



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Magnolia Lane

Major Land Development – Preliminary Plan

June 28, 2022

Project Type:	Major Land Development, Multi-Household Land Development Project		
Review Stage:	Preliminary 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

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 lots of record 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 21,906 square feet.

	Area (square feet)
Total Parcel Size	56,151
Approx. Wetland Size	21,906
Drainage Easement – Front (east)	994
Drainage Easement – Rear (southwest)	4,673
Total Approx. Land Suitable for Development	28,578

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. While this project represents a minor land development project, the applicant is requesting a waiver from the Subdivision and Land Development Regulations which requires it to be considered as a Major Land Development Project.

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. A vegetative screen is proposed along the eastern boundary of the Site and 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. The original RIDEM permit that was granted for this development expired on September 8, 2020 and subsequently been renewed by RIDEM with an expiration of September 8, 2022.

Article IV, Section H – Multi-Household Dwellings of the Subdivision and Land Development Regulations requires 10% of land suitable for development to be dedicated as open space. The applicant is proposing to provide 3,719 square feet of open space in the central portion of the property surrounding the proposed structures which totals 13% of the land suitable for development.

Regulatory Considerations

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 28,578 square feet of land suitable for development, the maximum density for the subject property is 4.72 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 Dwellings

Section H(6) requires screening of the development to provide a physical barrier and visual screen from adjacent properties. This also applies to off-street parking areas, as well as refuse and recycling provisions within the development.

Section H(7) 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 required to be maintained in this area along said public street.

Section H(9) requires the following:

Pedestrian Walkways - Pedestrian walkways shall be provided where necessary, to provide safe and convenient access to and from the development;

Parking Lots – Shall be setback from buildings, no parking area, driveway or utility area shall be located within 15' of any wall of a principal building (except garage) used for residential purposes along which is located an entrance or exit generally intended for use by residents thereof, or along which are located residential windows less than 10' above ground level.

Distance between buildings on same lot – The minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other shall be 50'. The minimum distance between two (2) abutting ends of buildings in the same general plane or row shall be 25' (if such walls contain no windows serving habitable rooms or shall otherwise be 50').

Rubbish Disposal – Each building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and all utility areas shall be properly screened and buffered from all buildings and property lines.

Floor Area of Accessory Uses – Permitted floor area for allowable accessory uses shall not exceed 2 ½ percent of the floor area for residential use. Accessory uses in multi-household structures shall not exceed 800 square feet in any district where permitted.

Open Space – Open space shall be provided for residents as appropriate to the type of occupant (i.e., elderly, adults, families with children, etc.). At least 10 percent of the developable land area shall be dedicated to open space use, devoted to either (a) private open space (such as private rear yards or semi-private front yards); (b) public open space

(such as pedestrian parks, plazas, Town green, village common, etc.); or (c) active recreation areas, such as playgrounds, play fields, tennis courts, etc.). For dwellings proposed for occupancy by elderly residents only, at least 100 square feet of outdoor area per dwelling unit shall be provided, which shall be suitably designed and landscaped to meet the specific needs of the elderly and/or handicapped residents of the development. The type, location and design of all open spaces areas shall be subject to the approval of the Planning Board.

Exterior lighting – All exterior lights shall be directed toward the interior of the development. Exterior lighting shall be shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises. No exterior lighting shall shine on or into residential structures and/or properties to an extent that would adversely affect the neighboring residents.

Waivers Requested

The Applicant is not currently requesting any additional waivers for this project. At Conceptual Master Plan, the Planning Board granted the waiver from Article IV. H (7) of the South Kingstown Subdivision and Land Development Regulations to allow for less than the required 100-ft. setback minimum along any public street.

Review to Date

This application was reviewed with the applicant at the Technical Review Committee meeting on June 8, 2022. Upon review and discussion with David Russo, engineer with DiPrete Engineering, and John D'Agostino, applicant, the TRC granted **conditional approval** of the application with the understanding that the applicant is encouraged to modify the proposed driveway to a minimum width acceptable to the Town.

Decision Deadline

This application was Certified Complete on June 21, 2022. The Planning Board has until **September 19, 2022** (90 days from date of completion) to render a decision. There are two (2) additional regular meetings of the Planning Board currently scheduled between now and the deadline.

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.

Draft Motion for Consideration

“The South Kingstown Planning Board hereby grants Preliminary Plan approval to the Magnolia Lane Multi-Household Land Development project, a two (2) duplex, four (4) unit multi-household development located on Magnolia Lane, J. Thomas Investments, *applicant/owner*. This approval is based upon plan entitled *Preliminary Plan Submission, Magnolia Lane Development, South Kingstown, Rhode Island, Assessor’s Plat 57-1, Lot 121*, Sheets 1 through 9, dated April 6, 2021 with revisions through May 16, 2022 completed by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920. This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. This multi-household land development project is consistent with the requirements of the Comprehensive Plan.
- B. This multi-household land development project conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
- D. This multi-household land development project, as proposed, will not result in the creation of individual lots or units with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- E. The development has adequate and permanent physical access to a public street, namely Magnolia Lane.
- F. With the required conditions of approval, this multi-household land development 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.

- G. The design and location of building lots, utilities, drainage improvements, and other improvements in this subdivision minimize flooding and soil erosion.

Conditions of Approval

1. The use of the property shall be limited to Use Code 11 (two-household detached structure) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.
2. This approval is limited to four (4) residential dwelling units in total.
3. Fair Share Development Fees for both open space and school facilities as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the four (4) dwelling units.
4. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services encompassing the overall limits of construction prior to commencing construction and/or grading activities.
5. All utilities (*i.e.*, electric, telephone and cable services) shall be installed underground.
6. The development's HOA shall incorporate maintenance and inspection provisions associated with the storm water management structures and/or infrastructure. The documents shall also clearly state the HOA's responsibilities to maintain all drainage infrastructure including any porous and/or pervious structures. The maintenance and inspection schedule shall be prepared by a Rhode Island registered engineer and incorporated into documents to be recorded on the Land Records of the Town of South Kingstown. Prior to recording the proposed schedule shall be reviewed and approved by the Administrative officer (Planning Director) in consultation with the Town's Legal Counsel, Town Engineer and Director of Public Service. The document shall include a detailed monitoring and reporting program which shall occur for a period of two (2) years post construction [issuance of final CO for unit(s)] including but not limited to evaluating the functionality of the storm water improvements. South Kingstown's Director of Public Services shall review post construction monitoring report findings and submit written comments to the Planning Board on any action needed.
7. The applicant shall be required to have the project's Landscape Architect present during installation of the plant material in order to perform periodic inspections. Once the installation of the plant material (including turf) has been completed, the design architect shall verify in writing that the material was installed as designed and approved by the Planning Board.
8. Prior to the issuance of any certificates of occupancy, the applicant shall submit an as-built for all improvements to the site. The as-built shall show building locations, sidewalks/walkways, parking areas, pavement edges/layout, drainage structures including inverts, and location of underground utilities.
9. As part of the Final submittal, the applicant 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 ownership, maintenance and replacement of commonly owned infrastructure components including driveways, underground utilities, above ground utility structures and open space as well as the specific deed restriction language required as conditions of this approval.
10. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**