



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Matunuck Beach Road Condominiums

Major Subdivision/Comprehensive Permit – Conceptual Master Plan Review

November 12, 2020

Project Type:	Major Land Development - Comprehensive Permit		
Review Stage:	Conceptual Master Plan		
Address:	Matunuck Beach Road		
Plat:	92-2	Lot:	56
Parcel Size:	4.77 acres	Zoning District:	CN & R20
Applicant:	Stephen DeSimone 14 Green Acres Drive Narragansett, RI 02882	Owner:	Eileen R. Biancuzzo 12 Lister Drive Barrington, RI 02806
Current Plan Set:	"Master Plan Submission, Matunuck Beach Road Condominiums, Matunuck Beach Road, South Kingstown, Rhode Island, Assessor's Plat 92-2 Lot 56, Sheets 1 through 6, dated March 27, 2020 with revisions through July 22, 2020, completed by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920."		

Property Characteristics

The subject property is an undeveloped parcel approximately 4.77 acres in size and is split-zoned with the western-most portion of the site located in the Commercial Neighborhood (CN) Zoning District and the remainder located in the Medium High Density Residential District (R20). The area surrounding the Site is comprised of developed residential lots with other vacant and open space parcels scattered within the R200, R20, CN and OS Zoning Districts.

Topography of this vacant Site gently slopes up towards the middle of the property from both the east and west with slopes ranging from 1% to 20%. A salt marsh encumbers the eastern portion of the site and the wetland edge, located due south of the terminus of Holden Road to the north, has been flagged and delineated on the Site Plan. Wetland area located on this property has been approximated on the Site Plan totaling ~1.87 acres in size. FEMA Special Flood Hazard Areas (flood zones, specifically AE zones) are also located on the eastern and western portions of the property, however the central portion of the property is not located within a Flood Zone (Zone X).

Parcel Area and Land Suitable For Development	
Total Parcel Area	~207,780 sq. ft. (~4.77 acres)
Total Wetland Area	~81,460 sq. ft. (~1.87 acres)
Total Land Suitable for Development	~126,320 sq. ft. (~2.9 acres)

The subject property is located within the RI Coastal Resources Management Council (CRMC) Salt Pond Region Special Area Management Plan (SAMP), as well as the National Register's Potter Pond Archeological District and CRMC Salt Pond Region Special Area Management Plan (SAMP). The subject property is also located within the Town of South Kingstown's Carrying Capacity Overlay District, and portions of the lot are located in the Special Flood Hazard Area Overlay District and Coastal Resiliency Overlay District.

Project Description

The applicant is proposing to construct a twelve (12) unit residential condominium complex in the form of six (6) duplex structures as depicted on their site plan. Access is proposed to be provided via a private driveway extending from the parcel's lot frontage located on Matunuck Beach Road. The applicant has proposed to manage stormwater through the installation of several features located on the eastern and western portions of the site. The development is proposed to be serviced by public water and a single community Onsite Wastewater Treatment System (OWTS) is proposed to service all twelve (12) units. As a Comprehensive Permit application, 25% (3 units) will be deed restricted as low-to-moderate-income housing.

Decision Deadline

This application was Certified Complete on October 9, 2020. The Planning Board has until **February 6, 2021** (120 days from date this application was certified as complete) to render a decision.

Regulatory Considerations

Regulatory Process

Following the typical review schedule for Major Land Development Projects, the permitting process for an application such as this includes the following four (4) permitting stages:

1. Pre-application Concept Review (completed);
2. **Conceptual Master Plan Review (current);**
3. Preliminary Plan (to be completed following Conceptual Master Plan Review);
4. Final Plan (to be completed following Preliminary Plan Review);

This project is at the Conceptual Master Plan Review stage in the application process. Per [RIGL § 45-23-32](#), the (Conceptual) Master Plan Review stage is defined as follows:

(23) Master Plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details.

This project has been submitted as a Comprehensive Permit application under [RIGL § 45-53-4](#). This application process allows an applicant who is 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. This process is intended to allow for a streamlined permitting process that generally allows for greater densities in exchange for the production of a percentage of long-term affordable dwelling units. 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.

