

PLANNING BOARD MINUTES

A regular meeting of the South Kingstown Planning Board was held on Tuesday, May 11, 2010 at 7:04 p.m. in the Council Chambers at the South Kingstown Town Hall, 180 High Street, Wakefield, Rhode Island.

A. ROLL CALL

Mack – Present Clendenen – Present Riendeau – Present Leslie Castrovillari - Present
Morrison – Present DelGiudice – Present Kenerson – Present

Mr. Dennis Vinhateiro, Principal Planner, Mr. William Boardman, Town Engineer and Ms. Nancy Letendre, Special Legal Counsel, were present.

B. CONSENT AGENDA (CA)

Ms. Mack read the items on the Consent Agenda.

Mr. Riendeau moved, Mr. Clendenen seconded; motion carried: "To approve the following Consent Agenda items:

C. APPROVAL OF MINUTES

(CA) "To approve the minutes of the April 13, 2010 regular meeting."

F. SPECIAL ITEMS

2. (CA) Mittendorf Administrative Subdivision, a Proposed Two-lot Administrative Subdivision, Revised Lots Requiring Zoning Board of Review Dimensional Relief, AP 81-3, Lots 102 and 103, Located at 34 Mittendorf Road, Emil and Eleanor Mittendorf and Dennis and Susan Mittendorf, Owners/Applicants

"The South Kingstown Planning Board hereby grants Conditional Approval to the Administrative Subdivision Plan prepared for Emil and Eleanor Mittendorf and Dennis and Susan Mittendorf as depicted on the plan titled: 'Preliminary Administrative Subdivision Plan showing line change between land belonging to Emil W. & Eleanor Mittendorf, Assessor's Plat 81-3, Lot 102 and Dennis E. & Susan T. Mittendorf, Assessor's Plat 81-3, Lot 103 situated in the Town of South Kingstown, Rhode Island.' Plan dated August 18, 2006, scale 1" = 50', prepared by Easterbrooks & Associates, 750 Boston Neck Road, Narragansett, RI. This approval is based on the following conditions:

1. The co-applicants shall secure a dimensional variance from the Zoning Board of Review to allow for the intensification of lots that are nonconforming by area and dimension as per Article 2, Section 203 of the South Kingstown Zoning Ordinance.
2. A mylar copy of the plat, signed by the separate lot owners, shall be submitted for signature to the Town's Administrative Officer.
3. The final plan shall locate the public water line on Mittendorf Road.
4. A copy of the decision of the Zoning Board of Review shall be submitted in support of the Final Approval of the Administrative Subdivision."

G. (CA) REPORT OF THE ADMINISTRATIVE OFFICER

ADMINISTRATIVE SUBDIVISIONS recorded during April 2010
None were recorded.

MINOR SUBDIVISIONS recorded during April 2010

Otter Acres, Phase 3 Minor Subdivision, AP 61, Lot 60, located on Tuckertown Road at Otter Acres Way, recorded April 13, 2010.

MAJOR SUBDIVISIONS recorded during April 2010

None were recorded.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Ms. Mack stated that the Planning Board will hear Agenda Item E.1 Development Plan Review for Leeson Residence, a proposed garage requiring Zoning Board relief for doors facing Ministerial Road before the Public Hearings.

E. DEVELOPMENT PLAN REVIEW

1. Leeson Residence, a Proposed Garage Requiring Zoning Board Relief for Doors Facing Ministerial Road, AP 74, Lot 14, Located at 259 Ministerial Road, Brown & Ives Land Company, LLC, Owner, Margaret and Robert Leeson, Applicants

Ms. Amy Sonder, project engineer and Mr. and Mrs. Leeson were present.

Ms. Sonder stated in her review of the application that the Leesons would like to demolish the existing home and rebuild a new one with the garage doors facing Ministerial Road. Ms. Sonder noted that the garage doors would be at least 958’ from Ministerial Road and is fairly sure the doors would not be seen from the road.

Mr. Clendenen moved, Mr. Riendeau seconded; motion carried. Motion #1: “The South Kingstown Planning Board hereby grants Development Plan Approval of the application of Margaret and Robert Leeson to construct a two-bay garage as shown on a plan entitled: ‘Proposed New House Location for parcel of land belonging to Brown & Ives Company, 259 Ministerial Road, Assessor’s Map 74, Lot 14, South Kingstown, Rhode Island.’ Plan by Easterbrooks & Associates, dated April 22, 2010, scale 1" = 150’. This Development Plan approval is further based upon the following Findings of Fact and Condition of Approval:

Findings of Fact

1. The granting of this approval will not result in conditions inimical to the public health, safety and welfare.
2. The granting of this approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
3. The plans for this project comply with all the requirements of the Zoning Ordinance and these regulations.
4. The plans for this project are consistent with the Comprehensive Plan.
5. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.
6. The proposed garage doors face Ministerial Road and do not conform to the Town’s Zoning Ordinance.

