



Shepherd's Run

Major Land Development with Comprehensive Plan and Zoning Map and Text Amendments 4780A Tower Hill Road

Pre-Application Concept Plan

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
May 6, 2020	N/A	N/A	N/A	N/A	N/A	N/A

Planning Board Work Session – May 12, 2020

The applicant, Ryan Schoen, and attorney James Callaghan discussed this application with the Planning Board.

Discussion of request to rezone Assessor's Plat 50-4, Lot 12, located at 4780A Tower Hill Road, from R-80 to Route 1 Special Management District, and amend the Comprehensive Plan future land use designation for the parcel from Very Low Density Residential to Route 1 Special Management District, in order to facilitate proposed adaptive reuse of an existing structure to accommodate a hotel, event space, vineyard, restaurant and spa and construct twelve extended stay bungalows, owner, Legion of Christ (RI) Inc., applicant, Ryan Schoen.

James Callaghan, attorney for the applicant, and Ryan Schoen, applicant, appeared before the Planning Board to present the application. Mr. Schoen explained the proposed plan, the vision as a "destination resort", as well as provided history of the site. Discussion ensued regarding the Special Management District requirements, sewers, access to the site, and CRMC. No public comments were made. The Planning Board Members gave Mr. Schoen positive feedback and looked forward to the second step, being the submittal of a Master Plan Application.

Ms. Mack commented that she was very supportive of the project, but going forward suggested that the Planning Board may want to consider a limited Special Management District mechanism or some modification there of as the request and the project didn't encompass the very broad range of uses that are currently allowed in SMD.

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Conceptual Master Plan

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
May 29, 2020	25	June 23, 2020	--	June 26, 2020	90	September 24, 2020

Technical Review Committee Meeting – June 10, 2020

The applicant, Ryan Schoen, and attorney James Callaghan discussed this application with the TRC.

Application to develop a boutique hotel/event facility, extended stay bungalows, vineyard/winery and restaurant requiring major land development approval, zoning ordinance/map amendments (rezoning from R80 to Rte. 1 Special Management District (SMD)) and an amendment to the Comprehensive Plan to support the development.

The parcel is located at 4780 Tower Hill Road (AP 50-4, Lot 12). The owner is Ocean Pastoral Center, Inc.; the applicant is Morgan Schoen Hospitality, Inc.

Ryan Schoen and Attorney James Callaghan appeared on behalf of the applicant.

Mr. Schoen began by describing the 3 proposed phases of development as follows:

- Phase 1 – Renovation of existing structures for reuse; demolish and remove the upper level of a 2-level walkway; and re-grade and level an outdoor space for a tented, seasonal event space;
- Phase 2 – Install the roads, paths, utilities and other infrastructure to support the development of the extended stay bungalows; and
- Phase 3 – Build the extended stay bungalows.

Mr. Schoen stated that the existing OWTS was installed in the early-mid 2000's and is rated for 120 people, which he anticipated would be adequate for the 33-room boutique hotel to be built in the renovated existing buildings. Mr. Schoen said that he anticipated that a request would be submitted to CRMC for a preliminary determination letter shortly.

Mr. Schock commented on the proposed use of an OWTS for wastewater disposal and noted that this property is presently located (in part) within the Town's future sewer service area and would require a waiver from the Dept. of Public Services under § 19-115(1)b. to avoid a mandatory sewer connection. Mr. Schoen replied that they had no objection to connecting to sewer if and when they became available to the property, but that their analysis indicated that it would be cost-prohibitive to connect at the present time. Mr. Schock noted that cost was just 1 of 9 factors that his department considered in evaluating whether a mandatory connection is required (*see § 19-115(1)b.2.*) and that the applicant would need to address each factor. After looking at RIDEM's online permitting database Mr. Schock noted that the permit for the existing OWTS (#0232-0532) was good for 7,500 gallons per day, which is the equivalent of 50 bedrooms.