Zoning Ordinance

This project is considered a *Multi-Household Land Development Project* as it consists of more than one principal structure containing dwelling units on a single lot ([Zoning Ordinance, Appendix A, Use Code 12.1 – Multi-Household Land Development Project](#)). The standards for which are outlined with the Subdivision and Land Development Regulations ([Article IV – Special Requirements, Section H – Multi Household Dwellings](#)). It should be noted that *Multi-Household Land Development Projects* are

not an allowed use within the R20 Zoning District ([Zoning Ordinance, Article 3. – Use Regulations, Section 301 – Schedule of Use Regulations Table, Use Code 12.1 – Multi-Household Land Development Project](#)). However, as a Comprehensive Permit (and as outlined within [RIGL § 45-53-4](#)), the Planning Board has the authority to grant or deny such project based on the findings listed in Section (a)(4)(v) and Section (a)(4)(vii) of [RIGL § 45-53-4](#).

This property is located within an R20 - Medium High Density Residential Zoning District which is defined within [Section 101](#) of the Zoning Ordinance as follows:

This district allows a residential density of up to 2.2 dwelling units per acre. The lot sizes for single-household detached dwellings is 20,000 square feet. This district reflects the amount and type of development that already has taken place, as well as areas into which future expansion would be appropriate. These areas should be considered a high priority for the provision of public water and sewer service and for general infrastructure upgrading. However, public sewer service in Matunuck, and Snug Harbor is not recommended. A waste water management approach for these areas is preferred. Mixed uses historically have developed and should be permitted to continue and to expand subject to strict environmental controls. A neighborhood center/village district approach should be taken for additional development in this district. Special care in site planning must be taken. However, such patterns of residential development can be economically and environmentally sound. While the population density may be high, the existing physical development is varied and extensive. Shopping districts, personal services, community facilities, and public water and sewer generally are available and convenient and support local residents as well as the region. This district is highly accessible and served by a well-developed network of roads and public transit.

A Yield Plan (Sheet 5 of 6) within the Site Plan Set shows that the subject site, developed in compliance with the zoning ordinance, would traditionally yield a maximum of six (6) units.

While the Zoning Ordinance allows for residential density of up to 2.2 dwelling units per acre, the Land Use Plan Map ([Map 2.3, Page 87](#)) of the 2014 Comprehensive Community Plan identifies the subject property as *Residential - Medium High Density* with allowable densities of 2.0 – 4.35 dwelling units per acre. The approximate density of the proposed development is 4.14 dwelling units per acre.

Density Calculations	
Total Parcel Area	~207,780 sq. ft. (~4.77 acres)
Total Wetland Area	~81,460 sq. ft. (~1.87 acres)
Total Land Suitable for Development	~126,320 sq. ft. (~2.9 acres)
Overall Density (12 units)	~4.14 dwelling units/acre

Affordable Housing Units

As a Comprehensive Permit, this project is required to provide 25% of the total number of proposed dwelling units (3 units) as deed restricted to qualifying individuals or households for ninety-nine (99) years (or such other period that is agreed to but no less than thirty [30] years from initial occupancy). A *Letter of Eligibility* for this project was issued by Rhode Island Housing on July 21, 2020 that acknowledges eligibility of the project indicating that “*The affordable units will be sold to households earning a maximum of 100% of the Area Median Income (“AMI”). All units would have two bedrooms.*”

The *Letter of Eligibility* also indicates that “*Based on the current AMI, the Freddie Mac Primary Mortgage Market Survey 30-year fixed-rate mortgage average interest rate as of the date of this letter, anticipated taxes, insurance and mortgage insurance costs, the maximum sales price in South Kingstown for an affordable condominium unit with a condo fee of \$200, priced for households earning 100% of the AMI, is \$282,375. The maximum permitted sales prices may change in the future due to changes in any of the above noted inputs.*”

Waivers Requested

The applicant has requested waivers from the following requirements:

Zoning Ordinance

Section 301 – Schedule of Use Regulations Table, Use Code 12.1 – Multi-Household Land Development Project. A Multi-Household Land Development Project is not an allowed use within the R20 Zoning District.

