collins c/o Christopher Smith, owner, South Kingstown Land Trust, applicant

Motion: “The South Kingstown Planning Board hereby grants Preliminary Plan approval to the **Smith Family Minor Subdivision**, a four (4) lot subdivision containing two (2) lots on which existing dwelling units are to be located, and two (2) lots to be held under conservation easement, with a flexible frontage waiver for one (1) of the proposed lots, located at 66 Torrey Road, AP 44-1, Lot 68. Approval is based on plans entitled: ‘**Preliminary Plan Smith Family Minor Subdivision**,’ Sheet 1 of 1, prepared by Dowdell Engineering, Inc., 3949 Old Post Road, Charlestown, RI 02813, dated Feb 7, 2017, with revisions through 3/15/17. This approval is further based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the South Kingstown Comprehensive Community Plan.
2. The subdivision is in compliance with the standards and provisions of the Town of South Kingstown Zoning Ordinance.
3. The subdivision, as proposed, rectifies a pre-existing non-conforming use by separating the two (2) existing dwelling units onto individual lots.
4. The subdivision proposes no new development, with existing dwelling units on two (2) of the proposed lots, and the remaining two (2) lots to be held under conservation easement.
5. With the required Conditions of Approval, there will be no significant negative environmental impacts from the proposed subdivision.
6. The subdivision, as proposed, will not result in the creation of individual lots or building sites with such physical constraints to development that building on the lots/sites according to pertinent regulations and building standards would be impracticable.
7. The subdivision parcels have adequate and permanent access to a public street, namely Torrey Road.
8. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.

9. With the required Conditions of Approval, the subdivision supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
10. The subdivision 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.
11. Thorough technical review of the development has been conducted by the South Kingstown Technical Review Committee and Planning Board.

Findings of Fact, Requested Waiver

1. The Board finds that the proposed use of flexible frontage, per Article 5, Section 502.2 of the Zoning Ordinance, is in the best interest of good planning design, as evidenced by consistency with the Comprehensive Plan and the Zoning Ordinance.
2. The Board finds that utilizing flexible frontage provisions on this property will result in a better use of the land than permitted under conventional zoning.

Conditions of Approval

1. Approval is limited to four (4) lots in total. Lots 1 and 3 are to contain the existing dwelling units. Lots 2 and 4 are to be conservation parcels, held under conservation easement by the State of Rhode Island, Department of Environmental Management and the South Kingstown Land Trust.
2. The subdivision shall be in substantial conformance with the plans and specifications submitted in support of this application, including the flexible frontage presented therein.
3. No alteration to the existing driveway opening onto Torrey Road shall be permitted unless the applicant first obtains a Physical Alteration Permit, and if necessary, a Tree Permit, from the Town's Department of Public Services.
4. No new driveway openings shall be permitted onto Torrey Road from within the subdivision. Lot 4 shall be required to access Torrey Road via the existing driveway and driveway opening.
5. The existing driveway shall not be used as an access to Assessor's Plan 42-3, Lot 6.
6. The applicant shall submit a Final Plan that reflects the Conditions of Approval, including notation of Conditions number one (#1), three (#3), four (#4), and five (#5), above. The Final Plan shall depict the lot geometries, including required building setbacks, the locations of installed bounds, and the locations of the easements. The Final Plan shall note the existence of the conservation easements for Lots 2 and 4, and the access easements in favor of Lots 3 and 4. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, the applicant shall submit the Final Plan on polyester film to the Administrative Officer for signature prior to recording.
7. The Final Plan shall depict the location of the access easement given by Lot 3 in favor of Lot 4.
8. Survey monumentation shall be shown on the Final Plan and installed in the field to define the new lot lines. The number and location of the monuments shall be subject to the approval of the Administrative Officer. The Project Surveyor shall certify that the monumentation is installed prior to recording.
9. As part of the final submittal, the applicant shall provide a draft access easement agreement, given by Lot 1 in favor of Lot 3, providing ingress and egress over the existing driveway to the owners, heirs, and assigns of Lot 3. The easement agreement shall be subject to the review and approval of the Administrative Officer and shall be recorded concurrently with the Final Plan.
10. As part of the final submittal, the applicant shall provide a draft access easement agreement, given by Lot 1 in favor of Lot 2, providing ingress and egress over the existing driveway to the owners, heirs, and assigns of Lot 2. The easement agreement shall be subject to the review and approval of the Administrative Officer and shall be recorded concurrent with the Final Plan.

11. As part of the final submittal, the applicant shall provide a draft access easement agreement, given by Lot 3 in favor of Lot 2, providing ingress and egress over the existing driveway to the owners, heirs, and assigns of Lot 2. The easement agreement shall be subject to the review and approval of the Administrative Officer and shall be recorded concurrently with the Final Plan.
 12. As part of the final submittal, the applicant shall provide draft deed descriptions for both lots. The deed descriptions shall be subject to review and approval of the Administrative Officer and shall be recorded concurrently with the Final Plan.
 13. Conservation easements for Lots 2 and 4 shall be recorded concurrently with the Final Plan.”
3. **(CA) DRAFT MOTION ON PRELIMINARY PLAN, MINOR SUBDIVISION – Monsignor Clarke**, proposed five (5) lot subdivision resulting in four (4) new, developable lots, all with existing frontage on public streets, AP 58-1, Lot 1, and AP 57-2, Lot 40, located at 5074 Tower Hill Road and Peckham Avenue, Monsignor Clarke Regional School, applicant, Roman Catholic Bishop of Providence, owner
 7. **(CA) ORDER OF NOTICE, REQUESTED MAJOR CHANGE TO RECORDED PLAN, FLEXIBLE DESIGN RESIDENTIAL PROJECT – Stone Soup Farm**, request to amend the Final Plan approval and recorded plan to allow the required low- and moderate-income housing unit to become an accessory apartment unit combined with a market rate single-family home, AP 55-2, Lot 28 located on Stone Soup Farm Way, Jonathan Gilbert and Stone Soup Cottage Works, LLC, owner/applicant

Motion: “The South Kingstown Planning Board hereby schedules a Public Hearing on June 13, 2017 for the purpose of considering the request of Jonathan Gilbert and Stone Soup Cottage Works to amend the recorded plan for the **Stone Soup Farm Flexible Design Residential Project**. Staff is directed to prepare the requisite legal advertisements and prepare notice materials for use by the applicant.”