Condition of Approval

1. The applicants shall secure a variance from the Zoning Board of Review to allow construction of the proposed garage with doors facing Ministerial Road.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Mr. Clendenen moved, Mr. Kenerson seconded; motion carried. Motion #2: “The South Kingstown Planning Board recommends favorable action by the Zoning Board of Review on the application of Margaret and Robert Leeson for a variance to construct a garage with the garage doors facing Ministerial Road for property located at 259 Ministerial Road. The Planning Board bases this recommendation on the following findings:

1. The proposed garage will be located approximately 958 feet from Ministerial Road.
2. The proposed garage doors will not be visible from Ministerial Road.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

D. PUBLIC HEARINGS

1. Combined Conceptual Master Plan Public Informational Meeting and Preliminary Plan Public Hearing (Continued), Whittier Estates (Revised Plans), a Proposed Ten-lot Subdivision Comprised of Seven New Single-family Homes and Two New Duplexes Including Two Inclusionary Units and the Existing Single-family Home, Flexible Frontage Waiver Request, AP 56-4, Lots 38 and 40, Located at 52 Willard Avenue, Linda M. Sisson, Owner, Robert Leonard and Mark Lubic, Applicants

Margaret Laurence, attorney for the applicants, Mr. Robert Stewart, landscape architect, and Mr. Robert Leonard, developer were present.

Ms. Laurence stated the applicants have made the technical revisions suggested by the Planning Board at the April 13, 2010 Public Hearing and the revisions were presented at the TRC meeting held on April 29, 2010. Ms. Laurence noted that planning staff has reviewed the revisions and the applicant is ready to move forward with the approval motion. She stated that Mr. Stewart is available to answer any technical questions with regard to the recommendations presented at the TRC meeting and on the motion that is being presented.

Ms. Mack stated that she and Mr. Kenerson made a second site visit after the TRC meeting. She recommended that the applicants provide a no-cut buffer for the corner of Lots 6 and 7 in order to preserve the boulders, holly trees and a large multi-trunk maple tree. Ms. Mack noted that the type of vegetation that exists there is undesirable and would not provide adequate screening. Ms. Mack suggested that deeds for Lots 6 and 7 should contain restrictions creating a no-cut buffer along the limits of disturbance shown on the approved plans. She also suggested, if it is possible, that the large boulders on Lots 2 and 3 be utilized in the detention pond area, barring any maintenance problems.

Mr. Stewart stated that landscape plans are still indefinite but he plans to mix evergreens with the existing native trees in order to create a buffer. He noted that too many obstacles in a detention pond impede its maintenance.

Mr. Kenerson questioned whether the large rocks could be utilized in the wetland area located in the rear of Lot 4. Mr. Stewart stated that it would be prudent to use the rocks as a foreground feature at the wetland edge.

Speaking at the Public Hearing were Mr. Charles Fink, Mr. Earl Grecco and Mr. Joseph Morrone. They expressed their concerns with providing a standard buffer, types of trees, buffering from vehicle headlights and documentation to provide a no-cut buffer for future owners.

Mr. DelGiudice moved, Ms. Castrovillari seconded; motion carried. Motion #1: "The South Kingstown Planning Board hereby closes the combined Conceptual Master Plan Public Informational Meeting and Preliminary Plan Public Hearing for Whittier Estates, (revised plans), a proposed ten-lot subdivision consisting of seven new single-family homes and two new duplexes including two inclusionary units and the existing single-family home with a flexible frontage waiver request."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Ms. Mack asked if the Planning Board should add extra language to Condition # 9 with regard to the final landscape plan and the no-cut buffer that encompasses Lot 7 in order to protect the large maple tree. Mr. Vinhateiro asked Ms. Mack if she wanted language to state that those trees be located on the final plan and be incorporated within a buffer. Ms. Mack confirmed this and also asked if the Planning Board needs to add extra language to insure that there is an emphasis on Lots 4, 5 and 6 along the western boundary to coincide with Mr. Stewart's notes on the landscape plan. She stated that she feels that the language should be very clear and specify the types of trees such as White Pine, Arborvitae, Norway Spruce along the westerly boundary encompassing Lots 4, 5, and 6. "

Mr. Riendeau stated that he feels that the DEM permit regarding limits of disturbance should be a separate Condition of Approval.

