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September 13, 2023

Via Electronic Mail and Hand Delivery

Town of South Kingstown
Planning Board
c/o Jason Parker, AICP
180 High Street
Wakefield, RI 02879
jparker@southkingstownri.gov

**RE: Response to TRC Report and Revisions to Plans and Documents for
Fieldstone Farms Subdivision**

Dear Hon. Planning Board Members and Mr. Parker:

As you are aware, I represent the applicant Old North Land Investments, LLC in the Preliminary Plan submission for the Comprehensive Permit application pending before the Board and scheduled to be heard on September 26, 2023. In this letter and attached to it you can find:

1. Responses to the TRC comments and suggestions;
2. Responses addressing master plan conditions;
3. Based on communications with the Planning office, attached is an updated waiver request letter. As you know, several waivers were already granted at master plan approval for this project;
4. An updated application form noting the selection of FDRP as set forth below;
5. Updated plan set as noted below;
6. Response to Town engineer comments;
6. Draft construction schedule;
7. Open space covenant draft; and
8. Affidavit of mailing.

In addition, we had a thorough meeting with the TRC on August 9, 2023, and want to respond to comments/concerns through this letter in advance of the Planning Board meeting.

TRC notes and responses:

1. Receipt of revised application indicating it is a Flexible Design Residential Project (FDRP).

Response: The application is for a comprehensive permit, so the zoning and project type beyond that do not matter, but since the project was initially submitted as this at master, the application has been revised to include this category per the request of the Town.

2. Receipt of applicant's responses to Town Engineer's review comments of November 2022.

Response: The town engineer's comments were addressed in the previous plan submittal; but we have provided written comments in conjunction with this letter.

3. Receipt of documentation from Kingston Water District and Kingston Fire District confirming conformance with water main extension and other components for adequate water pressure, fire suppression, and water cistern access.

4. **Response: We have met again with Kingston Water to work toward an acceptable design. Revised plans show the location of the 10,000-gallon cistern.**

4. Receipt of renewed/valid Wetlands Permit.

Response: Previously submitted after meeting.

5. Receipt of response regarding the compliance with Master Plan Approval conditions.

Response: See below.

6. Receipt of schedule of construction.

Response: See attached proposed schedule based on market conditions.

The following items were highlighted by the TRC and should be considered in preparation for the Public Hearing:

7. Plan revisions showing water main in roadway and not in the shoulder.

Response: See revised plans submitted in conjunction with this letter.

8. Restrictions addressing "no build, no grade change" for Qualifying Pervious Areas (QPA) for drainage mitigation.

Response: We are working with closing counsel on proposed ways to address this which we will provide to your Solicitor. We have edited the plans to show this notation and to provide the tables and details below related to this issue. See note 18 on Grading Plan -1 and see the Impervious Table on Detail Sheet – 1.

9. Restrictions addressing the Community Septic System in regard to limiting future demand.

Response: We are working with closing counsel on draft documents and language related to this and will send the proposed draft to your solicitor. A note has been added to the Overall Plan stating the number of bedrooms the approved community septic system is designed for. See note 15.

10. Installation of Open Space markers at every boundary intersection.

Response: Shown on revised Open Space Exhibit submitted with this Letter.

11. Plan revisions showing boundary monumentation along roadways.

Response: Shown on revised plans submitted with this Letter. See the Overall Plan.

12. Plan revisions to show affordable units with asterisks or color change.

Response: Shown on revised plans submitted with this Letter. See the Overall Plan and the Grading Plan sheets.

13. Plan revisions noting community leach field.

Response: Shown on revised plans submitted with this Letter. See the Overall Plan.

14. Plan revisions associated with data tables showing total maximum allowed impervious area for each lot, in accordance with the DEM Permit.

Response: Shown on revised plans submitted with this Letter. See Detail Sheet – 1.

15. Clearly depict information associated with finished basement and floor elevations as they relate to separation from groundwater and the concerns with pumping during elevated groundwater levels.

Response: Shown on revised plans submitted with this Letter. See Detail Sheet – 1.

16. Assess revisions for the location and accessibility of a Community Mailbox.

Response: Shown on revised plans submitted with this Letter for cul de sac lots. See the Overall Plan.

In addition, while DiPrete's response to comments in the file address the master plan approval conditions, we set the same forth below, so as to have one comprehensive document to address both the TRC comments and the conditions of approval from master plan for easy reference.

Master Plan conditions of approval

Master plan was approved in 2018. The Applicant appealed several conditions of that approval to the State Housing Appeals Board. One condition was with respect to the utilization of accessory dwelling units as the LMI units for the project. While state law now allows the use of such units to be counted toward LMI units, for purposes of this application, the LMI units are now proposed to 10 single family homes (25% of the 39 single-family lots proposed). The other condition involved the sidewalks (condition 28) which was vacated by SHAB as noted below.

