



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

North Woods Subdivision - Flexible Design Residential Project

Major Subdivision – Preliminary Plan Review

December 13, 2022

Project Type:	Major Subdivision – Flexible Design Residential Project		
Review Stage:	Preliminary Plan		
Address:	Intersection of Curtis Corner Road and South Road		
Plat:	47-2	Lot:	120
Parcel Size:	26 acres	Zoning District:	R30
Applicant:	True North Land Company, LLC c/o Earl M. Greco 11 Knight Street, Unit E-19 Warwick, RI 02886	Owner:	Earl Greco; Michael O’Brien; David Merriam
Current Plan Set:	<i>Major Subdivision, Flexible Design Residential Project, Preliminary Application Plan for North Woods Subdivision, A.P. 47-2, Lot 120, South Road/Curtis Corner Road, South Kingstown, Rhode Island, 14 Sheets (Title Sheet, S1-S5, E1-E7, & L1), dated January 30, 2022 with revisions through July 28, 2022), completed by Groundbreaking Designs, LLC, 90 Highland Avenue, South Kingstown, RI 02879.</i>		

Property Characteristics

The subject property is an undeveloped parcel in an R30 zoning district that is approximately 21.4 acres (933,173 square feet) in total area with primary frontage along South Road to the east. The Site contains a sizable amount of wetland area (~3.18 acres) that has been delineated by Natural Resource Services, Inc. and verified by RIDEM on October 20, 2017 (RIDEM #17-0214). The site contains two (2) historic cemeteries: The Joseph P. Potter Plot (#57) and the Holly Oakley Plot (#29). The site also contains stone walls along its perimeter and are also interspersed internally throughout the Site. The property consists of substantially overgrown pastureland from historical farming use that is populated with Red Pine, mature Holly, mature Red, White and Black Oak trees, as well as uniform stands of Norway Spruce and Larch.

Total Parcel Area	~21.4 acres
Total Wetland Area	~3.18- acres
Total Land Suitable for Development	~18.2 acres

A minor subdivision of the property was completed in 2018 which created three (3) lots for development, one lot to contain an existing structure with a deed-restriction limiting the parcel from residential use, and a remainder parcel. Said remainder parcel is proposed for the current major subdivision.

Project Description

The applicant is proposing to subdivide the existing parcel into sixteen (16) lots for residential development as a Flexible Design Residential Project (FDRP) with access via a private roadway. Of

these parcels, fifteen (15) are proposed to be developed as single-family residences and one (1) proposed to be developed as a duplex. The applicant proposes to provide three (3) affordable units on two (2) of these parcels (one single-family dwelling on Lot 2 and the proposed duplex on Lot 16). The single-family affordable dwelling on Lot 2 will be accessed from the new private roadway and the affordable duplex on Lot 16 will have access from Curtis Corner Road. With approximately 18.4 acres of developable land, current conventional zoning requirements would allow for up to nineteen (19) lots as shown on the *Proposed Yield Plan* included in the Site Plan Set (Sheet 7 of 7).

This subdivision will be serviced by public water and individual onsite wastewater treatment systems (OWTS) and will be constructed in one (1) phase. The majority of these parcels will be accessed via a private road off of South Road with only Lot 16 being accessed along its frontage on Curtis Corner Road. Stormwater will be managed via several proposed best management practice (BMP) areas within the open space area and several private parcels.

Despite being located within the Future Sewer Service Area (FSSA), and after an extensive soil analysis, the Public Services Director has agreed to waive the requirement to connect to the municipal sewer system provided the applicant restricts the density of this development to fourteen (14) market rate plus any affordable units required. The Narragansett Housing Authority has been contracted to be the monitoring agent for the proposed affordable units.

Total Number of Lots	Dwelling Units	Average Proposed Parcel Size	R30 Allowed Density	Average Proposed Density*
16	17	25,957 SF	1.45 DU/Acre	1.78 DU/Acre

As an FDRP, this project will reserve 40% of the total existing parcel area (325,180 square feet) to dedicated open space as required in Article IV, Section A(11) of the Subdivision and Land Development regulations. The open space will consist of garden plots and perennial plantings in portions of the overgrown pastures and will also include designated walking trails, a picnic rest area and an observation location. The proposed 75' buffer surrounding this FDRP to the north and east, as well as the wetland area, will also be part of this designated open space area. Although the open space area includes the wetland complex (land unsuitable for development), the total net area of the open space that is suitable for development appears to satisfy the 40% requirement with the Subdivision and Land Development Regulations.