Mr. Riendeau moved, Mr. Clendenen seconded; motion carried. Motion #2: "The South Kingstown Planning Board hereby grants Combined Conceptual Master Plan and Preliminary Plan approvals to the Major Land Development Project prepared for Robert Leonard and Mark Lubic, a proposed ten-lot subdivision depicted on plans entitled: 'Site Plan, Master/Preliminary Whittier Estates Major Subdivision Prepared for: Robert Leonard/Mark Lubic, South Kingstown, Rhode Island, Map 56-4, Lots 38 & 40, R10 Zoning District.' Plans by Environmental Planning & Surveying, Inc., Sheets 1 through 12 dated February 2010 with revisions through 3/24/2010, scales as noted. This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the requirements of the Comprehensive Plan.
2. The subdivision conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
3. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required Conditions of Approval.
5. The subdivision, as proposed, will not result in the creation of building sites with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. The subdivision has adequate and permanent physical access to a public street, namely Willard Avenue.

7. With the required Conditions of Approval the subdivision will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
8. The design and location of building sites, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion.

Findings of Fact, Inclusionary Zoning Incentive

1. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicants which demonstrates the ability of the development parcel to support a 'basic maximum number' of nine (9) new units in a mix of single-family and duplex structures. Pursuant to Section 502.6.E. & F. of the Zoning Ordinance, a zoning incentive increasing the basic maximum number of units by a factor of 1.2 is required. Incentive units must be affordable to low and/or moderate income households as defined under Rhode Island General Laws §45-53, the Rhode Island Low and Moderate Income Housing Act.
2. Based on the applicants' yield plan of eight (8) lots comprised of nine (9) units, a zoning incentive of two (2) units, increasing the basic maximum number of new units to eleven (11), is required (i.e. $9 \times 1.2 = 10.8$ units, rounded up to 11 units). Required incentive units must be affordable to 'low and/or moderate income households' and shall constitute a 'municipal government subsidy' as both terms are defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
3. The incentive units shall be located in one-half of each of the two duplex buildings. The Planning Board finds that the proposed incentive units are integrated within the development and that the design of the units will be consistent with the design of the market rate units within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I. of the Town's Subdivision and Land Development Regulations.
4. The incentive units shall be built and available for occupancy simultaneously with the construction and occupancy of the market rate units.
5. Consistent with Section 502.6.J. of the Zoning Ordinance, the incentive units shall be exempt from the Town's Pacing and Phasing requirements.
6. The incentive units shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1. of the Zoning Ordinance and Section II, Element 5, III. of the Town's Capital Improvement Program. Such exemptions shall be granted only for those units that are intended for sale or rent to persons or households that earn no more than eighty percent (80%) of the area median income.

Finding of Fact, Requested Waiver

1. The applicants are requesting a waiver of the Subdivision and Land Development Regulations to allow for the use of the flexible frontage provisions of the Zoning Ordinance for proposed Lots 3, 4, 6 and 7 in the subdivision of this lot. It is the finding of the Planning Board that the granting of these waivers meets the criteria outlined in Section 502.6.I of the South Kingstown Zoning Ordinance and Article VIII.D. in the Subdivision and Land Development Regulations and as such the grant of waivers to allow this design to proceed is reasonable and within the general purposes and intent of the regulations and is in the best interests of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan.

Conditions of Approval

1. Approval is limited to nine (9) new lots in total. The nine new lots shall be further limited to seven (7) single-family home sites and two (2) duplex home sites for a total of eleven (11) new housing units.

2. The use of the property shall be strictly limited to Use Code 10, Single-Household Detached Structure residential development and Use Code 11, Two-Household Detached Structure.
3. The two duplex structures shall be located on proposed Lots 2 and 8.
4. The subdivision shall satisfy its affordable housing component requirement with the dedication of one unit in each of the two duplex buildings as units available for ownership/occupancy by 'low/moderate-income individuals/households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
5. The lease, sale or transfer of designated affordable units shall remain affordable to low or moderate income individuals/households for a period of ninety-nine (99) years.
6. The affordable units must meet the criteria for subsidy and deed restrictions such that the units count toward the low and moderate income housing stock within the Town.
7. 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 each of the seven new single-family house lots. In addition, 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 one unit in each of the proposed duplexes. The two affordable units shall be exempted from Fair Share Development Fees for both school facilities and open space and recreational purposes as provided under Section 502.6.K, 1101.D.1. and Article 12 of the South Kingstown Zoning Ordinance and Section II, Element 5, III. in the Town's Capital Improvement Program.
8. A continuous line of hay bales or silt fencing shall be installed along the project's limits of disturbance prior to any clearing or grubbing activities.
9. As part of the final submittal, the applicants will provide a separate plan sheet detailing the proposed landscape plan. Such plan shall layout known and approved landscape improvements including a continuous row of six foot tall Blue Hollies spaced six feet on center along the northerly side of the proposed roadway, a single staggered row of Giant Arborvitae (5-6 feet tall at planting) along the southerly side of the proposed detention pond and additional plantings along the northerly side of the detention pond to soften the effect of the pond. The landscape plan shall also locate an existing Holly and a multi-trunk Maple that are in the northwest corner of the development parcel (Lot 7). The project limits of disturbance shall be adjusted to encompass these specific trees if they are not already so protected and a restriction shall be entered in the deed for Lot 7 establishing this triangular area as a no-cut buffer. In addition, the project Landscape Architect shall pay particular attention to the western boundary of Lots 4, 5 & 6 during site development and the potential of that area for retention and transplant of existing vegetation as well as any need for supplemental plantings of Norway Spruce, White Pine or Arborvitae to enhance the existing buffer. The final landscape plan shall be subject to the review and approval of the Town's Administrative Officer.
10. The applicants shall retain the services of a Registered Landscape Architect to assist in the selection of the trees to be retained throughout the site and to provide guidance regarding tree protection during construction.
11. The project's Landscape Architect shall be on-site periodically during the various construction phases of the project to evaluate the existing vegetation with the goal of retaining/transplanting materials to optimize buffering/screening of adjacent properties and improving the aesthetics of the development parcel.
12. At a minimum, trees to be retained within the project limits of disturbance shall be protected according to the International Society of Arboriculture standards including the erection of snow fencing around the perimeter of a tree's drip-line or the placement of a ten-inch (10") layer of wood chips extending beyond the drip-line. The selected method shall be detailed in the Final Plan set.
13. As part of the Final submittal, the applicants shall submit final legal documents in support of the development for review and approval by the Administrative Officer and the Town's Special Legal Counsel. The documents shall address the use, restrictions on use, ownership, maintenance and replacement of commonly owned infrastructure components including, underground utilities, aboveground utility structures and open space as well as the specific deed restriction language required as conditions of this approval.

