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Town of South Kingstown, Rhode Island

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South Kingstown Town Clerk

PLANNING DEPARTMENT

February 11, 2005

Green Tree Realty, LLC
 c/o Alex Petrucci/Thomas DiPrete
 2 Stafford Court
 Cranston, Rhode Island 02920

Re: Amendment to the Master Plan Preliminary Plan Public Hearing, Brightview at South County Commons, Proposed Revision to Approved Master Plan, District 3, Assisted Living Facility, Proposed Combined 162 Unit Independent/Assisted/Alzheimer's Living Facility, AP 42, Lot 14, Located at the Village at South County Commons

Dear Gentlemen:

At the meeting of the South Kingstown Planning Board held on Tuesday, February 8, 2005 the Board voted as follows:

Motion 1: "The South Kingstown Planning Board hereby amends the Conceptual Master Plan Approval granted on August 11, 1998 for the Village at South County Commons to include the proposed Brightview Senior Living Facility as depicted on plans entitled: 'Amended Final Submission, The Village at South County Commons, Senior Housing, Located on Grande Ville Court, South Kingstown, Rhode Island, Assessor's Plat 42, Lot 14. Plans by DiPrete Engineering Associates, Inc., Two Stafford Court, Cranston, R.I. 02920, Sheets 1 through 7, Scales: as noted, Drawings revised through January 19, 2005.' This action is based upon the following Findings of Fact:

Findings of Fact

1. The Village at South County Commons received Conceptual Master Plan Approval from the Planning Board on August 11, 1998. The Planning Board finds that pursuant to R.I. General Laws Sections 45-24-44 and 45-23-40(G) and Article I.E.4.d. of the Subdivision and Land Development Regulations of the Town, the applicant has vested rights under Section 605 of the Zoning Ordinance, titled 'Route 1 Special Management District' which implements Land Use Element II, Section F.4.a. of the South Kingstown Comprehensive Community Plan. The applicant's vested rights include, but are not limited to, the conceptual layout, all conditions and uses shown on the approved Master Plan drawings and supporting materials, and the findings and conditions contained in the Master Plan decision dated August 11, 1998, and amended December 14, 1999 and the supporting materials for said decisions;
2. This amendment to the Conceptual Master Plan for the Village at South County Commons is consistent with the requirements of the Comprehensive Plan relative to the Route 1 Special Management District;

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3. This amendment to the Conceptual Master Plan for the Village at South County Commons is found to conform to the standards and provisions of the South Kingstown Zoning Ordinance relative to the Route 1 Special Management District;
4. This amendment to the Conceptual Master Plan for the Village at South County Commons does not create lots designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended;
5. There will be no significant negative environmental impacts from the proposed development as shown on the plans,
6. This amendment to the Conceptual Master Plan for the Village at South County Commons, 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;
7. This amendment to the Conceptual Master Plan for the Village at South County Commons provides adequate and permanent physical access to a public street, namely Tower Hill Road;
8. This amendment to the Conceptual Master Plan for the Village at South County Commons provides 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;
9. This amendment to the Conceptual Master Plan for the Village at South County Commons results in the design and location of building lots, utilities, drainage improvements, and other improvements in the Land Development Project that minimize flooding and soil erosion;
10. This amendment to the Conceptual Master Plan for the Village at South County Commons is required as a result of the 'Amended Final Submission' for the approved Assisted Living/Institutional use having one (1) additional unit than was previously approved at the preliminary stage;
11. This amendment to the Conceptual Master Plan for the Village at South County Commons results in: a.) the relocation of the proposed building that increases setbacks from land owned by the Rhode Island Audubon Society and from Tower Hill Road; b.) a decrease in the building footprint, building floor area, average unit area, parking and impervious site cover; c.) an increase from 161 to 162 total units; d.) an increase from 81 to 95 independent living units; e.) a decrease from 52 to 48 assisted living units; f.) a decrease from 28 to 19 Alzheimer's units; and g.) a reduction from 37 to 20 in the number of two bedroom units when compared to the approved Preliminary Plan; and
12. This amendment to the Conceptual Master Plan for the Village at South County Commons does not result in any substantial differences that affect the original Conceptual Master Plan or Preliminary Plan Approval."