8. **(CA) ORDER OF NOTICE, REQUESTED MAJOR CHANGE TO APPROVED PRELIMINARY PLAN, FLEXIBLE DESIGN RESIDENTIAL PROJECT – The Woods at Stone Soup Farm**, request to amend the Preliminary Plan approval to allow the required low- and moderate-income housing unit to be provided as an accessory apartment unit on Lot 7 of The Woods at Stone Soup Farm, rather than as part of a duplex on Lot 1 of Stone Soup Farm, AP 55-2, Lot 1, located to the west of South Road, Jonathan Gilbert, applicant, Sand Dollar, LLC, owner

Motion: “The South Kingstown Planning Board hereby schedules a Public Hearing on June 13, 2017 for the purpose of considering the request of Jonathan Gilbert and Sand Dollar, LLC to amend the Preliminary Plan approval for **The Woods at Stone Soup Farm Flexible Design Residential Project**. Staff is directed to prepare the requisite legal advertisements and prepare notice materials for use by the applicant.”

E. DEVELOPMENT PLAN REVIEW

5. **(CA) MINISTERIAL ROAD SCENIC HIGHWAY – 1808A Ministerial Road**, proposed construction of a new dwelling unit with garage along the Ministerial Road Scenic Highway, AP 54, Lot 63, located at 1808A Ministerial Road, Bill Smith, applicant/owner

Motion #1: “The South Kingstown Planning Board hereby grants Development Plan approval to **1808A Ministerial Road**, located on AP 54, Lot 63 to construct a single-family dwelling with garage, as depicted on plans entitled: ‘**Plan of Proposed Site Redevelopment**,’ Sheet 1 of 1, dated April 2017, no revisions, prepared by Frisella-Balch & Associates, 33 North Rd, Suite C-201, Peace Dale, RI. This approval is subject to the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
2. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, with the required Conditions of Approval.
3. The plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for the project are consistent with the Comprehensive Plan.
5. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this written approval.

Conditions of Approval

1. The site shall be developed in substantial conformance with the approved plans.”

Motion #2: “The South Kingstown Planning Board hereby provides a favorable recommendation to the Zoning Board of Review on the dimensional variance requested for AP 54, Lot 63, located at 1808A Ministerial Road to locate a garage on the property with doors facing Ministerial Road. The Planning Board finds that the subject garage is to be located approximately 1,500 feet from Ministerial Road, that substantial vegetation and multiple lots with existing single-family dwellings lie between the garage and the right-of-way, and that the house and garage will not be seen from Ministerial Road.”

H. (CA) REPORT OF THE ADMINISTRATIVE OFFICER:

ADMINISTRATIVE SUBDIVISIONS recorded during April 2017

Jane Ennis Administrative Subdivision, AP 56-3, Lots 128 and 129, located at 90 Wright Avenue and 80 Highland Avenue, recorded 4/14/17.

MINOR SUBDIVISIONS recorded during April 2017

None were recorded.

MAJOR SUBDIVISIONS recorded during April 2017

None were recorded.

Mr. Riendeau removed Item D3 **(CA) DRAFT MOTION ON PRELIMINARY PLAN, MINOR SUBDIVISION – Monsignor Clarke** from the Consent Agenda.

Mr. DiMasi moved, Ms. Rubinoff seconded; motion carried: **Motion:** “The South Kingstown Planning Board hereby approves the remaining items on the Consent Agenda.”

VOTE:	Mack – aye	Murphy – aye	Scherer – aye	Riendeau - aye
	Torello – aye	Rubinoff – aye	DiMasi - aye	

D. SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS:

3. **(CA) DRAFT MOTION ON PRELIMINARY PLAN, MINOR SUBDIVISION – Monsignor Clarke**, proposed five (5) lot subdivision resulting in four (4) new, developable lots, all with existing frontage on public streets, AP 58-1, Lot 1, and AP 57-2, Lot 40, located at 5074 Tower Hill Road and Peckham Avenue, Monsignor Clarke Regional School, applicant, Roman Catholic Bishop of Providence, owner

Mr. Riendeau felt that this subdivision was not discussed by the Planning Board and given its proximity to the Monsignor Clarke School, he has concerns. The deep embankment on River Heights Drive is also an issue.

Paul Carlson, PE, was present representing the applicant.

Mr. Carlson stated that the two combined lots equal 20.39 acres. The four new single-family residential lots are in the R-80 zoning district and meet the required frontage regulations. The two lots on the highway have access to Town sewer and water. The two lots on River Heights Drive will have access to Town water and will have Onsite Wastewater Treatment Systems. Potentially a wall system will be built to deal with the embankment issue and create small backyards for each lot.

The approval is for both the subdivision and the houses.

Mr. Riendeau moved, Mr. DiMasi seconded; motion carried: **Motion:** "The South Kingstown Planning Board hereby grants Preliminary Plan approval to the **Monsignor Clarke Minor Subdivision**, a proposed five (5) lot subdivision resulting in four (4) developable lots, located at 5074 Tower Hill Road and Peckham Avenue, AP 58-1, Lot 1, and AP 57-2, Lot 40, as depicted on the plan entitled: **Monsignor Clarke School**, Sheets 1 through 3, dated 3/1/2017 with revisions through April 27, 2017. Plan by InSite Engineering Services, LLC, 1529 Fall River Avenue, Seekonk, MA 02771. This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the South Kingstown Comprehensive Community Plan.
2. The subdivision is in compliance with the standards and provisions of the Town of South Kingstown Zoning Ordinance.
3. With the required Conditions of Approval, there will be no significant negative environmental impacts from the proposed subdivision.
4. With the required Conditions of Approval, the subdivision, as proposed, will not result in the creation of individual lots or building sites with such physical constraints to development that building on the lots/sites according to pertinent regulations and building standards would be impracticable.
5. The subdivision parcels have adequate and permanent access to a public street, namely Tower Hill Road, Peckham Avenue, and River Heights Drive.
6. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.
7. With the required Conditions of Approval, the subdivision supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
8. The subdivision 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.
9. Thorough technical review of the development has been conducted by the South Kingstown Technical Review Committee.