14. As part of the Final submittal, the applicants shall provide a signed 'Monitoring Agreement' and a 'Deed Restriction' that will insure that affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Administrative Officer. The 'Monitoring Agreement' shall be recorded contemporaneously with the Record Plans in the Town's Land Evidence Records.
15. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
16. Any monitoring agreement between the developer/association and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.
17. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.
18. The applicants shall secure a Physical Alteration Permit and if necessary, a tree permit, from the Department of Public Services to establish the new road cut on Willard Avenue.
19. The applicants, their engineer and their site contractor shall participate in a Pre-Construction meeting with the Department of Public Services prior to the commencement of any construction activities.
20. Final Plans shall incorporate storm water infiltration measures on individual lots where deemed necessary.
21. Landscape materials shall be warranted for a minimum period of two years.
22. Open space areas within the development shall be marked in the field with 'witness posts' or similar monumentation to establish these buffer areas and help prevent encroachment on or within these areas.
23. The applicants shall strictly respect the limits of disturbance outlined in the RIDEM Insignificant Alteration Permit # 07-0387."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

2. Development Plan Review Public Hearing (Continued), Willow Dell Beach Club, a Proposed Relocation of Existing Cabana Building, Deck and Canopy, New Gravel Parking Field, Landscape Waivers Requested and Recommendation for a Special Use Permit, AP 92-1, Lot 36, Located at 156 Card's Pond Road, Willow Dell Beach Club, Owner/Applicant

Ms. Margaret Laurence, attorney, representing the applicant, Mr. Daniel Cotta, PLS, PE, Mr. John Carter, landscape architect, Mr. James Reilly, attorney for Ms. Marion Marceau, abutting property owner and Ms. Joyce Flanagan, representing Willow Dell Beach Club, were present.

Ms. Laurence stated that as per the suggestion by the Planning Board the applicant met with the neighbors to try to reach a compromise on the proposed plans. She noted that any new plan changes must go before the Willow Dell Board of Directors. The goals of the beach club are to move the building and parking as far back as possible and only do it once, to provide for pedestrian and vehicle safety and to have direct access for emergency vehicles to the beach area in case of a rescue. Ms. Laurence outlined the types of recreation that the private beach club would provide while being environmentally sensitive and preserving as much of the current vegetation as possible. Ms. Laurence stated that the applicant has provided a landscape plan incorporating previous suggestions. She noted that according to CRMC and DEM the septic system can remain in its present location; however, with erosion problems it will have to be relocated. The plan is to move the septic system to the east side of the building when it does have to be moved. Ms. Laurence stated that the beach club looked at its needs and goals and attempted to compromise with its neighbor. However, the parties involved were not able to reach an agreement. She noted that Ms. Marceau presently has a casual right to pass over the path in front of her house, but it is not for her tenants or guests. Ms. Laurence noted that the alternative plan presented by Ms. Marceau is to locate the building where the alternative septic system would have to be placed. It placed the parking close to the building

which would block the right-of-way for emergency vehicles. She noted that the composition of the parking lot will be at the discretion of CRMC and would consist, in part, of a natural surface. Ms. Laurence stated that there are two alternatives; the first option is to allow the casual path to exist and have parking on either side of the path with a monitored gate with parking to the west utilized only when necessary. The second option is to allow Ms. Marceau the right to use the casual path but move it to the west eliminating any cross traffic, which Ms. Laurence thinks is an ideal situation. Ms. Marceau's attorney asked if the beach club would give Ms. Marceau a deeded right-of-way, which enhances the value of her property. This is a viable alternative and the beach club would be willing to do. Ms. Laurence suggested a stop sign and speed bump at the corner in an attempt to control the speeding issue. In an attempt to curb the dust blowing onto Ms. Marceau's property the applicant plans to maintain the vegetation on the west side of the driveway and provide a walking path and overflow parking on the east side of the property.

