



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Fieldstone Farm

Major Subdivision/Comprehensive Permit – Preliminary Plan Review

September 26, 2023

Project Type:	Major Subdivision/Comprehensive Permit		
Review Stage:	Preliminary Plan		
Address:	Old North Road		
Plat:	16-4	Lot:	9
Parcel Size:	118.6 acres	Zoning District:	R40
Applicant:	Old North Land Investments, LLC c/o Nic Reuter 75 Lambert Lind Highway Warwick, RI 02891	Owner:	Same

Property Characteristics

The subject property is an undeveloped parcel in an R40 zoning district that is approximately 118.65 acres in total area with frontage along Old North Road to the west and Stony Fort Road to the north. The Site contains a considerably sized wetland totaling approximately 56.77 acres that has been delineated and verified by RIDEM.

Total Parcel Area	~118.65 acres
Total Wetland Area	~56.77 acres
Total Land Suitable for Development	~61.83 acres

Project Description

The applicant is proposing to subdivide the existing parcel into thirty-nine (39) parcels for single-family development. The development is proposed with sixteen (16) lots which are utilizing existing street frontages on Old North and Stony Fort Roads. The remaining twenty-two (22) parcels will be situated with frontage along a new roadway (Paisley Way) that is being created as part of this subdivision. Stormwater will be managed through BMPs distributed throughout the site and existing swales adjacent to the Stony Fort right-of-way. The Site is proposed to be serviced by public water and Onsite Wastewater Treatment Systems (OWTS), including a proposed community OWTS serving parcels along Paisley Way. The project is anticipated to be built in one (1) phase.

With approximately 61.8 acres of developable land, based on yield plan information submitted during the Conceptual Master Plan review, current conventional zoning requirements would allow for up to twenty-five (25) parcels utilizing individual OWTS' and up to thirty-nine (39) parcels utilizing a community OWTS. The applicant is proposing this project as a Comprehensive Permit and requesting a reduction in parcel sizes due to the extent and configuration of the onsite wetland areas and their impact on the proposes development pattern. Calculations associated with density take into account *Land Suitable For Development* of the parcel, however it's important to note that the applicant is proposing 91.26 acres of Open Space that includes 34.49 acres of land suitable for development.

	Lots	Dwelling Units	Average Proposed Parcel Size	R40 Allowed Density	Average Proposed Density
Single-family	39	39	28,569 sq. ft.	1.09 DU/Acre	1.52 DU/Acre

The Rhode Island Department of Environmental Management (RIDEM) issued an *Insignificant Alteration Permit* (Application No. 22-0152 and RIPDES File No. RIR102354) for this project on November 17, 2022 for wetlands and stormwater. RIDEM also issued a *Preliminary Subdivision Suitability Determination* (ID No. S32-209) stating that the project appears to be suitable for the use of OWTS on site.

The applicant has indicated that they have met and are continuing to work with the Kingston Water and Fire District in regard to potable and non-potable water service design at the Site. The applicant has indicated that they expect to have this finalized by the end of the Preliminary Plan review. *Please note that Comprehensive Permits are not required to have received all permits until their Final Plan submission.*

As a Comprehensive Permit, the applicant is required to produce 25% of the units as deed-restricted affordable housing. The applicant proposes that Lots 6, 10, 14, 17, 19, 21, 23, 33, 36, and 39 will be the requisite deed-restricted affordable units. The applicant has included the following: Letter of Eligibility, draft Monitoring Service Agreement, and a draft Deed Restriction in support of these affordable units.

On March 20, 2023 RPS Group, Inc. completed a hydrological watershed assessment of the Fieldstone Farms Subdivision. Based on the findings listed within the assessment, RPS concluded the following:

- *The water budget calculations conducted for the project indicate that the import of water from the Chipuxet River basin watershed to the site, located in the Saugatucket River watershed, would not result in a significant increase of water to the site and would not result in significant impacts to the high water table or drainage patterns at the site.*
- *The proposed site layout and stormwater design plans appear to be in compliance with applicable RIDEM rules and regulations; and therefore will be protective of water quality; and will preserve existing drainage patterns at the site.*
- *The proposed individual and community OWTS will be designed, installed, operated, maintained and inspected in accordance with applicable RIDEM rules and regulations; and therefore will be protective of water quality; will not result in significant impacts to the high water table; and will preserve existing drainage patterns at the site.*

On June 5, 2023 GZA, Inc. completed a Preliminary Geotechnical Evaluation for the Fieldstone Farms subdivision and concluded the following:

It is our understanding that the 118.6-acre parcel will be subdivided into 39 residential house lots. Based upon our review of historical aerial photographs dating back to 1939, the site is comprised predominantly of undeveloped woodlands and wetlands. The USGS Surficial Geology map indicates that the soils underlying the site are comprised of ground moraine glacial till deposits. These soils are described as light colored till and minor amounts of stratified silt, sand and gravel. The naturally deposited glacial till is considered competent for support of shallow spread footings provided it is undisturbed during excavation. Any topsoil, subsoil, existing fill, or other unsuitable materials should be removed from the building footprint to undisturbed glacial till. It is recommended that the foundation subgrades be inspected upon excavation to confirm that undisturbed glacial till is present.