Conditions of Approval

1. Approval is limited to five (5) lots in total. 'Lot 5' is to contain the existing building and associated accessory uses. 'Lots 1, 2, 3, and 4' are new lots, to accommodate new single-family dwellings.
2. The subdivision shall be developed in conformance with the plans and specifications submitted in support of the application, and with the Conditions of Approval found herein.

3. Fair Share Development Fees for both school facilities and open space and recreational purposes, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program, shall be required for 'Lots 1, 2, 3, and 4' at the time of occupancy.
4. The applicant shall submit a Final Plan and Record Plat that reflects the Conditions of Approval. If only one sheet, the Final Plan shall be considered the Record Plat. The Record Plat shall depict the lot geometries, including required building setbacks, the locations of installed bounds, and the locations of the existing access and new water line easements, and recorded in the Town's Land Evidence Records. The Record Plat shall also include notation of Conditions number two (#2), and three (#3), above, and numbers eleven (#11), twelve (#12), and thirteen (#13), below, and shall note the Land Evidence Record Book and Page of the existing driveway easement on proposed 'Lot 1.' The Final Plan and Record Plat shall be subject to review and approval by the Administrative Officer. Upon approval, the applicant shall submit the Record Plat on polyester film to the Administrative Officer for signature prior to recording.
5. As part of the Final Plan submittal, the applicant shall provide a draft water line easement agreement, given by 'Lot 4' in favor of 'Lot 5.' The easement agreement shall be subject to the review and approval of the Administrative Officer and shall be recorded concurrently with the Record Plat.
6. The final design and details of the proposed water extension to service 'Lots 1, and 2' shall be approved by Suez Water prior to installation.
7. The water main extension necessary to service 'Lots 1 and 2' shall be installed, tested, and determined operational by Suez Water prior to Final Plan approval. Documentation from Suez Water indicating the same shall be provided to the Administrative Officer prior to Final Plan/Record Plat approval. Once installed, the applicant shall submit an as-built plan of the water line extension, which meets the requirements of the Town's Subdivision and Land Development Regulations, to the Town Department of Public Services. The as-built plan shall be stamped and signed by a Rhode Island certified Professional Engineer.
8. The applicant shall secure a Right-of-Way Utility Permit from the Town's Department of Public Services for extension of the water line within Peckham Avenue. The applicant shall also secure any necessary Right-of-Way Utility Permits from the RI Department of Transportation for extension of the water line into Tower Hill Road.
9. Survey monumentation shall be shown on the Record Plat and installed in the field to define the new lot lines. The number and location of the monuments shall be subject to the approval of the Administrative Officer. The Project Surveyor shall certify that the monumentation is installed prior to recording.
10. The applicant shall record deed descriptions for all five (5) lots concurrent with the recording of the Record Plat.
11. The applicant shall obtain a Physical Alteration Permit and, if necessary, a Tree Permit from the Town's Department of Public Services for 'Lots 1, 3, and 4' to locate driveways serving the new lots.
12. The applicant shall obtain a Physical Alteration Permit from the RI Department of Transportation for 'Lot 2' to locate a driveway serving the new lot.
13. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit from the Town's Department of Public Services for each of the four (4) lots for development, prior to applying for building permits. As part of the SERSC Permit application, the applicant shall submit detailed structural design drawings, stamped and signed by a Rhode Island certified Professional Engineer, of the proposed retaining walls for 'Lots 3 and 4.' The Department of Public Services shall assess the construction and stability of the proposed retaining walls prior to approval of the SERSC plan. If the Department of Public Services determines that additional vegetation or re-vegetation is necessary on top of the retaining walls, a request shall be made to the Conservation Commission for review and recommendation."

VOTE:

Mack – aye
Torello – aye

Murphy – aye
Rubinoff – aye

Scherer – aye
DiMasi - aye

Riendeau - aye

F. RECOMMENDATIONS TO THE TOWN COUNCIL

1. **PROPOSED ZONING ORDINANCE AMENDMENT – Solar Energy Systems**, proposed amendments allowing and regulating the development of solar energy systems, including the proposed new uses of Medium-Scale Solar Energy System (Use Code 66.5), Small-Scale Solar Energy System (Use Code 66.6), Accessory Roof-Mounted Solar Array (Use Code 66.7), and Accessory Ground-Mounted Solar Array (Use Code 66.8)

Ms. Mack stated that the final draft solar ordinance is very comprehensive and well written, the result of a lot of work by the Planning Board and Planning staff.

Discussion ensued relative to requiring the single-family residence applicant to obtain an estimate of previous electrical usage from the utility carrier and minor edits.

Mr. Murphy moved, Ms. Rubinoff seconded; motion carried: **Motion:** “The South Kingstown Planning Board hereby recommends that the Town Council enact revisions to the South Kingstown Zoning Ordinance as detailed in Exhibit 1, attached hereto. The proposed amendments are intended to provide a regulatory framework and review procedure for the installation of solar energy systems throughout South Kingstown, while providing appropriate measures to protect adjacent land uses, and preserve community character.

The Board recommendations in this regard are based upon the following Findings of Fact Relating to Consistency with the South Kingstown Comprehensive Community Plan and the Purposes of Zoning, as described in RIGL Title 45 Chapter 24 Section 30, the ‘Rhode Island Zoning Enabling Act of 1991,’ as noted below:

Findings of Fact, Consistency with the Comprehensive Community Plan

1. The proposed amendments are consistent with the Land Use Element’s overall policy statement (Action Plan), ‘To promote orderly growth patterns based upon the natural, cultural and historic character of the Town, the land’s suitability for use, and the aspirations of its citizens.’
2. The proposed amendments are consistent with Goal 3 of the Land Use Element; ‘To promote and require high standards of development to preserve and enhance the quality of life, to encourage a sense of community, to support a healthy, walkable environment and protect the natural resources of the Town.’
3. The proposed amendments are consistent with Goal 6 of the Land Use Element; ‘To protect and preserve a diversity of landscapes within the Town.’
4. The proposed amendments are consistent with the Economic Development Element’s overall policy statement (Action Plan), ‘To follow a path of balanced economic growth having the following attributes: a) protection of sensitive environmental areas; b) provision of economic opportunities; c) protection of the public health, safety and welfare; d) high quality of design in commercial development; and e) stabilization of an affordable municipal tax rate.’
5. The proposed amendments are consistent with Goal 1 of the Economic Development Element, ‘To foster a local economy that provides opportunity for a diverse collection of business and industry.’
6. The proposed amendments are consistent with Goal 3 of the Natural and Cultural Resources Element; ‘To protect and preserve agricultural land within the Town.’