Ms. Gray pointed out that it may be necessary to amend portions of the wastewater ordinances referenced by Mr. Schock in addition to the lot's zoning to address the sewer issues. With respect to the applicant's proposal to re-zone the lot from R80 to Rte. 1 Special Management District (SMD), Ms. Gray noted that this also raised OWTS-vs-Sewer questions because new uses in the SMD are required to be serviced by public sewer per § 605.18 of the Zoning Ordinance. (*The Ordinance does, however, allow the Planning Board some discretion to permit development and delay the connection until sewer service becomes available*). Ms. Gray commented that the town should research the rationale behind the ordinance's requirement that sewers should be required for all uses in the SMD. Ms. Gray stated that it would be important to gather more detailed information regarding the existing OWTS because of the site's location in the Narrow River SAMP where CRMC has a preference for systems that reduce nitrogen discharges. Finally, Ms. Gray noted that CRMC may see a distinction between the question of whether the applicant can use the existing OWTS to service a new use in the existing structures and the question of whether the applicant can build one or more new OWTSs to service the new bungalows.

Mr. Flanders commented that he was concerned about the proposed location for new OWTSs to serve the proposed bungalows noting that they appeared to be closer to the Narrow River and at a lower elevation than the existing system at the main building. Mr. Schoen replied that they had selected locations for the bungalows and OWTSs that were generally on the same grade as the existing OWTS and that, if possible, they would try and use the existing OWTS for the bungalows as well as the hotel rooms

Ms. Gray commented on the proposed location of the bungalows relative to the northern property boundary and noted that the applicant would have to provide a transition yard setback of 50' to the residential-zone to the north.

Ms. Gray and Mr. Pimental discussed the issue of music and entertainment noting that the applicant would need to address the following approvals:

- Alcohol Service – A Special Use Permit is required for alcohol service in the SMD zone per § 605.5 of the Zoning Ordinance. The applicant was advised to provide the Planning Board with a site plan of its alcohol service area for review and an advisory recommendation on the Special Use Permit;
- Entertainment - A Special Use Permit is required for accessory entertainment to a restaurant or bar in the SMD zone per § 605.5 of the Zoning Ordinance. The applicant was advised to provide the Planning Board with a narrative description of proposed entertainment and to identify proposed

locations on a site plan for review and an advisory recommendation on the Special Use Permit. *(It is noted that “Outdoor entertainment” is identified as a “prohibited use” in the SMD under § 605.6(5);*

- Noise – The applicant was advised to provide an analysis of anticipated noise levels at its property lines, particularly with respect to amplified outdoor music and entertainment, and identify protocols to minimize off-site noise impacts policies. *(Per §605.23, excessive noise – including any use of outdoor sound amplification equipment - is prohibited unless expressly approved by the Planning Board in writing. Noise levels must comply with §§ 507.13 - 507.15);*

Ms. Gray commended the applicant on its effort to reuse existing paved athletic courts for parking, but said that the applicant needed to provide more detailed information on the number of parking spaces that are available on these surfaces and whether it meets the requirements of the Zoning Ordinance. If existing paved areas are not adequate to meet parking requirements, then the applicant will have to identify areas where additional parking will be provided.

Attorney Callaghan noted that detailed information on utility issues like sewers is not usually required at the Conceptual Master Plan phase and that those details should not prevent the application from moving on to the Planning Board for approval. Ms. Gray and Mr. Parker replied that the application has accelerated the discussion of sewers into the Conceptual Master Plan phase because the applicant was proposing to change the parcel’s zoning to SMD; a zone that requires sewers, and that the zone-change issues had to be addressed now. Attorney Callaghan recognized that moving forward would be the applicant’s risk to undertake.