Motion #2: "The South Kingstown Planning Board hereby grants Preliminary Plan Approval for the proposed Brightview Senior Living Facility as depicted on plans entitled: 'Amended Final Submission, The Village at South County Commons, Senior Housing, Located on Grande Ville Court, South Kingstown, Rhode Island, Assessor's Plat 42, Lot 14. Plans by DiPrete Engineering Associates, Inc., Two Stafford Court, Cranston, R.I. 02920, Sheets 1 through 7, Scales: as noted, Drawings revised through January 19, 2005.' This action is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. This land development project is consistent with the requirements of the Comprehensive Plan relative to the Route 1 Special Management District;
2. This land development project is found to conform to the standards and provisions of the South Kingstown Zoning Ordinance relative to the Route 1 Special Management District;

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3. This land development project is not designed or located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended, as public sewers, not Individual Sewage Disposal Systems will serve the proposed facility;
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. This land development 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;
6. This land development project has adequate and permanent physical access to a public street, namely Tower Hill Road;
7. With the required Conditions of Approval, this land development project provides 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. This land development project results in the design and location of building lots, utilities, drainage improvements, and other improvements that minimize flooding and soil erosion;
9. This amendment to the Conceptual Master Plan for the Village at South County Commons is required as a result of the 'Amended Final Submission' for the approved Assisted Living/Institutional use having one (1) additional unit than was previously approved at the preliminary stage;
10. This land development project results in: a.) the relocation of the proposed building that increases setbacks from land owned by the Rhode Island Audubon Society and from Tower Hill Road; b.) a decrease in the building footprint, building floor area, average unit area, parking and impervious site cover; c.) an increase from 161 to 162 total units; d.) an increase from 81 to 95 independent living units; e.) a decrease from 52 to 48 assisted living units; f.) a decrease from 28 to 19 Alzheimer's units; and g.) a reduction from 37 to 20 in the number of two bedroom units when compared to the approved Preliminary Plan;
11. This land development project does not result in any substantial differences that affect the original Conceptual Master Plan or Preliminary Plan Approval; and
12. This land development project is exempt from Fair Share Development fees for both school and open space pursuant to the prior Preliminary Plan Approval dated March 28, 2000 and Section 1101.D.3. of the Zoning Ordinance.

Conditions of Approval

1. Approval is limited to Use Code 24.4 Residential Care and Assisted Living Land Development Project;
2. Approval is limited to a total of 162 units comprised of the following: 19 Alzheimer's units, 48 Assisted Living units and 95 Independent Living units. Each of the 95 Independent Living units shall be restricted to occupancy by at least one person age 62 or older;
3. Project development shall be in substantial conformance with the approved Final Record Plans;
4. Limits of Disturbance shall be clearly called out on the Final Record Plans and shall be staked in the field prior to construction;
5. Adequate soil erosion and sediment control measures shall be installed prior to construction and shall be maintained until such time as the site is stabilized;
6. Any area within the parcel that will be utilized for stockpiling of loam or other materials shall be identified in the project construction documents with appropriate erosion controls indicated;
7. No stump or boulder dumps are permitted on the site;
8. The proposed utility corridor from Utility Pole # 111 adjacent to Tower Hill Road to a point in proximity to the northeast corner of the proposed easterly parking area shall be revised on the Final Record Plan in the shape of

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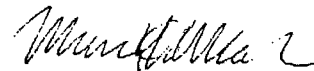
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an inverted 'V' (Λ) with the apex pointing in a northerly direction to preserve the viewshed from Tower Hill Road. The Final Record Plan shall also incorporate a re-vegetation plan for the utility corridor. Both the utility corridor layout and landscape/re-vegetation plan shall be subject to the approval of the Administrative Officer as part of the Final Approval;

9. Any disturbance to the stonewall adjacent to Tower Hill Road resulting from construction activities shall be immediately repaired;
10. As part of the final submittal, the applicant shall submit a comprehensive signage plan for the site, which shall be subject to the approval of the Town's Building and Zoning Official and the Administrative Officer. Said plan shall conform to the standards and provisions of the South Kingstown Zoning Ordinance relative to the Route 1 Special Management District and shall include all proposed wall-mounted and free standing identification or directional signs;
11. Disturbance within the 100-foot buffer along the easterly property boundary shall strictly adhere to the limits of work as identified on Sheet 5 of the project plans; and
12. The applicant shall consult with the Rhode Island Audubon Society on the necessity of installing the court ordered fencing. If the applicant and the Audubon Society agree that not installing the fencing would lessen impacts to the northerly buffer, the applicant shall seek to amend the existing Consent Decree."

Respectfully,



Maria H. Mack, Vice-Chair
Planning Board

MHM: mft

cc: DiPrete Engineering Associates, Inc.
John F. Kenyon, Esquire
Robin J. Tuts, AIA
Richard S. Rosen, AIA
✓ The Shelter Group
Building Official
Public Services Director
Finance Director
Town Clerk