Findings of Fact, Consistency with the Purposes of Zoning

1. The proposed amendments are consistent with the following general purposes of zoning, as described in RIGL Title 45 Chapter 24 Section 30:
 - (1) Promoting the public health, safety, and general welfare.

- (2) Providing for a range of uses and intensities of use appropriate to the character of the Town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development that recognizes:
 - i. The goals and patterns of land use contained in the comprehensive plan of the Town;
 - ii. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - iii. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - iv. The values of unique or valuable natural resources and features;
 - v. The availability and capacity of existing and planned public and/or private services and facilities;
 - vi. The need to shape and balance urban and rural development; and
 - vii. The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- (5) Providing for the protection of the natural, historic, cultural and scenic character of the Town.
- (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- (11) Promoting a high quality in design in the development of private and public facilities.
- (12) Promoting implementation of the comprehensive plan of the Town.
- (14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
- (15) Providing for procedures for the administration of the Zoning Ordinance, including but not limited to, variances, special use permits, and, where adopted, procedures for modifications.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

D. SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS:

- 1. **DRAFT MOTION ON COMBINED CONCEPTUAL MASTER AND PRELIMINARY PLAN, MAJOR LAND DEVELOPMENT PROJECT & ADMINISTRATIVE SUBDIVISION – South County Post and Beam, Inc.,** a proposed four (4)-building industrial development, AP 22-4, Lots 10 and 76, located at 305 Liberty Lane, South County Post and Beam and Fox Realty, owners, South County Post and Beam, applicant

Mr. Riendeau moved, Mr. DiMasi seconded; motion carried: **Motion:** “The South Kingstown Planning Board hereby grants combined Conceptual Master Plan and Preliminary Plan approval to the **South County Post and Beam Major Land Development Project**, a proposed four (4) building industrial development consisting of 12,000 square feet of office and manufacturing use, and 36,000 square feet of accessory storage use, located at 305 Liberty Lane, AP 22-4, Lots 10 and 76. Approval is based on plans entitled: ‘Preliminary Plan Submission, South County Post & Beam,’ Sheets 1 through 11, prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated 01-04-17 with revisions through 04-21-17. This approval is further based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

- 1. The project is consistent with the South Kingstown Comprehensive Community Plan.
- 2. The project is in compliance with the standards and provisions of the Town of South Kingstown Zoning Ordinance.

3. With the required Conditions of Approval, there will be no significant negative environmental impacts from the proposed development.
4. The project, as proposed, will not result in the creation of individual lots or building sites with such physical constraints to development that building on the lots/sites according to pertinent regulations and building standards would be impracticable.
5. The development has adequate and permanent access to a public street, namely Liberty Lane.
6. With the required Conditions of Approval, the development promotes high quality and appropriate design and construction.
7. With the required Conditions of Approval, the development supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
8. The development 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.
9. Thorough technical review of the development has been conducted by the South Kingstown Technical Review Committee and Planning Board.
10. The project is to be completed in two (2) phases, as depicted on the approved plan set.

Conditions of Approval

1. Any change in use of the parcels and/or buildings from Use Code 73, *Wood Products Manufacturing*, and associated accessory uses, shall require review and approval of the Administrative Officer.
2. The applicant shall submit a Final Plan that reflects these Conditions of Approval and meets the physical improvement and construction standards of the Town of South Kingstown Subdivision and Land Development Regulations. The Final Plan shall be subject to the review and approval of the Administrative Officer. The Final Plan submittal shall include a Site Layout Plan, similar to Sheet 4 of 11 of the Preliminary Plan set, depicting the approved phases of development and including notation of Conditions number one (#1), above, and numbers five (#5), six (#6), and seven (#7), below. Upon approval of the Final Plan, the applicant shall submit the Site Layout Plan on polyester film to the Administrative Officer, for signature by the Planning Board Chair, and shall record the Site Layout Plan in the Town's Land Evidence Record.
3. The applicant shall complete all of the physical improvements for each phase of development, including but not limited to parking, loading, and access areas, stormwater management infrastructure, landscaping, on-site wastewater treatment systems, and wells for potable water, and shall submit as-built drawings to the Town Department of Public Services meeting the requirements of the Town Subdivision and Land Development Regulations. Once approved by the Department of Public Services, and upon receipt of the additional information required by these Conditions, the as-built drawings shall be recorded in the Town's Land Evidence Records (to be known as the As-Built Record Plan).
4. Prior to the issuance of Final Plan approval, the applicant shall receive approval for the on-site wastewater treatment system(s) from the RI Department of Environmental Management. If any modifications to the locations of the on-site wastewater treatment system(s) and/or wells are required, such revisions shall be depicted on the Final Plan and shall be subject to review and approval of the Administrative Officer, in coordination with the Department of Public Services, as part of the Final Plan submittal.
5. Prior to the construction of any buildings or site improvements within Phase 2, the applicant shall record an Administrative Subdivision merging the land within Phase 2, currently located on AP 22-4 Lot 10, with AP 22-4, Lot 76. The Administrative Subdivision shall be subject to review and approval by the Administrative Officer, pursuant to the Town of South Kingstown Subdivision and Land Development Regulations.
6. For each phase of development, the applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services prior to applying for building permits.