Item/Issue Discussed	Recommendation
Wastewater Disposal	<p>The applicant’s proposal to use existing OWTS capacity to support new uses in existing structures and to build new OWTS capacity to serve new bungalows is a significant issue for review given (i) the property’s location in the future sewer service area, and (ii) the proposal to re-zone the parcel to SMD, which zone requires sewers for new uses. The request to re-zone makes the sewer issue one that needs to be evaluated at conceptual master plan, rather than waiting for preliminary. The Board is directed to review the map of the future sewer service area and existing public and private sewer mains in the area. Staff is unclear on the reason for all projects in the SMD being required to connect to sewers.</p> <p>Additional information on the design and capabilities of the existing OWTS would be helpful in evaluating what its impact will be on the surrounding environment.</p> <p>If the requirement to connect to sewers is deferred because the Board believes that sewers are not currently “available” to the property, then the Board should consider setting stipulations describing the conditions under which sewers will be deemed to be “available” and connection to sewers will be required.</p>
Setbacks	<p>If the property is re-zoned to SMD, the bungalows must maintain a 50’ setback to the residential R80 lot to the north.</p>
Alcohol Service	<p>A site plan showing the alcohol service area is required for the Board to make a recommendation on a special use permit.</p>
Entertainment	<p>A narrative description of the proposed entertainment and a site plan of locations is required for the Board to make a recommendation on a special use permit.</p> <p>The Board must evaluate the prohibition on outdoor entertainment in the SMD zone.</p>

Noise	The applicant needs to provide an analysis on anticipated noise at its property boundaries to demonstrate compliance with the Zoning Ordinance.
Parking	A parking layout plan is required showing compliance with the Zoning Ordinance.

TRC Action

A motion was made by Mr. Riendeau to advance the proposal to the Planning Board with a favorable recommendation. The motion was duly seconded by Mr. Pimental and was unanimously approved.

Planning Board Regular Session Meeting – July 28, 2020

The applicant, Ryan Schoen, and attorney James Callaghan discussed this application with the Planning Board.

PUBLIC COMMENT:

Christopher Hubbard, of Wakefield; board member of Narrow River Preservation Association; spoke of concerns regarding stormwater runoff to Narrow River, existing natural drainage, opposed to the use of a septic system, and questioned whether CRMC has been taken into consideration. Mr. Hubbard stated that he looks forward to receiving more information on the project.

Stephen Crolius, of Wakefield; likes the proposal of Mr. Schoen, however, is concerned with the proposed zoning change for the property to a Special Management District designation.

Richard Youngken, of Wakefield; agrees with Mr. Crolius and suggested the use of the Special Management District designation for this project not be open ended, and approval tailored specifically for the use this applicant is requesting.

Stephanie DiOrio, of Ledge Road, Wakefield; expressed concerns with traffic, a winery, alcohol consumption, weddings, fireworks, etc. and requested recognition of the residential neighborhoods nearby.

Phil Eden, of Wakefield; spoke of the Narrow River Watershed and expressed concerns with the use of a septic system and would like the project on town sewer, as well as concerns with the agriculture plan proposed possibly using pesticides that could runoff to Narrow River.

David Estes, Principal of Prout School, also spoke on behalf of the Prout School Advisory Board; wholeheartedly supports the project.

Susan Marcus, of Wakefield; although in support of the project, expressed opposition to rezoning the project from R80 to SMD without specific language limiting the land use possibilities.

Karen Votava, of 481 Post Road, Wakefield and member of the Rt. 1 Stewardship Plan Development Committee; expressed concerns with the proposed access road not being at a traffic light. Suggested using Government Center entrance traffic light, as well as concerns regarding the proposed zone change. Bob Votava entered the conversation and expressed concerns with the zone change as well as chemicals/pesticides that will be used in the proposed wine production.

Mr. Callaghan and Mr. Schoen explained that they have discussed using the State of Rhode Island's parking lots for access on weekends when large functions are planned already with the State, who was receptive, when the State Offices are closed.

Richard Grant, via Mr. Parker, extended thanks to the Board for working with the Narrow River Preservation Association.

Mary Wright, of Indian Lake Shores, expressed concerns regarding increased traffic on Route 1 and inquired when a traffic study will be done, concerned with effects on Narrow River, questioned if an Economic Study had been done, and concerned the project will be rushed.