Section 401 – Schedule of Dimensional Regulations, Density. The Yield Plan shows the maximum yield of the subject parcel under conventional zoning requirements is six (6) units; the applicant is proposing twelve (12) units.

Subdivision & Land Development Regulations

Article IV, Section H(9), Multi Household Dwellings, Supplementary Standards. Distances between structures is required to be 50'; the applicant is proposing a separation of 25'.

Review to Date

Pre-Application Concept Review

May 30, 2019 - Planning Board Review of Pre-Application Concept Plan

The application reviewed at the Pre-Application stage of review consisted of a twenty (20) unit condominium complex consisting of five (5) structure to contain four (4) units each, as well as site improvements and associated waivers.

August 27, 2019 - Planning Board Review of Pre-Application Concept Plan

The initial application was modified and reduced into a twelve (12) unit condominium complex consisting of six (6) structures containing two (2) units each with site improvements and associated waivers.

Conceptual Master Plan Review

July 8, 2020 - TRC Review of the Conceptual Master Plan

The project was reviewed by the Technical Review Committee and received the following feedback:

Item Discussed & Recommendation	Status
<i>Comprehensive Permit Waivers</i>	
<p>The project constitutes a "Multi-Household Land Development Project." This use is not permitted in the R20 zone where it is proposed. The applicant must request a use variance or change of zone for the use proposed.</p> <p>A potential rear yard setback issue was also noted in relation to patio stairs that may require a waiver to dimensional requirements.</p> <p>While the Comprehensive Permit process grants the Planning Board broad discretion to grant waivers/relief, the applicant must still request the waiver/relief and present evidence upon which the Board can make a finding that the interests protected by the requirements for which the waiver/relief is sought do not outweigh the local need for affordable housing. (See RIGL §45-53-4(a)4(v)A.)</p>	<p>Satisfied, the applicant has requested waivers to address this item.</p>
<i>Letter of Eligibility</i>	

<i>RIGL §45-53-4(a)1(i)</i> requires that the application include a letter of eligibility from the R.I. Housing Mortgage finance Corporation. No such letter was received with the application materials.	Satisfied, Letter of Eligibility from RI Housing has been submitted.
Monitoring Agent	
<i>RIGL §45-53-4(a)1(v)</i> requires that the applicant identify an approved agent to monitor the long-term affordability of the units. No such agent has been identified in the application.	Satisfied, the Narragansett Affordable Housing Corporation will be the designated monitoring agent for the affordable units.
Traffic	
While the project will not add a significant amount of traffic to the local area, the applicant should perform a traffic study to look at the sight-lines along the curve in Matunuck Beach Road south of its proposed intersection with the development’s private road.	To be discussed with the Planning Board.
Development Density	
The TRC advises that the Planning Board give careful consideration to the proposed development density of the project in determining whether the project satisfies the requirements for a Comprehensive Permit.	To be discussed with the Planning Board.
Wastewater Disposal	
The TRC recommends that the Master Plan identify the areas (approx. location & size) that are being considered for siting the development’s OWTSs for the purpose of evaluating the proposed site layout.	Satisfied, an OWTS location was shown on the Site Plan.
Sidewalks	
The TRC discussed whether sidewalks would be necessary for residents to access the remote parking areas.	To be discussed with the Planning Board.
Parking	
The Planning Board should consider whether the excess parking proposed by the project is necessary given the lack of available on-street parking on the public roads in Matunuck.	To be discussed with the Planning Board.
Emergency Vehicle Access	
The driveway in front of Units 9-12 must be upgraded to meet road standards so that emergency vehicles can get within 50’ of Unit 12.	To be discussed with the Planning Board.
Stormwater	
Given the proximity of neighboring residential structures to the north and south, stormwater drainage will need to be carefully routed to the marsh to the east and to management structures to the west along the natural topography.	To be discussed with the Planning Board.

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 at least the second meeting at which the project is discussed. 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.