7. Existing vegetation is to be used as a buffer along the northern property line of Phase 2 that is adjacent to the R20 zone. The adequacy of the existing vegetation within the buffer area shall be assessed during construction and, if necessary, will be supplemented with existing vegetation from the site, or new plant materials. The planting plan for the buffer area shall be reviewed and approved by the Administrative Officer prior to construction of the Phase 2 buildings.
8. For each phase of development, prior to recording the As-Built Record Plan, a licensed Landscape Architect shall inspect the installation of all landscape materials and submit certification to the Administrative Officer and the Building Official stating that the installation substantially conforms to the approved plan and the planting requirements of the Town of South Kingstown Subdivision and Land Development Regulations.
9. For each phase of development, prior to recording the As-Built Record Plan, a certified Professional Engineer shall inspect the installation of all site improvements, including but not limited to the stormwater management system, the drive aisles, and the parking areas, and submit certification to the Administrative Officer, the Department of Public Services, and the Building Official stating that the construction substantially conforms to the approved plan and the physical improvements and construction standards of the Town of South Kingstown Subdivision and Land Development Regulations.
10. No request for final inspection to obtain a certificate of occupancy or use shall occur prior to recording of the As-Built Record Plan for the Phase in which the subject building is located.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

4. DRAFT MOTION ON PRELIMINARY PLAN, MINOR SUBDIVISION –Winter Street Plat, proposed four (4) lot subdivision resulting in three (3) new developable lots, all with existing frontage on public streets, AP 56-3, Lot 79, located at 114 Winter Street, Scot Hallberg, owner/applicant

John Kenyon, Esquire, was present representing the applicant, Scot Hallberg, applicant, was also in attendance.

Mr. Kenyon reviewed the proposal stating that the property is approximately one acre, in an R10 zoning district, and proposes to create a four-lot subdivision with no street creation and no waivers. All lots will have Town sewer and water.

There were no questions or comments from the Planning Board.

Mr. DiMasi moved, Ms. Torello seconded; motion carried: **Motion:** “The South Kingstown Planning Board hereby grants Preliminary Plan approval to the **Winter Street Plat**, a proposed four (4)-lot subdivision resulting in three (3) developable lots, located at 114 Winter Street, AP 56-3, Lot 79, as depicted on the plan entitled: ‘**Winter Street Plat**,’ Sheet 1 of 1, dated 3-31-17 with revisions through 5-2-17. Plan by E. Greenwich Surveyors, LLC, 1050 Main Street, Suite 31, East Greenwich, RI 02818. This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the South Kingstown Comprehensive Community Plan.
2. The subdivision is in compliance with the standards and provisions of the Town of South Kingstown Zoning Ordinance.
3. With the required Conditions of Approval, there will be no significant negative environmental impacts from the proposed subdivision.
4. With the required Conditions of Approval, the subdivision, as proposed, will not result in the creation of individual lots or building sites with such physical constraints to development that building on the lots/sites according to pertinent regulations and building standards would be impracticable.

5. The subdivision parcels have adequate and permanent access to a public street, namely Winter Street and Kenwood Avenue.
6. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.
7. With the required Conditions of Approval, the subdivision supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
8. The subdivision 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.
9. Thorough technical review of the development has been conducted by the South Kingstown Technical Review Committee.

Conditions of Approval

1. Approval is limited to four (4) lots in total. 'Lot 2' is to contain the existing dwelling. 'Lots 1, 3, and 4' are new lots to accommodate new single-family dwellings.
2. The subdivision shall be developed in conformance with the plans and specifications submitted in support of the application, and with the Conditions of Approval found herein.
3. Fair Share Development Fees for both school facilities and open space and recreational purposes, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program, shall be required for 'Lots 1, 3, and 4' at the time of occupancy.
4. The applicant shall submit a Final Plan and Record Plat that reflects the Conditions of Approval. If only one sheet, the Final Plan shall be considered the Record Plat. The Record Plat shall depict the lot geometries, including required building setbacks, and the locations of installed bounds. The Record Plat shall also include notation of Conditions number two (#2), and three (#3), above, and numbers thirteen (#13), and fourteen (#14), below. The Final Plan and Record Plat shall be subject to review and approval by the Administrative Officer. Upon approval, the applicant shall submit the Record Plat on polyester film to the Administrative Officer for signature prior to recording.
5. The applicant shall submit wastewater flow calculations and methodology, as well as a sewer feasibility study, in accordance with the Town of South Kingstown Wastewater Ordinance, and utility plan and profile designs to the Town's Department of Public Services. The utility plan and profile designs are to be reviewed and approved by the Department of Public Services prior to installation.
6. The sewer main extensions necessary to service 'Lots 1, 2, 3, and 4' shall be installed, tested, and determined operational by the Town Department of Public Services (DPS). Documentation of DPS approval of the installation shall be provided to the Administrative Officer prior to Final Plan/Record Plat approval. Once installed, the applicant shall submit an as-built plan of the sewer main extension, which meets the requirements of the Town's Subdivision and Land Development Regulations, to the Town Department of Public Services. The as-built plan shall be stamped and signed by a Rhode Island certified Professional Engineer.
7. The existing dwelling on 'Lot 2' shall be connected to the new sewer main and the existing septic system on site shall be removed, in accordance with Rhode Island Department of Environmental Management Standards, prior to Final Plan approval. The applicant shall certify, in writing, that the existing septic system has been removed as described above prior to Final Plan/Record Plat approval.
8. The details of the proposed water main extension necessary to service 'Lot 4' shall be approved by Suez Water prior to Final Plan approval. Documentation of such approval shall be provided to the Administrative Officer with the Final Plan submittal.
9. The water main extension necessary to service 'Lot 4' shall be installed, tested, and determined operational by Suez Water prior to Final Plan approval. Documentation from Suez Water indicating the same shall be provided to the Administrative Officer prior to Final Plan/Record Plat approval. Once installed, the applicant shall submit an as-

built plan of the water line extension, which meets the requirements of the Town's Subdivision and Land Development Regulations, to the Town Department of Public Services. The as-built plan shall be stamped and signed by a Rhode Island certified Professional Engineer.

10. The applicant shall secure Right-of-Way Utility Permits from the Town's Department of Public Services for extension of the water and sewer mains within Kenwood Avenue and Winter Street.
11. Survey monumentation shall be shown on the Record Plat and installed in the field to define the new lot lines. The number and location of the monuments shall be subject to the approval of the Administrative Officer. The Project Surveyor shall certify that the monumentation is installed prior to recording.
12. The applicant shall record deed descriptions for all four (4) lots concurrent with the recording of the Final Plan.
13. The applicant shall obtain a Physical Alteration Permit and, if necessary, a Tree Permit from the Town's Department of Public Services to locate all new driveways servicing the lots.
14. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit from the Town's Department of Public Services for each of the three (3) lots for development, prior to applying for building permits."

