



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

HERITAGE ESTATES – PHASE II

Major Subdivision – Extension of Final Plan Approval

May 24, 2022

Project Type:	Major Subdivision		
Review Stage:	Extension of Final Plan Approval		
Address:	Monticelli Drive		
Plat:	8-4 & 13-1	Lots:	20 & 54
Parcel Size:	~ 17.9 acres	Zoning District:	R80
Applicant:	Grossi Estates, LLC	Owner:	Grossi Estates, LLC

Subdivision Description

This ten (10) lot subdivision was proposed and approved in two (2) phases. Phase 1 consisted of six (6) parcels (lots 3, 6, 7, 8, 9 and 10) and was completed within two (2) years of approval. Phase 2 has not yet been completed on record lots 20 (AP 8-4) and 54 (AP 31-1) which has been approved to be proposed to be subdivided into four (4) parcels (lots 1, 2, 4 and 5 shown on the phasing plan). The subdivision included the creation of Monticelli Drive which has been completed and accepted by the Town Council.

Final Plan approval was issued in May of 2009 and previous requests for extensions of said approval were granted in April 2018, May 2019, May 2020, and June 2021. Currently, the Final Plan approval is set to expire on June 30, 2022.

Decision Deadline

Pursuant to the Subdivision and Land Development Regulations, there is no specific deadline for a decision on these types of requests, however the current approval is scheduled to expire on June 30, 2021.

Regulatory Considerations

Reinstatement and extension of approvals are governed by Article VIII. Waivers and Modifications, Section C. of the South Kingstown Subdivision and Land Development Regulations. The Regulations allow reinstatement or extension of approvals under the following conditions:

1. The subdivision is consistent with the Comprehensive Community Plan;
2. The Regulations are substantially the same as they were at the time of original approval;
3. The zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
4. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval;
5. Any applicable State or federal regulations are substantially the same as they were at the time of original approval; and

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6. Any required fee, including Fair Share Development Fees, is the same as it was at the time of the original approval.

Please also note that [R.I. Gen. Law § 45-23-43\(e\) \(Subdivision of Land: General provisions – Major land development and major subdivision – Final Plan\)](#) reads as follows:

*(e) **Expiration of approval.** The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording as specified in § 45-23-64. Thereafter, the planning board may, for good cause shown, extend the period for recording for an additional period.*

Reason for Request

The applicant has noted in their submission that the previous extensions have been requested for the past four (4) years because the development is a family project and no one is yet ready to build. The applicant has indicated that their “...family situation with regards to construction has not changed...” and “...there is no immediate need for us to record phase II.”

Draft Motion for Consideration

“The South Kingstown Planning Board hereby grants an extension of the Final Plan approval for Phase II of the Heritage Estates major subdivision, located at AP 8-4, Lot 20 and AP 13-1, Lot 54 on Monticelli Drive, for one (1) year or until June 30, 2023. This reinstatement and extension is based on the following findings of fact:

1. The subdivision remains consistent with the Comprehensive Community Plan;
2. The Regulations are substantially the same as they were at the time of original approval;
3. The zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
4. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval;
5. Any applicable State or federal regulations are substantially the same as they were at the time of original approval; and
6. The required application fee is the same as it was at the time of original approval, and the required Fair Share Development Fees, are less than were required at the time of the original approval.”