



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**DECKER SUBDIVISION**

**Major Subdivision - Pre-Application Concept Review**

January 24, 2023

Project Type:	<b>Major Subdivision 2-Lot Subdivision</b>		
Review Stage:	<b>Pre-Application Concept Review</b>		
Address:	<b>306 Gooseberry Road &amp; 16 Hull Street</b>		
Plat:	<b>88-1</b>	Lot:	<b>89</b>
Parcel Size:	<b>0.81 acres</b>	Zoning District:	<b>R20</b>
Applicant:	<b>South County Survey Company c/o James Caldarone, PLS 382B Main Street Wakefield, RI 02879</b>	Owner:	<b>Jeffrey &amp; Janet Decker 16 Manor Road Rhinebeck, NY 12572</b>

**Property Characteristics**

The subject parcel, owned by Jeff & Janet Decker, is located on Gooseberry Road between Hull Street and Marine Road in the Snug Harbor neighborhood. The parcel is located in the R-20 Medium High Density Residential Zoning District and contains 35,191± square feet (0.81± Ac.) of land with 221.93 feet of frontage along Gooseberry Road, 224.05 feet of frontage along Hull Street and 127.86 feet of frontage along Marine Road.

The subject parcel is partially located in a coastal resiliency overlay district and is also located in a carrying capacity overlay district as well as the south shore salt ponds critical resource area. No areas of wetland were observed on the parcel. According to the USDA soil survey the parcel lies within the Merrimac-Urban Land Complex with 0 to 8 percent slopes. There is no active agricultural use on the property nor any prime agricultural soils or farmland soils of state importance. The subject parcel does not contain any historic cemeteries, unique historic features or unique natural features and is not located in a Natural Heritage Area, Special Area Management Plan (SAMP) area or drinking water supply watershed.

**Project Description**

There are currently three existing residential structures on the property; a main dwelling (306 Gooseberry) with a detached accessory structure (308 Gooseberry) built in 1950 and another one-bedroom cottage (16 Hull St.) built in 1952. The two dwellings on Gooseberry Road are connected to a cesspool while the dwelling on Hull Street is connected to a 1,000-gallon septic tank and leaching pit. All structures are served by public water and have existing asphalt driveways with off-street parking.

The proposed subdivision will result in two lots, a 21,628± square foot (0.50± Ac.) lot containing the main dwelling and accessory structure (306 & 308 Gooseberry Rd.) and a second 13,563± square foot (0.31± Ac.) lot with the remaining dwelling (16 Hull St.). No additional street access will be necessary, and no further development is being proposed on either lot. It is understood that variances will be required for both the lot area of proposed "Lot A" as well as the rear setback on that lot. The setback

requirement (35 feet) cannot be met due to the location of the existing dwellings and while we understand that the zoning ordinance requires a minimum lot size of 20,000 square feet, we feel that by separating the dwelling on Hull Street from the other two dwellings we are improving a nonconforming situation that pre-dates the zoning ordinance. In conclusion, we respectfully request that the Planning Board allow the Conceptual Master & Preliminary Plan stages to be combined.

The total area and frontage of the proposed lots to be created are as follows:

	Area (square feet)	Frontage (feet)
R20 Required	20,000	100
Lot 89	21,628	138.19
Proposed Lot 'A'	<b>13,563</b>	224.05

The new Proposed Lot 'A' will be substandard as it relates to the area requirement for the R20 Zoning District and therefore requires a variance from the Zoning Board (issued prior to the Preliminary Plan submission for this subdivision). As such this otherwise minor subdivision is considered major due to the requirement of waivers/variances that are needed.

Although this subdivision will create a substandard lot, it reduces and/or eliminates the existing nonconformity of having multiple primary residences on a single parcel and would appear to staff to be a reasonable request.

### **Decision Deadline**

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Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, no decision is required for a Pre-Application Concept Review.

### **Regulatory Considerations**

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#### ***Purpose of the Pre-Application Review***

Per the Regulations, Pre-Application meetings shall:

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

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

#### ***Subdivision & Land Development Regulations, Article VIII.B. - Waiver or Modification of Regulations***

1. The Planning Board shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these regulations if 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 regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design

as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

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### Required Findings

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As a reminder, State law requires **for all administrative, minor, and major subdivision and land development applications**, approving authorities 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 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.

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.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

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

#### **Request to Combine Conceptual Master Plan & Preliminary Plan Review**

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

**Motion:** “The South Kingstown Planning Board hereby grants the request of the applicant, South County Survey Company, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed major subdivision located at 306 Gooseberry Road & 16 Hull Street, Assessor’s Plat 88-1, Lot 89. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.”