James Murdock, of South Kingstown, expressed concerns with the proposed zone change requested, and water use being a drain on Suez Water.

Julia Sharpe, of Saunderstown (NK), President of the Narrow River Land Trust, expressed concerns with the wildlife refuge, loud music from a wedding venue, increased traffic, SMD zoning change, Narrow River Water Shed, sewer connection, and water for the vineyard.

Derek Miller, formerly of Saunderstown, currently of North Providence, member of the Narrow River Land Trust, expressed concerns with the future of the Narrow River Watershed, the need to tie into sewers, and the limits placed on the rezoning requested.

Victoria DiDomenico, of South Kingstown, questioned whether developers are aspiring to obtain LEED certification, or having a historical landmark assigned to the property?

Thomas Daniels, of 162 Preservation Way, submitted a letter dated July 22, 2020, echoing concerns of callers regarding the SMD. This letter is available and on record in the Planning Department.

Mr. Schoen addressed the following questions and topics presented by the public:

Traffic Study – timing of use for this property will not be during normal business hours, peak will primarily be on weekends and holidays. Owners of both neighboring properties have been contacted regarding parking for very large events and both are willing to work with applicant, with the primary location being the State of RI. With large events such as weddings, the 200 room Hotel across the highway will be the main source of where people will be staying, from out of town – the goal will be to have a shuttle back and forth across the highway. That is a major piece of how additional traffic will work.

The major promotion of agriculture and aquaculture is not on this property. The plan is to promote and support local farming and fishing communities nearby, not on this property. The plan for this property includes herbs, bees, and grape production. It is not common in the Northeast to irrigate grapes (except young vines when reduced rainfall occurs) you want grapes to struggle for water. No organic matter, no nitrates will be added to the soil. There is ample organic matter already in the soil, although they do need to add liming to the soil. The goal is to minimize pesticides, using an IPM plan (integrated pest management).

The building is not currently listed on the historical register, although they are considering exploring the subject as well as LEED certification. However minimal work is being done to the building and LEED Certification may not be applicable to this project.

Mr. Schoen feels strongly about protecting Narrow River. CRMC has a number of stipulations regarding sewers and prohibits sewers unless 500' within an existing sewer line – in order to discourage increased coastal development.

Ms. Mack questioned legal counsel, Amy Goins, and staff on the timeline of the Town Council to approve/amend the Comprehensive Plan and Zoning Map and Text Amendments requested. Ms. Mack also mentioned: tightening uses for the SMD approval, water usage, historic gardens, vineyards being certified organic, and a traffic study.

Mr. Schoen responded: Water usage is considered to be reduced, according to engineers report based on proposed usage in buildings, with the exception of a possible dry season – in which case the grapes will need to be watered. Agree to use a Historical Landscape Architect. Unable to guarantee certified organic. Discussion ensued.

Mr. DiMasi likes the idea of the project. Believes the access road and signage will be the only impact on the scenic highway, CRMC will monitor any impact on Narrow River, Public Service Director, Jon Schock, will be the one to decide on sewers.

Mr. Riendeau requested staff to identify what the SMD approved uses and restrictions are today and distribute to the Board. Mr. Riendeau reviewed the topics discussed.

Ms. Goins reiterated people listing questions in Q & A and not raising a hand, will not be part of the record.

Julia Sharpe, believes the CRMC prohibiting sewer does not apply to this site, believes the plan is great – without the large events.

Mr. Schoen stated the ability to run large scale events will benefit the community. The four leg plan of agricultural, events, lodging, and the restaurant is the basis for this project.

Mr. DiStefano stated outdoor event space, in a time of COVID, is greatly needed and is in support of the project and loves the idea of outdoor events.

Mr. Murphy also is in support of this project and believes there is a need for this type of venue and suggest any concerns regarding environmental impact be written into the approval. In addition, because of the environmental sensitivity of the location, he suggests a consultant be used to learn “best practices” and work those into the recommendation for approval.