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

5. PRE-APPLICATION CONCEPT REVIEW, MAJOR LAND DEVELOPMENT PROJECT - Hillside Commons, proposed nineteen (19) detached residential units, designed as a multi-household land development project, with associated parking and infrastructure improvements, AP 57-2, Lot 59, located at 76 Kelley Way, Scot Hallberg, owner/applicant

John Kenyon, Esqir, and Eric Prive, RPE, were present representing the applicant, Scot Hallberg who was also in attendance.

Mr. Kenyon reviewed the proposal stating that the property, located in the Route 1 Special Management District (SMD) off Kelley Way, is almost three acres in size. The proposal is to build nineteen detached residential units includes four inclusionary units.

Mr. Prive stated that all nineteen units will be set back 100 feet from Kelley Way or Route 1 as per SMD regulations and all will have access to public water and public sewer. Soil testing will be done as well as a traffic analysis prior to the Master Plan stage.

At the Technical Review Committee (TRC) meeting, questions had arisen relative to making this subdivision for 55+ or designate it for family units. Other issues were the 10 foot buffer along the southern property line and the number of visitor parking spaces.

Ms. Mack reiterated that the purpose of pre-application is for sharing of ideas and general concept of the proposed plan. She suggested taking away some of the parking spots from the central green area.

Discussion ensued relative to requirements of a Flexible Design Residential Project (FDRP) application, requirements of the Route 1 Special Management District (SMD), a project review by the Affordable Housing Collaborative (AHC) and incorporating solar panels into the house designs.

Ms. Mack reminded everyone that since the Town of South Kingstown has been seeking a Scenic Highway designation for Route 1 for years, the design of the buffer along Route 1 is very important.

Pre-application does not require any action by the Planning Board.

6. **REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE – The Woods on Laurel Lane**, requested release of the existing \$164,407 performance bond and establishment of the required maintenance guarantee, Gashy Dowlatshahi, applicant

Gashy Dowlatshahi, applicant, was present to discuss the subdivision.

The applicant has requested release of the \$164,407 performance bond on this subdivision. The Department of Public Services (DPS) does not feel that the punch list was completed satisfactorily relating to soil erosion and lack of grass in some areas along the roadway. David Flanders, Vice Chair of the Conservation Commission and attendee at the Technical Review Committee (TRC) meetings felt that the street trees had not been planted according to the requirements of the Subdivision Regulations.

Mr. Dowlatshahi stated that four of the trees had died and have been replaced by the landscaper, Kirk Wilcox. Ms. Siefert stated that according to the Subdivision Regulations, the Tree Warden makes the final decision about the trees if the Planning Board feels it is necessary. Ms. Mack stated that the Planner comments on the trees should be read by all involved. Mr. Rosen feels that the developer has been diligent with his planting and seeding but the timing relative to the weather has not been conducive to grass growth. Ms. Siefert will ask the Tree Warden to check the trees.

Mr. Murphy moved, Mr. Riendeau seconded; motion carried: Motion: "The South Kingstown Planning Board hereby continues the **REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE – The Woods on Laurel Lane**, requested release of the existing \$164,407 performance bond and establishment of the required maintenance guarantee, to its next regular meeting on June 13, 2017."

E. DEVELOPMENT PLAN REVIEW:

1. **DRAFT MOTION, BED & BREAKFAST USE, SPECIAL USE PERMIT – Farmhouse by the Sea**, a proposed six-bedroom bed and breakfast with accessory events, AP 86-4, Lot 38, located at 310 Matunuck Schoolhouse Road, Seth Gross and Carolyn Ford Gross, owners/applicants

John Kenyon, Esquire, was present representing the applicant, Seth Gross, who was also in attendance. John C. Revens, Jr., Esquire, was present representing the Duval and Harris families, abutters.

Mr. Gross has asked that his initial time frame request for weddings be altered to include all of October. He is also asking, in lieu of performing a traffic study as requested by the Traffic and Transportation Review Committee (T²RC), that he provide police traffic detail at every event instead of just at the first one. Ms. Mack stated that there are ingress and egress concerns with the entrances to the property such as driveway width (Card's Pond Road width is 10'), site distance, access and maneuverability of the vehicles using the property. A traffic study would outline mitigations of these circumstances.

Board members felt that there are many unresolved issues in addition to requests for traffic and sound studies and the legal right-of-way (ROW) to use the Matunuck Schoolhouse Road entrance.

Mr. Kenyon stated that Mr. Gross has an express ROW to Matunuck Schoolhouse Road. The Cards Pond Road ROW to the property was deeded to Mr. Gross by Tommy Brent.

Mr. Revens stated his clients own the 69 acres that completely surround Mr. Gross' property. In 1981 his clients subdivided their parcel and sold Mr. Brent the property where he resided until his death and which Mr. Gross now owns. There was no easement to Card's Pond Road granted to Mr. Brent by his clients. Mr. Brent occasionally used the ROW with the permission of the owners but he could not convey that use to any future owners of his property.

Mr. Teitz explained that the Planning Board cannot make decisions on property rights; that is the exclusive purview of the Superior Court of RI. In this case it is a civil matter between Mr. Gross and his neighbors. He said that the Planning Board members must assume that Mr. Gross has the rights-of-way for both Card's Pond Road and Matunuck Schoolhouse Road although he must produce prima facie evidence in that regard. The Board members should look at the use issues and consider any conditions they want to apply.

Board members have concerns relative to the large number of weddings (16) that have been scheduled this summer, the "wedding season" stretching from May through October, the need for a traffic study and other issues.

Mr. Riendeau moved, Mr. DiMasi seconded; motion carried: **Motion #1:** "The South Kingstown Planning Board has considered the Development Plan Review application of Farmhouse by the Sea to become a bed and breakfast use proposing to hold events, as an accessory component of the principal use, on the property located at Assessor's Plat 86-4, Lot 38, otherwise identified as 310 Matunuck Schoolhouse Road. The Board has considered the application, including testimony from surrounding property owners, and is cognizant of the potential disruptions the proposed accessory events can cause to neighboring properties, specifically as the subject property is situated within a residential area.