Mr. Cotta provided an overview of the proposed landscaping plan under the two options that were proposed by Ms. Laurence. He outlined the types of the plantings that would be implemented.

Mr. Kenerson stated that on his site visit he was impressed with the substantial vegetation on the site. He noted that he focused on the proposed Plan A and made suggestions with regard to the number of parking spaces and the proposed overflow parking, as well as their locations.

Ms. Mack stated that on her site visit she was impressed by the beauty and size of the property. Ms. Mack noted that a hybridization of the two plans would result in the desired effect in as sensitive a manner as possible. She noted that the vegetation on either side of the access is thriving and must be trimmed in a careful manner and any intrusion into that vegetative area should be minimized. Ms. Mack stated that she feels that there should be only one parking lot that preserves a minimum of 30' between the access point and parking area. She noted that it would be best to combine and modify the two plans prepared by Mr. Carter. Ms. Mack stated that after seeing how healthy and vigorous the vegetation is, she agreed with Mr. Carter that any insertion of parking should be minimal without attempting to add vegetation between the lots. She noted that there is a medium Pitch Pine on the corner of the beach club building which should be preserved regardless of how the parking configuration is finalized. Ms. Mack noted that in the northeast corner there are two dumpsters that need to be part of the plan and should be screened wherever they are placed on the site. She also noted that there is a trailer that is parked parallel to the northern most portion of the beach club and the aesthetics of the site need to be taken into consideration. She noted that the southern area where the vegetation ends should be better maintained and made more attractive by appropriate plantings. Ms. Mack also made suggestions with regard to the number of parking spaces and the locations of where parking could be implemented.

Ms. Laurence feels that the Planning Board and the club have reached somewhat of an impasse. She feels that the Board is trying to move closer to the coastal feature with parking closer to the ocean and the club does not want to do that and lose the parking spaces. Ms. Laurence stated that the club wants everything to be moved as far back from the ocean as possible and still be aesthetically pleasing.

Discussion ensued with regard to the parking spaces, pathway, ISDS, and comparison of the two plans.

Mr. Reilly addressed the issue of the casual path that was granted for the Marceaus' use. He outlined the plans that Ms. Marceau had Mr. Carter prepare with regard to moving the beach club back as far as possible, minimizing the intrusion to the coastal vegetation and protecting the view-way of Ms. Marceau. Mr. Reilly asked Mr. Carter to provide an overview of the two plans.

Discussion ensued with regard to the two plans and the desires of all concerned.

Mr. Clendenen stated that in option two, by removing four parking spots and moving the building over to the 40' setback, the number of parking spaces available would be 51. Then by adding more parking spaces on the road the applicant would increase the number of parking spaces to 63 and eliminate going past the pathway. Mr. Clendenen noted that he feels that this would be a good compromise. Mr. Morrison was in agreement with Mr. Clendenen's statements.

Mr. Riendeau asked how many designated parking spaces the applicant is entitled to under the Special Use Permit criteria and how many spaces are needed at peak operating times.

Ms. Joyce Flanagan stated that on the original plan that was submitted and approved by the Town in 1985 there were 85 parking spaces. She noted that when trying to configure the new parking spaces the most she could come up with was room for 59 cars.

Discussion ensued with regard to the number of parking spaces that are used daily during the summer months and where additional parking could be placed.

Mr. Riendeau asked Mr. Reilly if Ms. Marceau was in agreement with the proposed plan to move the pathway to the west side of the property. Mr. Reilly stated that Ms. Marceau was opposed to moving the pathway to the west because of the clear view she now has and the proposed parking plan that would impact the existing vegetation.

Ms. Mack stated that the majority of the Planning Board has two concerns - the view-shed and a plan appropriate to the site. She recommended that the two parties get together with the two plans and work it out. Mr. Reilly asked for direction from the Board with regard to placement of the parking, preservation of the existing vegetation and provision of a pathway for Ms. Marceau.

A recess was called at 9:00 p.m.

The meeting resumed at 9:05 p.m.

Ms. Mack recommended that the applicant and the abutter get together to work on a plan that is related to the beach club Plan A incorporating some of the elements as discussed from Mr. Carter's Option Two.

