



Town of South Kingstown, Rhode Island

180 High Street
Wakefield, RI 02880-0031
Tel. 401-789-9331
Fax 401-788-9792

Witness: South Kingstown Town Clerk

PLANNING DEPARTMENT

February 19, 2014

Sand Dollar, LLC
c/o Jonathan Gilbert
151 Pond Street
Wakefield, Rhode Island 02879

Re: Preliminary Plan Decision-- Stone Soup Farm - Phase 3, a proposed seven (7)-lot Flexible Design Residential Project (proposed single off-site affordable unit), approximately 1,500 feet of private roadway, AP 55-2, Lot 1, located approximately 2,000 feet west of utility pole #26 on South Road, Sand Dollar, LLC, owner/applicant

Dear Mr. Gilbert:

At the meeting of the South Kingstown Planning Board held on Tuesday, February 18, 2014 the Board voted as follows:

Motion: "The South Kingstown Planning Board hereby grants Preliminary Plan approval to the Stone Soup Farm, Phase 3 Flexible Design Residential Project, a Major Land Development Project as depicted on plans entitled: 'Preliminary Submission, Stone Soup Farm - Phase 3, South Road, South Kingstown, Rhode Island, Assessor's Plat 55-2, Lot 1.' Plans by DiPrete Engineering, Two Stafford Court, Cranston, R.I. 02920, Sheets 1 through 10, dated 6-6-12 with revisions through 11-14-13. This action is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The Land Development Project is consistent with the requirements of the Comprehensive Plan.
2. The Land Development Project design conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
3. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required Conditions of Approval.
5. The Land Development Project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. All proposed lots have adequate and permanent physical access to a public street, namely South Road.
7. With the required Conditions of Approval, the Land Development Project will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
8. The design and location of building lots, utilities, drainage improvements, and other improvements in the Land Development Project minimize flooding and soil erosion.

9. The Flexible Design plan presented for consideration better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and Residential Design Manual than would a conventional development after considering all of the criteria set forth at Article III, Section A of the Regulations.
10. The development parcel is located within the Rhode Island Coastal Resources Management Council's (CRMC) Salt Pond Region Special Area Management Plan and is classified as 'Self Sustaining Lands.' The proposed subdivision meets the CRMC average density requirement of one residential unit per 80,000 square feet of land suitable for development as that term is defined by the CRMC.

Findings of Fact, Inclusionary Zoning Incentive, Off-Site Development

1. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicant which demonstrates the ability of the development parcel to support a 'basic maximum number' of thirteen (13) lots. The applicant has provided a second, preferred yield plan consisting of seven (7) lots which the applicant feels better reflects the natural characteristics of the development parcel and surrounding residential development patterns. Pursuant to Section 502.6.E. & F. of the Zoning Ordinance, a zoning incentive increasing the basic maximum number of lots by a factor of 1.2 is required. Incentive lots must be affordable to low and/or moderate income households as defined under Rhode Island General Laws §45-53, the Rhode Island Low and Moderate Income Housing Act.
2. Based on the applicant's preferred yield plan of seven (7) lots, a zoning incentive of one (1) lot/unit, increasing the basic maximum number of lots/units to eight (8), is required (i.e. $7 \times 1.2 = 8.4$ lots, rounded down to 8 lots/units). Required incentive lots/units must be affordable to 'low and/or moderate income households' and shall constitute a 'municipal government subsidy' as both terms are defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
3. The applicant has proposed that the required affordable unit be located as one-half of a two-household structure on Record Lot 1 of the adjacent Stone Soup Farm subdivision. The second unit in the two-household structure has already been approved as one of the three required affordable units associated with the Stone Soup Farm subdivision.
4. The Planning Board finds that the use of the off-site unit as one-half of a two-household dwelling located on Record Lot 1 of the adjacent Stone Soup Farm subdivision (Assessor's Plat 55-2, Lot 28) as the required inclusionary component of the Stone Soup Farm - Phase 3 FDRP is an innovative approach to meeting the Town's affordable housing need and is more beneficial to the Town than an on-site affordable home ownership scenario.
5. The Planning Board further finds that the concept design of the proposed off-site two-household on Assessor's Plat 55-2, Lot 28 is consistent with the surrounding properties in the Stone Soup Farm subdivision. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I. of the Town's Subdivision and Land Development Regulations.

Conditions of Approval

1. The use of the property shall be strictly limited to Use Code 10, Single Household Detached Structure residential development unless further amended by the South Kingstown Planning Board.
2. This approval is limited to seven (7) building lots in total.
3. Fair Share Development Fees for both open space and school facilities as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the seven (7) market rate units in the subdivision.
4. The subdivision shall satisfy its affordable housing component requirement with the dedication of one-half of a two-household dwelling located on Record Lot 1 of the adjacent Stone Soup Farm subdivision (Assessor's Plat 55-2, Lot 28) as the required inclusionary component of the Stone Soup Farm Phase 3 FDRP.
5. The affordable unit shall be available for ownership and/or occupancy by 'low/moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
6. Any lease of the affordable unit identified as one-half of a two-household dwelling located on Record Lot 1 of the adjacent Stone Soup Farm subdivision (Assessor's Plat 55-2, Lot 28) shall remain affordable to low or moderate income households for a period of ninety-nine (99) years from the date of occupancy.

7. Any sale of the affordable unit identified as one-half of a two-household dwelling located on Record Lot 1 of the adjacent Stone Soup Farm subdivision (Assessor's Plat 55-2, Lot 28) shall remain affordable to low or moderate income households for a period of ninety-nine (99) years from the date of the initial sale.
8. The affordable unit must meet the criteria for subsidy and deed restrictions such that the unit counts toward the low and moderate income housing stock within the Town.
9. Any future rental of the affordable unit shall require that it be marketed and leased to households earning up to eighty percent (80%) of the Area Median Income in conformance with Article 12.(7.1) of the South Kingstown Zoning Ordinance.
10. The off-site affordable unit to be located on Record Lot 1 of the Stone Soup Farm subdivision shall be available for occupancy within one year of the sale of the last lot in the Stone Soup Farm – Phase 3 subdivision.
11. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
12. Any monitoring agreement between the developer and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of the affordable housing unit for purchase or lease. Any such notification shall be directed to the Director of Planning.
13. Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.
14. Electric, telephone and cable services shall be installed underground.
15. The applicant shall utilize low impact drainage methodologies in conformance with the Rhode Island Stormwater Design and Installation Standards Manual or other best management practices.
16. As part of the final submittal, the applicant shall identify the legal mechanism(s) that will ensure the protection and long term viability of the qualified pervious areas.
17. As part of the final submittal, the applicant shall incorporate restrictions in the Homeowner's Association documents or by means of individual deed restrictions to prohibit the installation of paved driveways.
18. Open space areas within the development shall be marked in the field with 'witness posts' or similar monumentation to establish these buffer areas and help prevent encroachment on or within these areas. Specifications for these markers and their proposed locations shall be depicted on the final plans for the development.
19. As part of the Final Submittal, the applicant shall submit a separate Administrative Subdivision intended to convey approximately 5.55± acres of AP 55-2, Lot 1 to AP 55-3, Lot 5. Said Administrative Subdivision shall be filed prior to the Record Plan for the Stone Soup Farm - Phase 3 subdivision.
20. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement."

Respectfully,



Maria H. Mack, Chair
Planning Board

MHM/gap

c: DiPrete Engineering
Donald Packer, Esquire
Town Assessor
Director of Public Services
Building Official
Town Clerk