General Conditions

5. As part of the Preliminary Plan submittal, the applicant shall propose mitigation strategies as necessary to address the interaction between the existing drainage pattern of Old North Road (overland sheet flow) and proposed driveways.

Response: All stormwater is treated through an approved BMP before being discharged. This site has been designed to use drywells, Qualifying Pervious Areas (QPA's), stone infiltration trenches, grass filter strips, bio-retention areas, sediment forebays, and a sand filter to treat stormwater before being discharged to the wetland area. Bio-retention areas are proposed for all the residential lots on Old North Road and drywells, QPA's and stone infiltration trenches are proposed when necessary. Each of these bio-retention areas will have grass filter strips providing pre-treatment to storm water prior to entering the bio-retention area. See bio retention and sand filter design sheets for water quality requirements. The stormwater design has been reviewed and approved by RIDEM Freshwater Wetlands program under Insignificant Alteration Permit # 22-0152 dated November 17, 2022. The applicant has also coordinated with the South Kingstown Department of Public Services (DPS) for the stormwater improvement project that is currently being designed by the Town for Old North Road.

6. As part of the Preliminary Plan submittal, the applicant shall depict the location of remnant stonewalls on the parcel with indication of which are to be removed, rebuilt, and/or relocated during site development.

Response: Grading Sheets 1-5 and the Landscape Plans by John C. Carter Company, Inc. identify the location of remnant stonewalls on the site with the indication of which are to be removed, rebuilt, and or/relocated during site development. Per South Kingstown requirement, all existing stonewalls will be relocated/rebuilt onsite.

7. The Soil Erosion and Sediment Control Plan submitted as part of the Preliminary Plan set shall include a notation that the limits of disturbance shall be demarcated with polypropylene rope.

Response: A note has been added to the General Notes Section of the SESC Plan indicating that the limits of disturbance shall be demarcated with polypropylene rope.

8. The Preliminary Plan set submitted by the applicant shall include a notation requiring all construction and site Improvements to adhere to the tree protection standards as contained in Article XIII, Section 14.cl. of the Subdivision and Land Development Regulations.

Response: This note can be found in note 11 of the General Notes Section on the Overall Plan sheet and within the Landscape Plans by John C. Carter Company.

9. As part of the Preliminary/ Plan submittal, the applicant shall provide a Project Review Fee in the Initial amount of \$9,550.00 to allow the Planning Board to obtain consulting services for peer review and comment on the detailed plans and to review the potential impacts of construction.

Response: The Project Review Fee was provided as Check #163.

Low- and Moderate-Income Housing Units

10. Based upon the Findings of Fact identified above and pursuant to the discretion allowed to the Board by the Zoning Ordinance, the Planning Board does not approve the provision of LMI Housing as accessory apartments. Therefore, the applicant shall submit a Preliminary Plan set which depicts a minimum of twenty-five percent of the Single-Household Detached structures as deed-restricted LMI Housing.

Response: 10 lots are proposed to be LMI units of the 39 lots, in compliance with this condition, and as approved by the Letter of Eligibility from RI Housing and noted in the Monitoring Agreement. Copies of both documents have been submitted.

11. Proposed LMI Housing units shall be integrated throughout the development; they shall be compatible in scale and architectural style to the market rate units within the project, and they shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units. As part of the Preliminary Plan set, the applicant shall indicate which specific lots shall contain the LMI Housing units and shall propose the schedule by which the LMI Housing units will be constructed.

Response: The applicant agrees to this condition and will comply with this standard during construction. The Low and Moderate Income (LMI) units have been identified on the Site Plans as Lots 6, 10, 14, 17, 19, 21, 23, 33, 36, & 39. The applicant

acknowledges that units shall be built at a ratio of 1 LMI unit for every 3 market rate units (25%). As such, the lots are integrated throughout the development.

12. The required LMI Housing units shall remain deed-restricted for occupancy by low and moderate income households for a minimum of thirty (30) years and shall meet the definition of affordable housing provided in the Zoning Ordinance.

Response: The proposed deed restriction drafted by the Monitoring Agent reflects this condition—a copy of which was previously submitted.

13. As part of the Preliminary Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and a 'Deed Restriction' that will ensure that 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.

Response: Previously submitted via the Monitoring Agent to the Planner.