Speaking at the Public Hearing were Mr. Francis J. Fitzpatrick, and Ms. Anne O'Neill. They expressed their concerns with maintaining the use of their property and children's safety while walking through the parking lot. Mr. Gary Stoner stated that the beach club is an environmentally sensitive organization. Members clean the beach everyday, do not use chemicals on the lawn and they have planted most of the trees on the property. He noted that the trailer on the property contained propane tanks for the grills which was the result of a recommendation that the club keeps no flammable material in the clubhouse itself.

Mr. Kenerson moved, Ms. Castrovillari seconded; motion carried: "The South Kingstown Planning Board hereby continues the Development Plan Review Public Hearing for Willow Dell Beach Club, a proposed relocation of existing cabana building, deck and canopy, new gravel parking field, landscape waivers requested and recommendation for a Special Use Permit to its June 8, 2010 regular meeting."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

3. Public Hearing on an Application to Amend the Comprehensive Plan and Zoning Map - Proposed Amendment to the Comprehensive Plan Land Use Plan Map 2.5 (Kingston Detail) from Government / Institutional to Residential - High Density and Accompanying Application to Amend the Town's Zoning Map from GI to R-10, Medium High Density Residential, AP 23-3, Lot 120, Located on Briar Lane, Christopher D. Cummiskey, Owner, Town of South Kingstown, Applicant. The purpose of the proposed amendments is to correct a scrivener's error.

Mr. Christopher D. Cummiskey, owner of the property, was present.

Mr. Vinhateiro stated that the Town was the applicant and as the Principal Planner he was representing the Town. He noted that the application was straightforward to correct a scrivener's error on both the Comprehensive Plan and the Town's Zoning Map. He provided an overview of the proposed property and its prior designation.

Ms. Mack stated that she was asked for clarification on the time frame for Comprehensive Plan changes, which are usually twice a year. However, because this is being brought forward by the Town it falls within the Town's jurisdiction when the changes may be proposed. Mr. Vinhateiro noted that the Town can bring an application forward at any time.

Ms. Mack asked how the property was being taxed. Mr. Vinhateiro stated that the property was not valued as a buildable lot. Mr. Cummiskey stated that the property is currently taxed as residential undeveloped property.

No one present in the audience spoke.

Mr. DelGiudice moved, Mr. Riendeau seconded; motion carried. Motion # 1: "The South Kingstown Planning Board hereby closes the Public Hearing on the application to amend the Comprehensive Plan Land Use Plan Map 2.5 (Kingston Detail) from Government / Institutional to Residential – High Density and accompanying application to amend the Town's Zoning Map from GI to R-10, Medium High Density Residential, AP 23-3, Lot 120, located on Briar Lane, Christopher D. Cummiskey, owner; Town of South Kingstown, applicant. The purpose of the proposed amendments is to correct a scrivener's error."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Mr. Clendenen moved, Ms. Castrovillari seconded; motion carried. Motion # 2: "In accordance with the 'Procedure for Amendments to the Comprehensive Plan' adopted by the South Kingstown Town Council on January 9, 1996, the South Kingstown Planning Board hereby approves the application of the Town of South Kingstown to amend the Comprehensive Community Plan, Element II - Land Use, Land Use Plan Map 2.5 (Kingston Detail) designation of property identified as Assessor's Plat 23-3, Lot 120 from 'Government and Institutional' to 'Medium High Density Residential.'

The purpose of this amendment is to correct a scrivener's error in the Town's Comprehensive Plan future Land Use Plan Map 2.5 and to permit an application to amend the Town's Zoning Map for the subject property from the current GI to R-10 to be heard by the Town Council. The Planning Board's decision to approve the proposed amendment is based on the following Findings of Fact:

Findings of Fact

1. The subject property has been privately owned since at least 1961.

2. The purpose of this amendment is to correct a scrivener's error in the Town's Comprehensive Plan future Land Use Plan Map 2.5 and the resultant error on the Town's Zoning Map.
3. The Planning Board finds that the proposed amendment to the Town's Comprehensive Community Plan is consistent with the following goals of the Rhode Island Comprehensive Planning and Land Use Act (RIGL 45-22.2-3.C):
 - (1) To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use, and the availability of existing and proposed public and/or private services and facilities.
 - (4) To promote the protection of the natural, historic and cultural resources of each municipality and the state.
 - (6) To provide for the use of performance-based standards for development and to encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources, and achieving a balanced pattern of land uses."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Mr. Clendenen moved, Mr. Morrison seconded; motion carried. **Motion # 3:** "The South Kingstown Planning Board hereby recommends that the Town Council approves an amendment to the Town of South Kingstown Zoning Map to reclassify Assessor's Plat 23-3, Lot 120 from GI (Government and Institutional) to R-10 (Medium High Density Residential). This recommendation is based on the following Findings of Fact and Findings of Consistency with the Purposes of Zoning:

Findings of Fact

1. The subject property has been privately owned since at least 1961.
2. The purpose of this amendment is to correct a scrivener's error on the Town's Zoning Map.
3. Prior to the 1999 Phase II Zoning the property was incorrectly zoned P-Public.