It is anticipated that only minor site grading will be performed and that the proposed residence foundations will bear on the glacial till subgrade. If structural fill is required to be placed for foundation support, it should be observed and tested for compaction by a qualified geotechnical engineer.

Also included in the application is a *Transportation Impact Assessment for the Fieldstone Farms Residential Development* completed by the Pare Corporation dated July 2022. Within this assessment, Pare concluded the following:

Based on Pare's review of existing conditions, Old North Road and Stony Fort Road provide limited pedestrian and bicycle connectivity between the proposed development and URI and the village of Kingston. This connectivity would improve with the proposed installation of sidewalks along Old North Road.

Based on crash data received from the South Kingstown Police Department, several crash trends were observed. Most concerning of the trends is the high frequency of single vehicle crashes. Vehicle speeds well above the posted speed limit of 25 miles-per-hour were observed within the study area and are likely contributing to these crashes. Other noted causes include the presence of wildlife and distracted drivers.

Sight distance measurements conducted along Old North Road and Stony Fort Road at the proposed development access points exceed AASHTO requirements for the site driveways. With proper clearing of vegetation within sight triangles at each access point, intersection sight distance requirements will be met.

In general, the proposed residential development is expected to have an insignificant impact to traffic operations within the study area. The trips generated by the development were distributed throughout the network based on Journey to Work data from the US Census. The distribution of traffic across multiple intersections results in an insignificant impact compared to the future (2027) no-build condition. The southbound approach to the intersection of Stony Fort Road and Mooresfield Road operates under LOS F under existing conditions and is expected to worsen under the future (2027) no-build condition and future (2027) build condition. Improvements at this intersection, including realignment with Broad Rock Road and signalization are proposed by RIDOT. It is anticipated that these improvements will significantly improve the safety and capacity of this intersection.

Due to the unorthodox configuration of the intersection of Stony Fort Road at Old North Road, Pare investigated the justification for addition of a stop sign along the eastern leg of the intersection through the MUTCD's multi-way-stop control warrant. Based on crash history and volumetric data provided to Pare, the warrant will not be met, and therefore, we have not recommended this improvement in this study.

The traffic generated by the development is expected to be accommodated within the existing roadway network. Based on the analysis performed under this study, Pare is of the opinion that the construction of the proposed residential development will have no significant impact to the safety and capacity of the surrounding roadway network.

Decision Deadline

This application was Certified Complete on September 26, 2023. The Planning Board has until **Monday, December 25, 2023** (90 days from date of completion) to render a decision.

Regulatory Considerations

This project has been submitted as a Comprehensive Permit application. RIGL § 45-53-4 allows applicants proposing at least 25% of the housing as low- or moderate-income housing to submit a single application to the review board (for South Kingstown, this is the Planning Board), in lieu of separate applications to the applicable Boards. The procedure for application and review, and the required findings, are outlined in RIGL § 45-53-4. The Planning Board is required to hold a public hearing for Comprehensive Permit applications at the Conceptual Master Plan stage.

The Planning Board has the authority to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including but not limited to, the power to attach conditions and requirements with respect to height, site plan, size or shape, or building materials.

Waivers Requested

Upon issuance of the Conceptual Master Plan Approval for this project on September 25, 2018, the Planning Board had previously granted approval of the following waivers for this application:

Zoning Ordinance (Section 502.5.F) – Dimensional

- Reduced frontage on non-FDRP streets as depicted on the approved plan

Zoning Ordinance (Section 502.5.D) – Dimensional

- FDRP density – yield plan definition requiring individual OWTS for each lot

Regulations (Article IV, Section A.13) – Dimensional

- Relief from required FDRP perimeter buffer

Regulations (Article XIII, Section B) – Dimensional

- Relief from requirement to construct sidewalks on both sides of the proposed street

Regulations (Article XIII, Section C) – Dimensional

- Relief from angle of lot lines at 90 degrees for proposed lots

Currently, the applicant is requesting the following additional waiver*:

Zoning Ordinance (Article IV, Section 401) – Dimensional

- Relief from the dimensional requirements of the R40 Zoning District in lieu of using the requirements for the R10 Zoning District.