Ms. Rubinoff questioned if the existing septic system is an “advanced system”. Mr. Schoen responded “yes”. Mr. Bourbonnais reviewed the description of the existing septic system and believes it meets the CRMC requirements. He also believes it is a good system; however the Town has requested the project be on town sewers.

Ms. Rubinoff questioned legal counsel, Ms. Goins, regarding constraints on SMD and outdoor restrictions. Ms. Goins stated SMD approval could come with restrictions. Mr. Wagner defined the prohibited entertainment listed in the SMD. Mr. Parker stated the Zoning Map Amendment application filed lists specific codes, and the Board could reference those specific codes in any approval.

Ms. Axelrod likes the project but would like a permanent protection placed on the Manor House and the gardens to protect them from dramatic changes. In addition, she is concerned with changes in the Comprehensive Plan and SMD, on a per project basis. Ms. Goins stated every application is based on its own merits and changes are not precedent setting, there is no appeal process, and conditions could be placed on the Zoning Map Change.

Ms. Mack suggested the Conservation Commission and the Historic District Commission review the project and forward their opinion to the Planning Board.

The following motion made by Ms. Mack, duly seconded by Mr. DiMasi, passed by unanimous poll vote (Aye –M. Mack; S. DiMasi; P. DiStefano; S. Axelrod; J. Murphy; J. Riendeau; P. Rubinoff).

Motion: “The South Kingstown Planning Board hereby continues the Public Hearing on proposed Amendments to the Comprehensive Plan and Recommendation to the Town Council on a companion application for Zoning Map and Text Amendments, and Conceptual Master Plan Public Informational meeting on a Major Land Development Project – Shepherd's Run, to the August 25, 2020 Regular Session”.

Conservation Commission Meeting – August 4, 2020

The applicant, Ryan Schoen, and attorney James Callaghan discussed this application with the Conservation Commission.

Following review and discussion with the applicant Ryan Schoen and attorney, James Callaghan, the following motion, made by Mr. Bradywood and duly seconded by Ms. Heffron, was unanimously approved 6-0 (M. Bradywood; D. Flanders; L. Joubert; C. O'Connor; J.V. Wyman)::

Motion: “The Conservation Commission recognizes that the shared access from Rolens Drive, the reduced frontage of the buildings, and closer siting of the buildings is one way of reducing impervious

cover which is recommended. We are a bit concerned about the depth to the water table and the filling that is going to occur; but without more information, they will need to rely on RIDEM to ensure that all protective measures are taken. The curbing along Route 108 seems to be one way to reduce runoff crossing into the property and down-gradient toward the wetland. We are pleased to see the use of pervious pavement, but are concerned that if RIDEM doesn't approve permeable pavement due to water table depth or any other condition, that the applicant would have to come back to us with other types of stormwater management measures that could be accommodated to reduce runoff to the same extent possible.

In terms of the design and installation of the asphalt for the permeable pavement parking lot, that the plans be reviewed by an outside expert, and there be an onsite inspector when the permeable parking lot is installed to ensure that the asphalt mix and the installation is correct; and that the maintenance contract afterwards be developed that would include no sand application, no salt if possible, vacuuming as needed, and prevention of runoff from polluted areas or potential pollutants, such as from the dumpster, where the dumpster would be on an impervious surface with curbing; and that a maintenance contract would be maintained and reports sent to the Town to keep track of the maintenance occurring. Also, no snow storage on the permeable lot should be allowed, whether that snow is coming from the Rolens Drive area or elsewhere, since that often contains sand. We are also concerned about construction during the wet season and during frozen conditions; so we would like to ensure that the Soil Erosion Sediment Control Plan addresses those issues carefully, and if necessary, provides for a third party inspector that would be there to conduct inspections and send summary reports to the Town. Landscaping plans should include the Town's planting specifications in the subdivision regulations, using native species and low-input grasses without the use of fertilizer or irrigation."