Findings of Consistency with the Purposes of Zoning

This recommendation is based upon the following Findings of Consistency with the general purposes of zoning ordinances as identified in the Rhode Island Zoning Enabling Act (RIGL 45-24-30).

- (1) Promoting the public health, safety and welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development which recognizes:
 - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.
 - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution.
- (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.

- (12) Promoting implementation of the Comprehensive Plan of the city or town adopted pursuant to chapter 22.2 of the Rhode Island Comprehensive Planning and Land Use Act.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

4. Public Hearing on an Application To Amend the Comprehensive Plan and Zoning Map - Proposed Amendment to the Comprehensive Plan Land Use Plan Map 2.3 from Residential - Very Low Density to Residential Medium Density and Accompanying Application to Amend the Town’s Zoning Map from Open Space to R-40, Medium Density Residential, AP 7-4, Lot 3, Located at 10 Old Usquepaugh Road, Patricia C. Salisbury, Owner, Town of South Kingstown, Applicant. The purpose of the proposed amendments is to correct a scrivener’s error.

Mr. Vinhateiro provided an overview of the application by the Town to correct a scrivener’s error on one of the Comprehensive Plan’s Future Land Use Maps and the Town’s Zoning Map. He stated that the property which is the subject of this application is zoned OS (Open space) and has a Comprehensive Plan future land use designation of Residential-Very Low Density. These designations were mistakenly assigned to the property as part of the 1999 Phase II zoning update. The property is the site of an existing single-family home constructed circa 1925 and prior to 1999 was zoned R20 –Medium High Density Residential, as were the other residential properties in the immediate neighborhood. As part of Phase II zoning revisions, residential properties in this area of Usquepaugh were changed to R40-Medium Density Residential. This issue was brought to the attention of the Planning Department by the Building Official after the current property owner applied for a build permit for an addition to the existing residential structure. The intent of these amendments is to correct these errors by amending the Comprehensive Plan and Zoning Map to reflect the pre-existing and current residential use of the property.

No one in the audience spoke.

Mr. Morrison moved, Mr. Clendenen seconded; motion carried. “Motion # 1: “The South Kingstown Planning Board hereby closes the Public Hearing on the application to amend the Comprehensive Plan Land Use Plan Map 2.3 from Residential – Very Low Density to Residential Medium Density and accompanying application to amend the Town’s Zoning Map from Open Space to R-40, Medium Density Residential, AP 7-4, Lot 3, located at 10 Old Usquepaugh Road, Patricia C. Salisbury, owner, Town of South Kingstown, applicant. The purpose of the proposed amendments is to correct a scrivener’s error.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Mr. Riendeau moved, Ms. Castrovillari seconded; motion carried. Motion # 2: “In accordance with the ‘Procedure for Amendments to the Comprehensive Plan’ adopted by the South Kingstown Town Council on January 9, 1996, the South Kingstown Planning Board hereby approves the application of the Town of South Kingstown to amend the Comprehensive Community Plan, Element II - Land Use, Land Use Plan Map 2.3 designation of property identified as Assessor’s Plat 7-4, Lot 3 from ‘Residential - Very Low Density’ to ‘Residential Medium Density.’

The purpose of this amendment is to correct a scrivener’s error on the Town’s Comprehensive Plan future Land Use Plan Map 2.3 and to permit an application to amend the Town’s Zoning Map for the subject property from the current OS to R-40 to be heard by the Town Council. The Planning Board’s decision to approve the proposed amendment is based on the following Findings of Fact:

Findings of Fact

1. The subject property is privately owned and maintained as a single-family home.
2. According to the Town's Tax Assessor's records, the subject property has been in continuous residential use since at least 1925.
3. The purpose of this amendment is to correct a scrivener's error in the Town's Comprehensive Plan future Land Use Plan Map 2.3 and the resultant error on the Town's Zoning Map.
4. Prior to the 1999 Phase II Zoning, the property was zoned R-20, the same as other residential properties in the area.
5. As part of the 1999 Phase II Zoning, other residential properties in this area of Town were zoned R-40.
6. The Planning Board finds that the proposed amendment to the Town's Comprehensive Community Plan is consistent with the following goals of the Rhode Island Comprehensive Planning and Land Use Act (RIGL 45-22.2-3.C):
 - (2) To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use, and the availability of existing and proposed public and/or private services and facilities.
 - (4) To promote the protection of the natural, historic and cultural resources of each municipality and the state.
 - (6) To provide for the use of performance-based standards for development and to encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources, and achieving a balanced pattern of land uses."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

