



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

HOSLEY MAJOR SUBDIVISION

**Major Subdivision - Pre-Application Concept Review
November 24, 2020**

Project Type:	Major Subdivision – Flexible Frontage		
Review Stage:	Pre-Application Concept Review		
Address:	1696 Ministerial Road		
Plat:	54	Lot:	57
Parcel Size:	~ 4.59 acres (200,046 sq. ft.)	Zoning District:	R80
Applicant:	Priscilla Archambault	Owner:	Same
Current Plan Set:	<i>Conceptual Plan of the Hosley Minor Subdivision, Lot 57 Assessor’s Map 54, Located at 1696 Ministerial, Owned by: The Revocable Living Trust of Priscilla Archambault – 2005 Priscilla Archambault, Trustee, in the Town of South Kingstown, RI, dated August 2020, Prepared by Pinch Land Surveying, P.O. Box 352, Wakefield, RI 02879.</i>		

Property Characteristics

The property is approximately 4.59 acres in total area, contains all upland area and is developed with a single-family dwelling serviced by a private well and an Onsite Wastewater Treatment System (OWTS). This property is located on Ministerial Road, a public improved roadway.

Project Description

The applicant is proposing to utilize the flexible frontage provision of the Zoning Ordinance (Sec. 502.2 - *Lot frontage and width, flexible provisions*) to create a 2-lot subdivision. As a 2-lot residential subdivision, this project would generally be considered a Minor Subdivision, however, waivers are required when proposing to utilize the flexible frontage provision of the Zoning Ordinance and is thereby considered a Major Subdivision.

The total area and frontage of the proposed lots to be created are as follows:

	Area (square feet)	Frontage (feet)
Lot A	80,000	260
Lot B	120,046	40

Upon subdividing this property, Lot A will support the existing dwelling, well, onsite wastewater treatment system (OWTS), private well, and driveway. Lot B will be serviced by a proposed new private well and OWTS. The proposed plan submitted with this application does not delineate a proposed driveway for access to the newly created parcel, however, in the narrative submitted with this application the applicant indicates that “...Access to the proposed lot will be through a shared drive (if possible) to minimize impact on Ministerial Road.”

The applicant has not yet provided a conceptual *Yield Plan* for the property, which is required when seeking to utilize the flexible frontage provisions of the Zoning Ordinance. Both this *Yield Plan* and the delineation of the driveway must be included within the submission materials for the next stage of review.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, no decision is required for a Pre-Application Concept Review.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Zoning Ordinance – Article 5, Sec. 502.2: Supplemental dimensional regulations

Section 502.2 of the Zoning Ordinance outlines the flexible frontage provision in creating lots with less than the frontage required per the Dimensional Regulations.

502.2 *Lot frontage and width, flexible provisions.* Upon approval by the Planning Board, through a request for waiver pursuant to the Town's Subdivision and Land Development Regulations, the following lot frontage and lot width variations may be permitted:

- A. In residential zones R-10 to R-200, the Planning Board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision on any public or approved private street to a minimum of 20 feet.
- B. The Planning Board must, before approving such flexible lot frontage and lot width, make findings of fact that:**
 - (1) Using flexible zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,**
 - (2) Would result in a better use of the land than permitted under conventional zoning.**
- C. Open space lots, within an approved cluster subdivision, may have zero frontage on a street, as long as the Planning Board approves private access to the open space by easement.
- D. As part of the application to the Planning Board for flexible lot frontage and width, a "yield plan", as defined in Article 12 shall be required. No more buildable lots shall be allowed using flexible frontage and width provisions than are allowed by using the conventional frontage and width provisions.

Zoning Ordinance – Article 5, Sec. 505.6: Ministerial Road Scenic Highway

Section 505.6 (Ministerial Road Scenic Highway) of the Zoning Ordinance

- A. Any parcel or lot, whether or not developed, having direct lot frontage or vehicular access on the Ministerial Road Scenic Highway shall conform to the following standards, compliance with which shall be confirmed prior to issuance of a building permit:
1. Where that portion of the lot adjacent to Ministerial Road Scenic Highway is already wooded or contains significant stands of natural vegetation or specimen plant materials, including but not limited to mountain laurel and rhododendron, a minimum 50-foot wide wooded buffer shall be maintained. The buffer shall be measured from the state highway right-of-way line and shall extend 50 feet into the front yard of any adjacent parcel of land parallel to the right-of-way line.
 2. Except for the following activities, removal of existing vegetation within the 50-foot wide buffer required by subsection A., above, shall not be permitted:
 - a. Cutting or removal of any trees or shrubs required for disease control as certified by a licensed arborist;
 - b. Removal of dead or dying trees or shrubs;
 - c. Removal of invasive plant species;
 - d. Maintenance of a permitted use of the highway buffer, such as a driveway or path; or
 - e. Selectively removing lower limbs from trees to raise the canopy.
 3. Where removal of dead or dying trees or shrubs is performed, or where removal of trees and shrubs is required for disease control, pursuant to subsection 2., above, removed vegetation shall be replaced in-kind pursuant to the standards contained in subsections 5 or 6, below, as applicable.
 4. Where a new principal or accessory structure is proposed, existing vegetation along the street is minimal or absent, and such new construction will be visible from the highway due to lack of vegetation, topography or other site characteristics, planting of a natural vegetative landscaped buffer, containing plants that are consistent with the existing Ministerial Road native plant species and that will provide a year-round screen, shall be required. In such cases, the building permit application shall be accompanied by a landscape plan, prepared and stamped by a Rhode Island registered landscape architect.
 5. All in-kind replacement required by subsection A.3. above, and required plantings along Ministerial Road required by subsection A.4. above, shall be of specimen quality and shall be native plant material hardy to the Plant Hardiness Zone for the Town as defined by the USDA Plant Hardiness Zone Map and the American Standards for Nursery Stock. Plant material shall be installed in accordance with the applicable requirements of the Subdivision and Land Development Regulations. Plants shall be installed at the following sizes, at a minimum, as follows:
 - a. Canopy trees shall be 1½ to 2 inch caliper;
 - b. Evergreen trees shall be 6 to 8 feet in height; and
 - c. Shrubs shall be 4 feet in height.
 6. Should removal of plant material within the 50-foot wide buffer required by subsection A.1. above be due to negligence of the owner or occur without prior approval from the Town, the owner shall install in-kind specimen quality plants as defined in subsection A.5. above, excepting that replacement plants shall be