Decision Deadline

This application was certified complete on October 31, 2022. The Planning Board has until **January 29, 2023** (90 days from date of completion) to render a decision.

Regulatory Considerations

The Subdivision and Land Development Regulations allow for FDRP type projects in order to:

1. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;
2. To preserve historical and archeological resources;
3. To protect the natural environment, including South Kingstown's varied landscapes;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning consistent with the "South Kingstown Residential Design Manual," prepared by Dodson Associates, dated January 1999 and as subsequently amended and incorporated into the Comprehensive Community Plan;
6. To perpetuate the appearance of South Kingstown's traditional New England landscape;

7. To allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure costs and density bonuses;
8. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and.
9. To offer an alternative to conventional subdivision

Notable FDRP requirements associated with this subdivision include the following:

Open Space (Article IV.A.11)

- o The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- o Minimum amount of Open Space in the R-30 district is 40% of the land suitable for development.
- o None of the minimum required open space area shall be devoted to land unsuitable for development.

Buffer Areas (Article IV.A.13)

- o A permanent buffer along the perimeter of the FDRP shall be established providing for the preservation of existing trees or other vegetation or for the planting of new vegetation in order to provide a visual and audio screen between the FDRP and adjacent land uses. This buffer may be provided as a separate open space lot (or lots) or; as a permanent easement along the perimeter of the FDRP. When proposed as an easement the area shall not be counted toward the minimum required open space.
- o The width of the buffer shall be fifty (50) feet provided, the Planning Board may reduce the width of a minimum of ten (10) feet. In doing so the Board shall consider six (6) enumerated factors found on Pages 28 & 29 of the Regulations.
- o Lots on the outer perimeter of the proposed FDRP which are directly adjacent to a public street must be separated from said public street by a wooded buffer or screen of at least one hundred (100) feet in width along the entire street frontage, except for any necessary access streets.

Streets (Article IV.A.14)

- o Streets within an FDRP may be publicly or privately owned and maintained and shall conform to the standards of Article XIII, Section B. “Street Design Standards” of the Regulations. Streets shall be designed to conform to the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

Inclusionary Zoning

- o *Requirements from the Subdivision Regulations regarding design standards* - Article IV, Section I includes the following language relative to the design of affordable units in major subdivisions:
 - a) Inclusionary Dwelling Unit Design Considerations – required inclusionary dwelling units per Section 502.6 of the South Kingstown Zoning Ordinance shall be similar in exterior design and construction methodology and materials to other dwellings or units with the subdivision or land development project.
 - b) Lot Configurations – The Board may permit units to be sited on smaller lots than the base-zoning district or otherwise modify lot requirements for such inclusionary units.

Waivers Requested

Upon completion of the Conceptual Master Plan review, the Planning Board granted conditional approval and approved the following waivers in the September 2, 2020 Conceptual Master Plan decision:

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waivers:

Section	Waiver
<i>Article IV, Section A(5) Frontage Requirements</i>	<i>Waiver from the minimum 80' frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.</i>
<i>Article XIII, Section B Paved Area, Private Roadway</i>	<i>Waiver from the required 24' pavement width to a width of 20'.</i>

In addition, the Planning Board hereby grants conditional approval of the following waiver subject to review and approval of an adequate, complimentary landscape plan at Preliminary:

Section	Waiver
<i>Article IV, Section A(13) FDRP Buffer Requirements</i>	<i>Waiver of the required 100' buffer width for the lots on the outer perimeter of the FDRP which are directly adjacent to a public street (South Road) and authorizing a minimum buffer width of 75'.</i>

At this stage of review, there are no new waivers being requested. In accordance with the September 2, 2020 Conceptual Master Plan decision, the Planning Board reserved the right to revisit the waiver associated with the 100' buffer width of the outer perimeter of this FDRP following review and approval of an adequate, complementary landscape plan for the proposed 75' buffer at the current stage of review (Preliminary Plan).

Review to Date

Pre-Application Concept Review

April 23, 2019 - Planning Board Review of Pre-Application Concept Plan

Conceptual Master Plan Review

August 25, 2020 – Planning Board Review and conditional approval of the Conceptual Master Plan

Preliminary Plan Review

June 8, 2022 & July 13, 2022 – Technical Review Committee (TRC) review of the Preliminary Plan
October 25, 2022 & November 22, 2022 – Public Hearing and Planning Board review of the Preliminary Plan

Required Findings

Upon review of this Preliminary Plan submittal for a Major Land Development Project, the Planning Board must make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

- 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 subdivision, 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.