Mr. Riendeau moved, Ms. Castrovillari seconded; motion carried. Motion # 3: "The South Kingstown Planning Board hereby recommends that the Town Council approves an amendment to the Town of South Kingstown Zoning Map to reclassify Assessor's Plat 7-4, Lot 3 from OS (Open Space) to R-40 (Medium Density Residential). This recommendation is based on the following Findings of Fact and Findings of Consistency with the Purposes of Zoning:

Findings of Fact

1. The subject property is privately owned and maintained as a single-family home.
2. According to the Town's Tax Assessor's records, the subject property has been in continuous residential use since at least 1925.
3. The purpose of this amendment is to correct a scrivener's error on the Town's Zoning Map.
4. Prior to the 1999 Phase II Zoning, the property was zoned R-20, the same as other residential properties in the area.
5. As part of the 1999 Phase II Zoning, other residential properties in this area of town were zoned R-40.

Findings of Consistency with the Purposes of Zoning

This recommendation is based upon the following Findings of Consistency with the General Purposes of Zoning Ordinances as identified in the Rhode Island Zoning Enabling Act (RIGL 45-24-30).

1. Promoting the public health, safety and welfare.
 2. Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
 3. Providing for orderly growth and development which recognizes:
 - iii. The goals and patterns of land use contained in the Comprehensive Plan of the city or town adopted pursuant to chapter 22.2 of this title.
 - iv. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution.
 5. Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
- (12) Promoting implementation of the Comprehensive Plan of the city or town adopted pursuant to chapter 22.2 of the Rhode Island Comprehensive Planning and Land Use Act.”

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

F. SPECIAL ITEM

1. Order of Notice Scheduling a Public Hearing on a Proposed Amendment to Preliminary and Final Approvals, Kingston Preserve, a Proposed Amendment to Preliminary and Final Approvals to Allow this 16-unit Condominium Project to be Converted to a 16-lot , Single-family Home Subdivision, AP 16-1, Lot 1, Located at Old North Road and Stony Fort Road, Stony Fort Partners, LLC, Owner/Applicant

Mr. John Kenyon, attorney for the applicant, and Mr. Kevin Morin, project engineer, were present.

Mr. Kenyon stated that they were here to discuss the applicant’s request to amend the Preliminary and Final approvals for the Kingston Preserve Flexible Design Residential Project. He noted that the project had received Preliminary Plan approval in July 2007 and Final approval in August 2009. Mr. Kenyon stated that the applicant has constructed four of the units, one of which has been sold. He has also constructed two of the foundations on additional units. He noted that the applicant has been marketing the units for over a year and has now run into problems. Mr. Kenyon stated that Fannie Mae has changed the regulations on financing condominium purchases. Fannie Mae now requires that 70% of the units be sold before it will insure the mortgage for a new condominium project. The applicant would like to change the approved 16-unit, two-bedroom condominium project to a 16-unit two-bedroom single-family residential project. Mr. Kenyon noted that the reason the development was set up as a condominium project was because DEM would not approve the community septic system for multiple lots. Mr. Kenyon stated that DEM regulations have changed and would now allow a community septic system serving the individual lots. He noted that the applicant will be adding lot lines and removing one of the foundations so that they will meet all the dimensional requirements.

Mr. Morin provided an overview of the proposed changes with regard to DEM requirements, conservation easements, the redefined open space lines, the traffic circle and set-back requirements.

Mr. Boardman stated that the 50’ right-of-way for the main loop road and 40’ right-of-way for the small loop road appear to be adequate and would be private roads.

Mr. Kenyon stated that the developer will have the Homeowners Association maintain the grounds so it will look uniform and have the appearance of a condominium project. Mr. Kenyon stated that although he is not opposed to a Public Hearing, he

sees this as a minor change and would prefer to move the application forward because the market is in prime selling season.

Ms. Letendre stated that this is a minor change and if the Planning Board wishes they could direct staff to approve it as a minor change. Mr. Vinhateiro stated that they discussed possible waivers that would require a Public Hearing but there are no waivers being requested.

Mr. Morrison moved, Mr. Riendeau seconded; motion carried: "The South Kingstown Planning Board hereby directs the Administrative Officer to approve a minor change to the Preliminary and Final approvals of Kingston Preserve, a 16-unit condominium project to allow it to be converted to a 16-lot single-family home subdivision."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

H. CORRESPONDENCE

No correspondence was noted.

I. COMMENTS – BOARD MEMBERS & PRINCIPAL PLANNER

Ms. Castrovillari stated that she would attend the 10:00 a.m. TRC meeting to be held on May 26, 2010.

J. ADJOURNMENT

Mr. Kenerson moved, Ms. Castrovillari seconded; motion carried: "To Adjourn."

VOTE: Mack – aye Clendenen – aye Riendeau – aye Morrison – aye DelGiudice – aye Kenerson – aye
Castrovillari – aye

The meeting adjourned at 9:53 p.m.