14. The monitoring agreement between the developer and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.

Response: The monitoring agreement is a contract between the agent and the developer wherein the agent (and RI Housing through the deed restriction) has enforcement power to ensure compliance. The monitoring agent has advised that the town is generally notified when units are sold or rented in accordance with the deed restriction on the property.

Environmental Constraints

15. As part of the Preliminary Plan submittal, the applicant shall provide written confirmation that the design details or the proposed water main extension and supporting water system infrastructure have been reviewed by and are deemed acceptable to the Kingston Water District.

Response: The Applicant continues to work with Kingston Water on a final design and expects to have this by the end of preliminary plan review, with the approval to be issued as part of final plan in accordance with R.I. Gen. Laws § 45-53- et. seq.

16. The Preliminary Plan set submitted by the applicant shall depict the location and installation details for the proposed water main extension and the location or all necessary supporting infrastructure, including but not limited to, booster pump stations as may be required by the Kingston Water District. The location of the water line extension

within Old North Road shall be located near the centerline of the road. The applicant shall account for ledge deposits as may be present and shall provide detailed construction methods to describe installation methods to be utilized if ledge is encountered.

Response: See response #15. The water line was previously shown in the shoulder but the plans have been edited to place it 2' within the edge of pavement, consistent with its current location and typical practice at the request of Kingston Water and the TRC, including the DPW Director.

17. As part of the Preliminary Plan submittal, the applicant shall provide a soil bearing analysis relative to proposed building construction.

Response: A geotechnical evaluation has been performed by GZA. The letter reporting the findings was included in the submission. A final analysis will be performed when the home is designed for the purchaser. As such, it will be submitted in connection with the building permit application for each home.

18. As part of the Preliminary Plan submittal, the applicant shall provide detailed engineering plans relative to typical building construction, showing the finished floor elevation of the building slab and details of proposed footings, the specific mechanisms that will be used to stabilize the soil underneath and surrounding the buildings, and the specific stormwater control mechanisms that will be in place to direct runoff to the appropriate locations.

Response: See Response to #17. We submitted a preliminary load bearing analysis, which can be supplemented at the building permit stage. The applicant is unable to provide the level of detail requested in condition #18 until the building permit stage as the homes to be constructed are customized to the requests of the homeowners under contract. The building permit plans will have this detail and be consistent with the approved stormwater design from RIDEM.

19. As part of the Preliminary Plan submittal, the applicant shall provide detailed engineering plans relative to road and utility installation showing the specific mechanisms that will be used to ensure that the road and utility infrastructure will not be impaired given the location of the groundwater table.

Response: The road has been raised at the entrance to ensure separation is maintained between the groundwater table and the bottom of the roadway subbase material. Due to the elevation of the existing roadway and the slope requirements at the entrance, separation between the groundwater table and the bottom of the roadway subbase material has been maintained to the maximum extent practicable. Groundwater subsidence is expected to occur where underground utilities are installed. A note has been added to the Road A Construction Cross Section Detail regarding replacing any unsuitable subbase material.

20. As part of the Preliminary Plan submittal, the applicant shall submit an analysis prepared by a hydrologist that addresses the impacts of water withdrawal from the Chipuxet River -Pawcatuck River watershed and deposit of such water into the Saugatucket River watershed as related to water quality, the locally high-water table, the impacts to existing drainage patterns, and the impact of depositing wastewater from the community onsite wastewater treatment systems in proximity to the surface water drainage basins and wetlands.

Response: The requested Hydrological Watershed Assessment was provided with the submission materials. The Assessment was prepared by Tom Daley of RPS Group.

21. As part of the Preliminary Plan submittal, the applicant shall provide mitigating drainage practices to meet the applicable requirements or the Town of South Kingstown Stormwater Management Ordinances and the Rhode Island Department of Environmental Management (RIDEM) Stormwater Design and Installation Standards Manual. Due to the historically high groundwater elevation and poorly drained soils, when addressing the applicable standards outlined by RIDEM, the projected off-site impacts for post-development peak flow and volume shall not exceed the pre-development peak flow and volume shall not exceed the pre-development conditions for the 10-year and 100-year, 24-hour Type III storm events.

Response: DiPrete Engineering has updated the analysis and resubmitted to RIDEM. There is a decrease in flow for the 10- and 100-year storm events from pre to post development. Due to the high groundwater table onsite infiltration has been promoted to the maximum extent practicable. The site discharges to a large wetland complex (over 56 acres). During the 100-year storm, design point 1 has a decrease in flow of 6.68 cfs with an increase in volume of 2.124-acre feet. Over a 56-acre wetland, this volume increase is roughly an increase in elevation of 0.5". With the decrease in flow and insignificant elevation increase any downstream impacts are negligible. The stormwater calculations have been provided to the Town Engineer (Mark Conboy) and we will continue to coordinate throughout the Preliminary Plan review to satisfy any concerns. The stormwater design has been reviewed and approved by RIDEM Freshwater Wetlands Program as part of Insignificant Alteration Permit.

