



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**William H. Baker Homestead**

**Major Subdivision/Comprehensive Permit  
Combined Conceptual Master & Preliminary Plan Review  
September 26, 2023**

Project Type:	Major Subdivision/Comprehensive Permit		
Review Stage:	Combined Conceptual Master & Preliminary Plan		
Address:	10A Oak Dell Street		
Plat:	48-3	Lot:	111
Parcel Size:	9,981.9 square feet	Zoning District:	R10
Applicant:	Christopher R. DePaola 135 North Road Peace Dale, Rhode Island 02879	Owner:	Christopher R. DePaola & Lindsay Crowninshield 135 North Road Peace Dale, Rhode Island 02879

**Property Characteristics**

The subject property is a developed parcel approximately 9,982 square feet in size and supports an existing 2-family dwelling and a detached garage located on the rear portion of the parcel and located in an R-10 Zoning District. The parcel is located on the corner of High Street and Oak Dell Street and surrounding properties are predominantly comprised of residential dwellings.

**Project Description**

The applicant is proposing to subdivide the existing parcel into two (2) lots and demolish the existing 803 square foot garage to construct a 780 square foot 2-bedroom single-family dwelling with an 8' x 14' porch and an 8' x 12' deck. The new parcel and dwelling will be serviced by town water and municipal sewer.

	<b>Dwelling Units</b>	<b>Parcel Size (square feet)</b>	<b>R10 Allowed Density</b>	<b>Existing Density</b>	<b>Proposed Density</b>
<i>Existing</i>	2	9,981.9	2.90 DU/Acre	8.73 DU/Acre	--
New Lot 'A'	2	5,936	2.90 DU/Acre	--	14.68 DU/Acre
New Lot 'B'	1	4,048	4.35 DU/Acre	--	10.75 DU/Acre

As part of this application, the applicant proposes to deed-restrict the new structure on the new parcel for low- to moderate-income occupancy.

The existing asphalt driveway will be removed and replaced with two (2) new driveways including installing a new curb cut for a new interior driveway with four (4) parking spaces to service the existing 2-family dwelling, and a new 20' x 20' driveway supporting two (2) parking spaces to service to new single-family dwelling to be constructed. Parking improvements, including the removing of existing on-street parking spaces, will potentially eliminate on-street parking demand on Oak Dell Street.

Proposed landscaping improvements include evergreen plantings and infill plantings for screening purposes, as well as additions to existing fencing. There are no wetlands or any other environmentally sensitive natural features on the property.

### Decision Deadline

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This application was Certified Complete on August 31, 2023. The Planning Board has until **Wednesday, November 29, 2023** (90 days from date of completion) to render a decision.

### Regulatory Considerations

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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

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The applicant is requesting the following waivers with this application:

#### **Zoning Ordinance (Section 401) – Dimensional, Minimum Lot Size and Density, R10 Zone**

- *The Application is requesting to create a substandard New Lot "B" with an area of 4,048.Sq.Ft. with one primary structure with (1) Unit in an R-10 Zone & thereby creating an additional substandard Lot "A" with (2) Units in (1) Primary Structure. The remaining land area proposed for Lot "A" = 5,936.Sq.Ft. Therefore a waiver of required Lot Area of 9,064.Sq.Ft. request for Lot A & Area of 5,953.Sq.Ft. for Lot "B" from the following above Sec. 401. Where a Total Lot Area of 25,000.Sq.Ft. would be required for (3) Units.*

#### **Zoning Ordinance (Section 401) – Dimensional, Setbacks, R10 Zone**

- The Application is requesting a **waiver of 12.0 feet** from the required 20 foot corner side setback to maintain a 8.0' foot setback to the northerly property-line.

#### **Zoning Ordinance (Section 712) – Parking for accessory apartments\***

- The Applicant has provided landscaping on site and shall enhance the parking area as noted on the Site Plan provided, to minimize the visual impact to the adjacent properties. Any other location on the site shall impact the adjoining properties negatively.

**\* Staff Note – This is project does not contain an accessory apartment, therefore this waiver is not relevant.**

### Review to Date

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July 14, 2021 – Technical Review Committee

*Upon review and discussion with the applicant's project team (Amy Sonder, Surveyor; Christopher DePaola & Linda Crowninshield, applicants) the TRC rendered a **favorable advisory recommendation with conditions** to the Planning Board with the following conditions:*

1. *The driveway apron for the proposed access off of High Street shall be constructed with reinforced concrete;*
2. *The driveway apron and High Street entrance shall be constructed with transition curbing to match existing conditions;*
3. *All sewer laterals and sewer connections shall be shown on the Site Plan; and,*
4. *All trees proposed for removal shall be identified on the Site Plan and the applicant should consider additional vegetative screening adjacent to the existing fence on High Street that is designed so as to not impede sight lines entering or exiting the driveway now or at maturity;*

*Said motion, made by Mr. Jon Schock and duly seconded by Mr. David Flanders, was approved unanimously (S. Axelrod; R. Bourbonnais; D. Flanders; J. Gorman; B. Rice [Union Fire]; and J. Schock).*

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### **Required Findings for Approval/Denial**

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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**

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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.