- * It should be noted that this waiver (associated with reduced lot sizes) was not previously requested or granted during the Conceptual Master Plan review. However, the lot sizes shown on the current Preliminary Plan reflect the same that were proposed and considered within the Conceptual Master Plan approval. Staff believes there may have been some confusion in consideration of this project as a Flexible Design Residential Project (FDRP), which allows for the adjustment of lot sizes down to the R10 Zoning District requirements.

Review to Date

Preliminary Plan Review

October 26, 2021 – Conceptual Discussion with the Planning Board in preparation for Preliminary Plan Submission

Nicole Martucci, Law Office of Duffy and Sweeney, attorney for the applicant; Eric Prive, DiPrete Engineering; John Carter, landscape architect; appeared to present the discussion for the Planning Board's feedback. Ms. Martucci stated that they are here for conceptual discussion prior to submitting a preliminary plan, to discuss the condition with respect to sidewalks. Amy Goins, Special Legal Counsel, gave a brief history of the project and its travel thru the SHAB appeal process. Eric Prive, Engineer, stated they were here to discuss one condition regarding sidewalks on one new subdivision street and Old North & Stoney Fort Roads along entire frontage. Project team wanted to have this discussion before moving forward on full-scale design. Project Team met with Planning Staff and DPS to discuss alternative proposal. Trying to deal with existing drainage patterns while maintaining the rural look and feel of Old North Road. Potential increase the ROW, by dedicating a portion of the private property to the public ROW,

dedicating a 4' vegetative strip to the outside of the stonewall, rebuilding the stonewall, and constructing a sidewalk to the interior of the stonewall. Mr. Rabbitt provided slides. Planning Board was supportive of the concept and hope that it will serve as a good model for future development.

August 9, 2023 – Technical Review Committee

Upon review and discussion with the applicant, the TRC granted conditional approval of the application with the following conditions subject to confirmation by the Planning Board:

The following items should be submitted:

- 1. Receipt of revised application indicating it is a Flexible Design Residential Project (FDRP).*
- 2. Receipt of applicant's responses to Town Engineer's review comments of November 2022.*
- 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. Receipt of renewed/valid Wetlands Permit.*
- 5. Receipt of response regarding the compliance with Master Plan Approval conditions.*
- 6. Receipt of schedule of construction.*

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.*
- 8. Restrictions addressing "no build, no grade change" for Qualifying Pervious Areas (QPA) for drainage mitigation.*
- 9. Restrictions addressing the Community Septic System in regard to limiting future demand (i.e., future additional bedrooms in connected dwellings).*
- 10. Installation of Open Space markers at every boundary intersection.*
- 11. Plan revisions showing boundary monumentation along roadways.*
- 12. Plan revisions to show affordable units with asterisks or color change.*
- 13. Plan revisions noting community leach field.*
- 14. Plan revisions associated with data tables showing total maximum allowed impervious area for each lot, in accordance with the DEM Permit.*
- 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.*
- 16. Assess revisions for the location and accessibility of a Community Mailbox.*

Said motion was made by Mr. James Gorman, duly seconded by Mr. Richard Bourbonnais, and was approved 5-1 (Aye - R. Bourbonnais; M. Conboy; J. Gorman; T. Reed; M. Bradywood. Nay - R. Pothier).

The applicant has responded to all TRC and Department of Public Services comments in their most recent submission for completeness.

Required Findings for Approval/Denial

Per [RIGL § 45-53-4](#):

In approving a Comprehensive Permit application, the Board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions:

- (A) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (B) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing;
- (C) All low and moderate income housing units proposed are integrated throughout the development, are compatible in scale and architectural style to the market rate units within the project, and will be built and occupied prior to, or simultaneous with, the construction and occupancy of any market rate units;
- (D) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (E) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including but not limited to safe circulation or pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community;
- (F) All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of RIGL § 45-23-60(5); and
- (G) The proposed development 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, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

The Planning Board may deny the request for a Comprehensive Permit for any of the following reasons:

- (A) If the city or town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;
- (B) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
- (C) The proposal is not in conformance with the comprehensive plan;
- (D) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in § 45-53-3(2)(i) being low and moderate income housing;
or
- (E) Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Draft Motion

For some conventional subdivision/land development applications, where there is potentially less room for disagreement on whether the applications meet the applicable standards for approval, Staff has previously provided draft motions for the Board's consideration so that, if the Board finds the application acceptable, the application can be approved with minimal delay. However, for Comprehensive Permit applications, going forward, Staff will not be providing draft motions for the Board's consideration until directive is received from the Planning Board to do so. This is because proposed comprehensive permit developments often contain significant departures from what is permitted under the Zoning Ordinance/Regulations, and, therefore, it may take the Board some time to determine whether the proposed comprehensive permit development meets the special standards for approval (or, conversely, for denial) set forth above. Based on the Board's discussion and direction at this first meeting, Staff will be prepared to offer a draft motion at the next meeting.