Pursuant to the Town's Subdivision and Land Development Regulations, the purpose of Development Plan Review is the reasonable application of the police power of the Town to protect the public from detrimental impacts of certain types of development, while at the same time reasonably accommodating the goal of economic development within the Town. As such, Development Plan Review is intended to preserve the Town's natural environment, enhance its built environment, improve its visual character, and sustain a high quality of life. High standards of design, landscaping, improved community appearance, preservation and protection of environmental quality, traffic safety, and buffering and screening of conflicting land uses are all goals to be achieved through Development Plan Review.

At this time, the Board finds that additional information is necessary relative to the proposed accessory events before Findings of Fact can be established. Given this, the South Kingstown Planning Board is hereby bifurcating the Development Plan process between the bed and breakfast on the one hand and the accessory events on the other hand.

This Development Plan approval does not pertain to the proposed accessory events.

The Planning Board hereby grants Development Plan approval to Seth and Carolyn Gross, applicants, for Farmhouse by the Sea, a proposed Bed and Breakfast Use only (without accessory events), to be located on Assessor's Plat 86-4, Lot 38, 310 Matunuck Schoolhouse Road. This approval is advisory to the Zoning Board of Review's consideration of the Special Use Permit being sought for the subject property. The Planning Board further instructs staff to withhold transmittal of this advisory approval to the Zoning Board of Review until such time that sufficient additional information is provided by the applicant to allow the Board to consider the proposed accessory events.

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

Findings of Fact

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare because the bed and breakfast use itself is small in scale and unobtrusive in the neighborhood. The maximum occupancy of 10 adults (plus some children) will not burden the septic system or cause any traffic issues.
2. With the required Conditions of Approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, because the intensity is limited by the maximum occupancy, and a use of similar intensity has been conducted in past years through weekly rental of the entire building. Also, there were no complaints from the neighbors about the primary use, only about the accessory events.

3. The plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations, including in particular the condition that not more than 5 rooms be rented out in order to comply with the density requirements.
4. The plans for the project are consistent with the Comprehensive Plan.
5. Any conditions or restrictions that are necessary to ensure that these Findings have been met have been incorporated into this approval.
6. The Board has considered the *prima facie* evidence submitted by the applicants regarding their legal right to the two (2) rights-of-way extending from the subject property, and the Board assumes that the applicants have a legal right to use the rights-of-way for the Bed and Breakfast Use as well. The Board does not intend this assumption as a determination of property rights, leaving such a determination to be decided by a court of law if contested.

Conditions of Approval

1. Prior to use of the property as a bed and breakfast, the applicants must obtain a Special Use Permit from the South Kingstown Zoning Board of Review and a tourist accommodation license from the South Kingstown Town Council. The tourist accommodation license shall be subject to the annual renewal requirements outlined in Chapter 18 of the Town Code.
2. The size of the bed and breakfast shall be limited to five (5) rooms in total. Each guest room shall neither accommodate or be provided to more than two (2) individual guests, provided that children may accompany parents within a room.”

VOTE: Mack – aye Murphy – nay Scherer – aye Riendeau - aye
 Torello – nay Rubinoff – nay DiMasi - aye

The Board took a break at 9:10 p.m.

The meeting resumed at 9:15 p.m.

Members have concerns relative to the road width, safety issues, the need for a traffic study and limiting the number of events, etc.

Ms. Rubinoff moved, Mr. Murphy seconded; motion carried: **Motion #2:** “The South Kingstown Planning Board hereby directs the applicants for the proposed Bed and Breakfast Use to be located on Assessor’s Plat 86-4, Lot 38, at 310 Matunuck Schoolhouse Road, Seth and Carolyn Gross, to submit a traffic study for the subject property as recommended by the South Kingstown Traffic Technical Review Committee, as further discussed in a memorandum from Jon Schock, Public Services Director, dated May 1, 2017. The Board advises the applicants that Development Plan Review of the proposed accessory events relative to the Bed and Breakfast Use will not be further considered by the Board until such study has been received by the Administrative Officer, and a recommendation as to such study and the appropriate mitigation measures, if any, has been provided by the South Kingstown Transportation Technical Review Committee.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - nay
 Torello – aye Rubinoff – aye DiMasi - nay

Mr. Riendeau read a letter to the Board from James DiMaio, President of the Matunuck Community Association, dated May 8, 2017, regarding the number and regulations of its events held at its clubhouse on Matunuck Schoolhouse Road. Several other letters from abutters voicing their concerns about the events proposed at Farmhouse by the Sea were referenced by Ms. Mack. Board members stated that they would prefer capping the number of allowed events at ten, restrict the time of day versus evening events, hours of operation, require that a qualified sound expert be present at all events, etc.

E. DEVELOPMENT PLAN REVIEW:

3. HOUSEHOLD OCCUPANCY BY MORE THAN 3 UNRELATED PERSONS – Eldred Farm, proposed occupancy of seven (7) existing, two-bedroom, single-family units by more than three unrelated persons, AP 16-4, Lots 18, 20, 21, 22, 23, 24, 25, located at 32, 45, 49, 59, 61, 65 and 66 Eldred Farm Road, Paul Schurman, owner/applicant

John Kenyon, Esquire was in attendance representing the applicant, Paul Schurman, who was also present.

Mr. Kenyon reviewed the project stating that the applicant is asking for approval of seven (7) units that meet all the requirements of the Zoning Ordinance for parking, gross leasable floor area (glfa), etc. The applicant has read the proposed draft motion and is in agreement with the conditions listed therein.

Mr. DiMasi moved, Mr. Riendeau seconded; motion carried: **Motion #1:** “The South Kingstown Planning Board hereby grants Development Plan approval to ‘Eldred Farm,’ AP 16-4, Lots 18, 20, 21, 22, 23, 24, and 25, located at 32, 45, 49, 59, 61, 65, and 66 Eldred Farm Road, to allow household occupancy by more than three (3) unrelated individuals within each single-family dwelling on the subject lots, as described and documented in the materials submitted with the application. This approval is subject to the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
2. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, with the required Conditions of Approval.
3. The plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for the project are consistent with the Comprehensive Plan.
5. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this written approval.