Safe Circulation

22. As part of the Preliminary Plan submittal, the applicant shall provide a revised traffic impact assessment. Said revised assessment shall include analysis of the intersections of Bills Road and Flagg Road with Old North Road, planned improvements and construction at URI, a more comprehensive speed study to supplement the previously completed spot study, and shall be conducted while the University of Rhode Island and other educational institutions are in regular session to accurately reflect existing conditions and impact on the level of service of all affected roadways and intersections.

Response: The updated Traffic Impact Assessment by Pare Corporation was provided as part of the submission.

23. As a required off-site improvement, the applicant shall be responsible for the installation of a stop-sign for the westbound approach of Stony Fort Road at the intersection of Old North Road. Such shall be depicted on the Preliminary Plan submitted by the applicant. If such is not depicted, the traffic Impact assessment described in Condition of Approval #22 above shall include a warrant analysis Indicating that installation of such a traffic control device is not warranted.

Response: The Traffic Impact Assessment by Pare Corporation includes a traffic analysis at the intersection of Old North Road and Stony Fort Road. The results have indicated that a multiway stop at this intersection is not warranted.

24. The Planning Board may require the development of an internal access road for lots proposed with direct access to Old North Road if the traffic impact assessment required at the Preliminary Plan review does not support direct access to the road.
25. As part of the Preliminary Plan submittal, the applicant shall depict a land dedication on the northwestern corner of the parcel to be dedicated to the Town of South Kingstown to improve sight triangles for the intersection of Old North Road and Stony Fort Road.

Response: The land dedicated to the northwestern corner of the parcel to be dedicated to the Town of South Kingstown to improve sight triangles for the intersection of Old North Road and Stony Fort Road can be found on the Site Stopping Distance Detail on the Overall Plan sheet.

26. As part of the Preliminary Plan submittal, the applicant shall depict intersection sight triangles for all driveways with direct access to Old North Road or Stony Fort Road. Notation shall be provided requiring said areas to be cleared to a maximum height of two (2) feet to allow for sufficient intersection sight distance in each location. All landscaping and/or signage proposed within said sight triangles shall be restricted to a maximum height of two (2) feet.

Response: The Traffic Impact Assessment by Pare Corporation includes Sight Triangle Figures in Appendix E for all lots with frontage on Old North Road and Stony Fort Road. A note is shown on the General Notes on the Overall Plan Sheet.

27. As part of the Preliminary Plan submittal, the applicant shall depict sidewalks along one side or the proposed new subdivision street, and along Stony Fort Road and Old North Road for the entirety of the property frontage. The Preliminary Plan set shall depict the proposed location and design details for such sidewalks.

Response: Sidewalks along the proposed subdivision road and along the frontages of Stony Fort Road and Old North Road can be found on Grading Sheets 1-6. A sidewalk detail has been added to Detail Sheet – 4. It is not feasible to provide sidewalks along the entire property frontage on Old North Road and Stony Fort Road. As presented to the Planning Board last year and included in the preliminary plans, the Applicant has provided a thoughtful alternative to providing sidewalks in order to preserve natural and historic features of the area but achieving the same goals.

28. As a required off-site improvement, the applicant shall be responsible for the design and installation of sidewalks extending south from the development parcel along Old North Road to the intersection of Flagg Road. The location and design details of said sidewalks shall be depicted on the Preliminary Plan submitted by the applicant.

Response: Condition #28 was vacated by the State Housing Appeals Board (SHAB) as part of the Master Plan appeal process.

29. The Preliminary Plan submittal, shall depict the location and design details of any drainage systems as may be necessary to mitigate impounded drainage associated with the installation of vertical facing curb associated with sidewalk installation.

Response: As the sidewalk is not directly adjacent to the road, no vertical facing curb is proposed with the sidewalk installation. The applicant has also coordinated with the South Kingstown Department of Public Services (DPS) for the stormwater improvement project that is currently being designed by the Town for Old North Road.

30. As a required off-site Improvement, the applicant shall be responsible for the installation of 'Share the Road' signage along Old North Road and Stony Fort Road. The Preliminary Plan submittal shall depict the location of 'Share the Road' signs to be installed along Old North Road and Stony Fort Road.

Response: Locations of 'Share the Road' signs can be found on the Grading sheets.

Very truly yours,

/s/ Joelle C. Rocha

Joelle C. Rocha

Attachments