Additionally, the approving authority must 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.

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations, in regard to the granting of waivers, the Planning Board has the authority to waive and/or modify one or more of the requirements for subdivision or land development approval provided that the Planning Board finds that:

- a. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and
- b. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Draft Motion

The following motion with associated findings and conditions of approval is being offered for consideration by the Planning Board during and should be amended accordingly if deemed appropriate or otherwise necessary.

“The South Kingstown Planning Board hereby grants Preliminary Plan approval to the North Woods Major Subdivision, a sixteen (16) lot major subdivision and flexible residential design project, containing fifteen (15) parcels for single-family development and one (1) parcel proposed for the development of a duplex for a total of seventeen (17) dwelling units, located near the intersection of Curtis Corner Road and South Road, True North Land Company, LLC, applicant, Earl Greco & Michael O’Brien, owner. Fourteen (14) of these units will be market-rate housing units and three (3) units will be deed restricted for low- and moderate-income occupancy/ownership.

This approval is based upon the following sheets included in the plan set entitled “Major Subdivision Flexible Design Residential Project Preliminary Application Plan for North Woods Subdivision, A.P. 47-2, Lot 120, South Road/Curtis Corner Road, South Kingstown, Rhode Island, owner/applicant: True North Land Company, LLC, dated January 30, 2022 with revisions through July 28, 2022:

Name	Completed By	Date	Last Revised
Title Page/Cover Sheet	Groundbreaking Designs, LLC	January 30, 2022	July 28, 2022
S1 – Existing Conditions Plan	Fontaine Land Surveying, LLC	February 28, 2020	July 27, 2022
S2 – Existing Conditions Plan w/ Admin. Subdivision		July 27, 2022	--
S3 – Proposed Lot Geometry Plan		January 30, 2022	July 26, 2022
S4 – Proposed Open Space Plan		August 11, 2020	July 27, 2022
S5 – Specimen Tree Location Plan		June 24, 2022	--
E1 of E7 – Proposed Site Layout Plan	Groundbreaking Designs, LLC	January 30, 2022	July 28, 2022
E2 of E7 – Proposed Grading & Utilities Plan		January 30, 2022	July 28, 2022
E3 of E7 – Roadway Profile Plan		January 30, 2022	July 28, 2022
E4 of E7 – Soil Erosion & Sediment Control Plan		January 30, 2022	July 28, 2022
E5 of E7 – Detail Sheet – 1		January 30, 2022	July 28, 2022
E6 of E7 – Detail Sheet – 2		January 30, 2022	July 28, 2022
E7 of E7 – Detail Sheet - 3		January 30, 2022	July 28, 2022
Sheet L1 of L1 – Proposed Landscape Plan	Kurt Van Dexter, RLA	December 20, 2021	July 28, 2022

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

Findings of Fact

- A. This subdivision/flexible design residential project is consistent with the requirements of the Comprehensive Plan.
- B. This subdivision/flexible design residential project design conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. 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.
- D. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
- E. This subdivision/flexible design residential project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- F. All proposed lots have adequate and permanent physical access to a public street, namely South Road and Curtis Corner Road.
- G. With the required conditions of approval, this subdivision/flexible design residential project 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.
- H. The design and location of building lots, utilities, drainage improvements, and other improvements in this subdivision/flexible design residential project minimize flooding and soil erosion.
- I. The flexible design plan presented for consideration better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and Design Manual than would a conventional development after considering all of the criteria set forth at Article III, Section A of the Regulations.

Findings of Fact, Inclusionary Zoning & Affordable Units

- J. The applicant has proposed that three (3) of the sixteen (16) lots (Lots 2 and 16, respectively) will be deed restricted affordable to 'low- and/or moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
- K. The Planning Board finds that the proposed affordable units (on Lots 2 and 16) are integrated within the development, that the design of the lots is consistent with the design of the market rate lots within the development, and that the proposed affordable units have been determined to be compatible in scale and architectural style to the market rate units. 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.
- L. The applicant has contracted with the Narragansett Affordable Housing Corporation, a State of RI approved monitoring agency, to monitor and oversee the placement and monitoring of qualified individuals with respect to the deed-restricted affordable dwelling units.
- M. These affordable units (on Lots 2 and 16) shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.

