



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Magnolia Lane

Major Land Development – Pre-Application Concept Review

June 22, 2021

Project Type:	Major Land Development, Multi-Household Land Development Project		
Review Stage:	Pre-Application Concept Plan		
Address:	Magnolia Lane		
Plat:	57-1	Lot:	121
Parcel Size:	~1.29 acres	Zoning District:	R10
Applicant:	J. Thomas Investments c/o John D’Agostino 697 Moonstone Beach Road South Kingstown, RI 02879	Owner:	Same
Current Plan Set:	<i>Preliminary Minor Land Development, Magnolia lane Development, South Kingstown, Rhode Island, Assessor’s Plat 57-1, Lot 121, Sheets 1 through 8, dated April 6, 2021, completed by DiPrete Engineering, Two Stafford Court, Cranston RI 02920</i>		

Property Characteristics

The subject property is an undeveloped parcel approximately 1.29 acres in size and is located in an R10 Zoning District. Magnolia Lane, formerly known as Wilson & Tarn Streets (existing ‘paper’ streets) was recently constructed in preparation for the development of six (6) adjacent record lots and one (1) private parcel used for drainage purposes. The subject parcel is located on the southern end of Magnolia Lane and surrounding properties are dominated by residential development. A forested wetland extends onto the western portion of this parcel, the total amount of wetland area on the parcel totals approximately 22,591 square feet.

	Area (square feet)
Total Parcel Size	56,792
Approx. Wetland Size	22,591
Total Approx. Land Suitable for Development	34,201

Project Description

The applicant is proposing a minor multi-household land development project to include two (2) duplex structures with two (2) residential units with a single attached garage each, for a total of four (4) units. As a 4-unit minor land development project, inclusionary zoning requirements of the zoning ordinance do not apply to this development, as such no deed restricted affordable units are required or proposed.

The development will be serviced by public water and sewer, stormwater will be managed using newly constructed drainage features that have been designed and integrated into the private parcels adjacent to the Magnolia Lane roadway that is currently under construction. Access to these duplex units is proposed from a single shared access driveway directly off Magnolia Lane. Buffer plantings are proposed along the western limit of disturbance adjacent to the edge of the wetland that exists on the western portion of the site. As this wetland is identified as a *Forested wetland less than 3 acres*

in size, the Rhode Island Department of Environmental Management (RIDEM) requires a 10' setback from the flagged wetland edge. RIDEM permitting for both wetlands and stormwater has been completed (RIDEM Permit #16-0028) as part of the overall proposed construction of Magnolia Lane.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Section 401 (Zoning – Dimensional Requirements)

Section 401 (Schedule of dimensional regulations) provides the maximum density allowed for multi-household land development projects. The allowed density for the subject property is:

15,000 for first two (2) dwelling units plus 5,000 square feet per each additional dwelling unit.

At 34,201 square feet of land suitable for development, the maximum density for the subject property is 5.84 dwelling units. The applicant is proposing a total of four (4) units which is within the allowable density specified within the Zoning Ordinance.

Article IV, Section H – Multi-Household Land Development Project

Article IV, Section H(6) of the Subdivision and Land Development regulations requires screening to provide a physical barrier and visual screen from adjacent residential properties. Section H(7) also requires a minimum front yard setback of 100 feet along public streets with prohibitions on buildings, parking lots and other utility areas from being located within this setback. A 50' landscaped or natural buffer zone is also further required to be maintained along said public street. Section H(9) requires that pedestrian walkways be provided for the development, and that parking lots be set back from the wall of any building (except garages), that 10% of the developable area (~3,420 square feet) must be dedicated as open space, type dictated by occupants and approved by the Planning Board, and that the minimum distance between buildings shall be 50'.

A more thorough analysis of Article IV, Section H will be conducted by Staff if this project moves forward to the next stage of review.

Waivers Requested

The applicant is requesting waivers from Article IV. H (7) and (9) of the South Kingstown Subdivision and Land Development Regulations. Article IV. H (7) requires a minimum 100-ft. setback along any public street and Article IV H (9) requires the minimum distance between two (2) buildings or any two (2) rows or buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.

The applicant is proposing a 25-ft. front yard setback for the proposed residential buildings which meets the underlying R-10 Zoning District requirements. The lot has existing drainage feature in the rear and due to the depth of the lot the applicant attests that they cannot comply with a 100-foot setback requirement. As proposed the buildings will be spaced approximately 30 feet apart from the front porch to front porch, 45 feet from the front of the units, 50 feet between the garages, and 32 feet between the sides of the units. The applicant believes that the waivers are reasonable and within the general purposes and intents of the Subdivision and Land Development Regulations and that literal enforcement of the regulations is impracticable and will exact undue hardship due to the peculiar conditions of the land in question.

The applicant has also requested that the Planning Board considers allowing the Master Plan and Preliminary stages of review be combined. The applicant asserts that they have already received RIDEM and Town Engineer approval of the overall design of the Magnolia Lane development (the proposed project was incorporated into this design) and they believe combining these reviews is appropriate.

Required Findings

In approving this land development request, the Board must make positive findings on the following standard provisions:

- (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 development, 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.

The approving authority must also 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.

Request to Combine Conceptual Master Plan & Preliminary Plan Review

In conjunction with this Pre-Application Concept application, the applicant has requested to combine the later Conceptual Master Plan & Preliminary Plan Review stages of review. If deemed appropriate, the following motion could be used in support of said request:

Motion: “The South Kingstown Planning Board hereby grants the request of the applicant, J. Thomas Investments, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed major land development project located on Magnolia Lane, Assessor’s Plat 57-1, Lot 121. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.”