installed at equal size to the removed plant or shall be sized as follows, whichever is smaller:

- a. Canopy trees shall be 2½ to 3 inch caliper (approximately 10 feet in height);
 - b. Evergreen trees shall be 8 to 10 feet in height; and
 - c. Shrubs shall be 8 feet in height.
7. Any proposed garages visible from Ministerial Road due to lack of vegetation, topography, or other site characteristics shall have doors facing away from the scenic highway.
 8. Other than garages, proposed accessory structures shall be located to the rear of the principal structure or otherwise out of view from Ministerial Road.
 9. Commercial vehicles and boats, major recreational equipment, household appliances, junk, machinery or scrap materials, as permitted by this Ordinance, shall be located in the rear yard so as not to be visible from the street, or shall be fully enclosed and screened by means of a full landscape screen as defined in the Subdivision and Land Development Regulations. Landscape materials, firewood, outdoor furniture or play equipment or similar materials normally associated with a residential use shall be allowed. In such cases, the landscape screen shall be reviewed for compliance with the Regulations and approved by the Administrative Officer prior to initiating on-site storage of the items and materials listed above.
- B. Should the Building Official be unable to determine compliance with the standards referenced in Subsection A. above, the building permit application shall be referred to the Technical Review Committee (TRC) for an advisory opinion. The TRC shall review the application and advise the Building Official as to the application's compliance with the standards. Should the TRC find an application not in compliance, the TRC shall advise the applicant as to how compliance with the standards can be achieved, or whether a waiver from the Planning Board as described in Subsection F. below, must be obtained.
- C. Development plan review shall be required where alteration of the 50-foot wide buffer required by this section is proposed in order to construct, alter or relocate a driveway from the highway across the wooded buffer. In such cases, a single driveway not to exceed 20 feet in width for residential uses, and 26 feet in width for other permitted uses, may be constructed from the highway across the wooded buffer. Straight driveways shall be avoided and, where possible, a curved driveway shall be located so as to obstruct direct views from the road to site structures.
- D. Upon approval by the Planning Board, through application for development plan review with a request for a waiver pursuant to the Town's Subdivision and Land Development Regulations, modification of or full relief from the standards contained within this Section may be permitted. Applications for development plan review under the provisions of this section shall first be referred to the Town Conservation Commission/Tree Board for an advisory opinion prior to any approval by the Planning Board.

Review to Date

Staff Review of Pre-Application Concept Plan

Staff has reviewed the Pre-Application submittal and provides the following for consideration:

1. This subdivision appears to meet the flexible frontage provision of the Zoning Ordinance (Sec. 502.2).

2. Staff suggests that perhaps a shared-driveway configuration would be more in keeping with the standards and intent of Section 505.6 (Ministerial Road Scenic Highway) in reducing the number of curb cuts along the street and maintaining the scenic character of the roadway.

Technical Review Committee – November 12, 2020

Committee Review: At their meeting, the Committee moved the project forward to the Planning board with the following 6 concerns to be addressed:

1. Any sightline issues associated with a new driveway would be resolved with RIDOT.
2. The applicant would request a waiver for any proposed garage as it relates to its location and the Town's regulatory requirements for its placement on the proposed lot.
3. The applicant adjust their application from a minor to major based on request for waiver regarding flexible frontage.
4. The applicant is encourage to utilize a shared driveway for any new development and explore existing access options that may exist to the north and south of the proposed new lot.
5. That the applicant resolve any conflicts with existing cross culvert and final driveway location with RIDOT.
6. The waiver for flexible frontage is addressed.

Required Findings

As a reminder, State law requires **for all administrative, minor, and major subdivision and land development applications**, approving authorities must make positive findings on the following standard provisions:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The subdivision, as proposed, 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. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

The approving authority must also address each of the following general purposes of zoning:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;

- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waiver or modification is reasonable and within the general purposes and intents of the Regulations; and,
- b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Additionally, with regard to the flexible frontage provision of the Zoning Ordinance (Article 5, Sec. 502.2), the Planning Board must make positive findings that:

- (1) Using *flexible* zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,
- (2) Would result in a better use of the land than permitted under conventional zoning.

Request to Combine Conceptual Master Plan & Preliminary Plan Review

In conjunction with this Pre-Application Concept application, the applicant has requested to combine the later Conceptual Master Plan & Preliminary Plan Review stages of review. If deemed appropriate, the following motion could be used in support of said request:

Motion: “The South Kingstown Planning Board hereby grants the request of the applicant, Priscilla Archambault, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed major subdivision located at 1696 Ministerial Road, Assessor’s Plat 54, Lot 57. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.”