Conditions of Approval

1. The single-family dwellings located on Assessor’s Plat 16-4, Lots 18, 23, 24, and 25 shall be limited in occupancy to a maximum of four (4) unrelated persons.
2. The single-family dwellings located on Assessor’s Plat 16-4, Lots 20, 21, and 22 shall be limited in occupancy to a maximum of five (5) unrelated persons.
3. All parking for the subject dwelling units is to occur within the garages and/or driveway areas only.
4. Parking areas shall not be rented, leased or granted for use to non-occupants.
5. The subject dwellings shall maintain their appearance as single-family residences.
6. Prior to occupancy by more than three (3) unrelated persons within any dwelling unit subject to this approval, the applicant shall meet all of the requirements for bond release relative to the Eldred Farm Subdivision, which was given Final Plan approval on September 9, 2017. Such activities shall include, but not be limited to, installing the final coat of asphalt, cleaning catch basins, and submitting as-built plans to the Department of Public Services for review and approval. The Administrative Officer of the Planning Board shall determine when required bond release activities have been completed.”

Discussion ensued relative to the lack of as-built plans and the fact that the final coat of asphalt has not yet been put down, the number of parking spaces for each house and cleaning of catch basins.

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau – aye

Torello – aye

Rubinoff – aye

DiMasi - aye

Mr. DiMasi moved, Ms. Torello seconded; motion carried: **Motion #2:** “The South Kingstown Planning Board hereby provides a favorable recommendation to the Zoning Board of Review on the Special Use Permit to allow household occupancy by more than three (3) unrelated individuals requested for the Eldred Farm subdivision. The Planning Board has conducted Development Plan review of seven (7) of the eight (8) parcels within the subdivision, AP 16-4, Lots 18, 20, 21, 22, 23, 24, and 25, located at 32, 45, 49, 59, 61, 65, and 66 Eldred Farm Road. The Planning Board finds that the seven (7) existing dwelling units comply with the site design and exterior appearance requirements for household occupancy by more than three (3) unrelated individuals, as specified in Section 504.14 of the Zoning Ordinance.

Were the Zoning Board of Review to allow household occupancy by more than three (3) unrelated persons on the eighth lot, AP 16-4, Lot 19 as part of this Special Use Permit approval, the Planning Board requests that a condition be placed on the approval that Lot 19 be required to undergo Development Plan Review prior to issuance of a building permit.

Further, the Planning Board recommends that the Zoning Board condition any Special Use Permit approval granted on the Conditions of Approval contained within the Development Plan approval, given by the Board on May 9, 2017. Such conditions should include the requirement that the applicant meets all of the requirements for bond release relative to the Eldred Farm Subdivision, and determination by the Administrative Officer of the Planning Board as to whether such activities have been completed.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

4. HOUSEHOLD OCCUPANCY BY MORE THAN 3 UNRELATED PERSONS – Lower College Road Realty, proposed occupancy of two (2) duplex structures, with four (4) units total, by more than three unrelated persons, AP 23-3, Lots 125 and 138, located at 16, 18, 20 and 22 Lower College Road, Katerina Alexakos, applicant, Lower College Road Realty, LLC, owner

Katerina Alexakos, applicant, was present for the discussion.

Ms. Siefert noted that the applicant has complied with all the landscaping requirements except for the location of the trash receptacles. Ms. Alexakos said they will be moved to the spot designated on the plans.

Mr. Riendeau moved, Ms. Rubinoff seconded; motion carried: **Motion #1:** “The South Kingstown Planning Board hereby grants Development Plan approval to ‘**Lower College Road Realty,**’ AP 23-3, Lots 125 and 138, located at 16, 18, 20, and 22 Lower College Road, to allow household occupancy by five (5) unrelated individuals within each of the four (4) existing dwelling units, as described and documented in the materials submitted with the application. This approval is subject to the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
2. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, with the required Conditions of Approval.
3. The plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for the project are consistent with the Comprehensive Plan.

5. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this written approval.

Conditions of Approval

1. All parking for the subject dwelling units is to occur within the designated parking area.
2. Parking areas shall not be rented, leased or granted for use to non-occupants.
3. The subject dwellings shall maintain their residential appearance.
4. The trash area servicing the two properties shall be relocated so that it lies within the property boundary of AP 23-3, Lot 125.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

Mr. Riendeau moved, Ms. Torello seconded; motion carried: **Motion #2:** “The South Kingstown Planning Board hereby provides a favorable recommendation to the Zoning Board of Review on the Special Use Permit requested for AP 23-3, Lots 125 and 138, located at 16, 18, 20, and 22 Lower College Road, to allow household occupancy by more than three (3) unrelated individuals within each single-family dwelling on the subject lots. The Planning Board finds that the subject dwelling units comply with the site design and exterior appearance requirements for household occupancy by more than three (3) unrelated individuals, as specified in Section 504.14 of the Zoning Ordinance. The Planning Board requests that, if the Zoning Board determines that the Special Use Permit for the subject properties meets the criteria for approval, such approval include the following condition:

1. The applicant shall submit a draft access and use agreement, in favor of Lot 138 from Lot 125, for use of the shared refuse facility, to the Administrative Officer of the Planning Board for review and approval. Such agreement, once approved, shall be recorded in the Town’s Land Evidence Record prior to occupancy of AP 23-3, Lot 138 by more than three (3) unrelated persons.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

G. CORRESPONDENCE

1. FORMAL RESPONSE – Economic Development Committee November 3, 2016 Letter

Ms. Rubinoff moved, Mr. Scherer seconded; motion carried:

“The South Kingstown Planning Board hereby directs staff to transmit to the South Kingstown Economic Development Committee the letter attached as Exhibit 2.”

VOTE: Mack – aye Murphy – aye Scherer – aye Riendeau - aye
Torello – aye Rubinoff – aye DiMasi - aye

Ms. Siefert reminded the Board members that as per their conversation at the most recent work session, the scheduled day of the Technical Review Committee’s (TRC) meetings will be changed from the fourth Wednesday of the month to the third Wednesday of the month. So the next TRC meeting will be on May 17, 2017 at 1:30 p.m. Mr. DiMasi volunteered to attend.

I. ADJOURNMENT:

Mr. Scherer moved, Mr. Riendeau seconded; motion carried: **Motion:** "To adjourn."

VOTE:	Mack – aye	Murphy – aye	Scherer – aye	Riendeau - aye
	Torello – aye	Rubinoff – aye	DiMasi – aye	

The meeting adjourned at 11:53 p.m.