- N. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units (on Lots 2 and 16) shall be exempt from the Town’s Pacing and Phasing requirements.
- O. The affordable units (on Lots 2 and 16) 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.

Conditions of Approval

1. The lots being created via this subdivision shall be limited in use to Use Code 10 (single-household detached structure) and 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 sixteen (16) building lots in total. One (1) duplex shall be constructed on Lot 16, and single-family dwellings will be constructed on Lots 1 through 15. All construction shall be completed in a single-phase.
3. This approval is further limited to fourteen (14) market rate units and three (3) affordable units for a total of seventeen (17) units within sixteen (16) structures. The affordable units have been identified as being located on Lot 2 (single-family dwelling) and Lot 16 (both units within the proposed duplex dwelling).
4. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the fourteen (14) market rate units.
5. The subdivision shall satisfy its affordable housing component requirement with the dedication of Lots 2 and 16 as units available for ownership/occupancy by ‘low/moderate-income households’ as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. The LMI dwelling units shall be sold to a person or family with an income at or below 80% of the Area Median Income (AMI). The sale or transfer of Lots 2 and 16 shall remain affordable to low- or- moderate income 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. Proposed LMI Housing units shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units. The construction sequence for market rate units shall not exceed the completion (by the issuance of Certificates of Occupancy) of three (3) market-rate units for every one (1) low- to moderate-income housing unit.
8. Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.
9. The applicant shall secure a Physical Alteration Permit, and if necessary, a Tree Permit from the Department of Public Services prior to the commencement of work within the public right-of-way of South Road.
10. 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.
11. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town’s Department of Public Services for each individual home site prior to applying for individual building permits.
12. The final plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and

- Sedimentation Control Handbook. Particular attention should be directed to the limits of disturbance in the vicinity of basin located west of the proposed cul-de-sac to protect the existing vegetated habitat.
13. All electric, telephone and cable services shall be installed underground from existing poles.
 14. All proposed landscape material shall be warranted for a period of two (2) years.
 15. The applicant shall submit language associated with the long-term management of the developments open space. The language shall clearly spell out the HOA's management strategies associated with the care of the open space and the vegetation contained within the open space.
 16. The applicant shall post a landscape buffer/screening surety for lots 1, 2, 3, 10, 11, and 12 at the time of building permit application. During the building permit application process, the property owner shall submit a landscape buffer/screening plan and post a \$2,000 landscape/buffer surety to ensure the proper installation of additional buffer/screening vegetation along the southerly property lines for lots 1, 2 and three and the northern property lines for lots 10, 11, and 12. The landscape plan shall be reviewed and approved by the Planning Board's Administrative Officer prior to the issuance of the building permit.
 17. A certificate of occupancy shall not be issued until the proposed landscape buffer/screening has been installed and approved/inspected by the AO to determine compliance with the plan. The intent of the individual plans for landscape buffer/screening is to supplement the applicant's existing landscape material that has been proposed to be installed in the area depicted as open space and is intended to be selected and installed based on actual construction of the proposed residential unit.
 18. The applicant shall add a not to the plans (site plan and landscape plan) stating that any tree proposed to be saved/retained during construction shall be identified/marked in the field prior to any grading, excavation and/or tree clearing/removal. In addition, tree protection measures shall be installed prior to any grading, excavation and/or tree clearing/removal for those trees identified on the plans and identified/marked in the field. For any tree that has been identified and is not able to be keep as a specimen tree, the developer/landowner shall replace the tree at a three (3) to one ratio. The three new trees to be planted as replacement trees shall be a minimum of 2.5 inches DBH (Diameter Breast Height). The type/species of tree and proposed location shall be reviewed and approved by the AO in consultation with the Director of Public Service.
 19. 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. Specifications for these markers and their proposed locations shall be depicted on the final plans for the development. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.
 20. Any existing stone walls that are disturbed shall be reconstructed or the stones shall be used to construct or repair other stone walls within the project limits. Stones from existing stone walls shall not be removed from the development parcel.
 21. The applicant shall post financial security in the amount of [REDACTED] for all public improvements, landscaping and drainage features as prescribed by Town Regulations. The type of financial security shall be reviewed and approved by special legal counsel in consultation with the Director of Finance.

22. Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay a project inspection fee as determined by the Planning Board.
23. The developer shall record a new deed for each lot at the time of the recording of the subdivision.
24. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and 'Deed Restrictions' for the LMI units that will ensure that all state affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Planning Board.
25. 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 the use, restrictions on use, 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.