



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**Angeli Minor Subdivision**

**Minor Subdivision – Preliminary Plan Review**

March 23, 2021

Project Type:	<b>Minor Subdivision</b>		
Review Stage:	<b>Preliminary Plan</b>		
Address:	<b>183 Kensington Court North</b>		
Plat:	<b>39-2</b>	Lot:	<b>14</b>
Parcel Size:	<b>~1.88 acres</b>	Zoning District:	<b>R40</b>
Applicant:	Richard & Patricia Angeli 183 Kensington Court Wakefield, RI 02879	Owner:	Same

**Property Characteristics**

The subject property is a developed parcel containing an existing single-family residential dwelling and associated accessory structures located on the east side of Kensington Court North in an R40 zoning district that is approximately 1.88 acres (~81,618 square feet) in total area with approximately 150' of frontage on both Kensington Court North and South Road. The subject property is serviced by a private well and an existing Onsite Wastewater Treatment System (OWTS).

**Project Description**

The applicant is proposing to subdivide the existing parcel into two (2) parcels for single-family construction serviced by private wells and individual OWTS. The access driveway for the existing dwelling will remain (on Kensington Court North) and access to the newly created lot will be from a new entrance created along the new parcels frontage on South Road.

No wetlands or other areas representing land unsuitable for development have been identified on the plans submitted.

**Regulatory Considerations**

*Minor Subdivisions*

Zoning Ordinance: Minor Subdivision application are subject to the dimensional standards contained within Section 401 of the Zoning Ordinance. Within the R-40 Zoning District the following standards apply to the formation of lots: Minimum Lot Size – 40,000 square feet; Frontage and Width – 150 feet of frontage and lot width is required.

Subdivision and Land Development Regulations: Article IV.C.1 contains requirements for 'Minor Subdivisions Involving the Creation of 2 lots'. This Section provides the following Criteria for Review and Lot Development Standards as outlined below, and found on Pages 34 – 36 of the Regulations.

Criteria for Review:

- (1) Potential for Further Subdivision: If the parcel has the potential for further subdivision the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided below.

- (2) Adequacy of the street on which the proposed lots front: (a) The lots must be provided with access to a street which is adequate for access for vehicular traffic; and, (b) the frontage must provide safe and adequate access to a public street.
- (3) Adequacy of the access from the lots onto the street: (a) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and (b) The lots must be physically accessible from the street upon which it fronts (i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street.)
- (4) Relationship of scenic highways: Adequate provision shall be made to preserve scenic values along the road frontage of State-designated scenic highways in accordance with standards adopted by the State Scenic Highway Board pursuant to RIGL Sec. 24-15-9.
- (5) Conformity to Zoning: The proposed lots must be in conformity with all applicable zoning ordinance requirements.
- (6) Conformity with the Comprehensive Plan: The proposed lots shall be in conformance with regard to (a) discouraging the development of residential lots with direct access on major streets, (b) establishing a functional classification of roads which encourage residences to take access from local roads; and (c) preserving visual quality and rural character along major streets.
- (7) Relationship to adjacent or nearby use: The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.

**Lot Development Standards:**

- (1) The location of the proposed access driveway along the road frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
- (3) Driveways or adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;
- (4) Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;
- (5) Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or
- (6) Provision may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

**Waivers Requested**

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No waivers are being requested for this project.

**Review to Date**

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***Preliminary Plan Review***

February 10, 2021 & March 10, 2021 - *The Technical Review Committee (TRC) discussed the application and provided the following comments and recommendations:*

Item/Issue Discussed	Recommendation	Status
<b>Sewage Disposal</b>	The application shows the new lot being serviced by an OWTS. However, the property is located in the “future sewer service area,” which may require a connection to town sewer. The applicant must complete a sewer feasibility study before being considered for Preliminary Plan approval.	Satisfied. Sewer Feasibility Study completed; Determination from the Department of Public Services on February 25, 2021 confirmed that sewer connection was not required and the servicing of the new lot with an OWTS was acceptable.

**Required Findings**

In approving this subdivision request, the Board 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 Board also must 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.

### **Draft Motion for Consideration**

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#### ***Decision***

“The South Kingstown Planning Board hereby grants Preliminary Plan approval to the Angeli Minor Subdivision, a two (2) lot minor subdivision for single-family development located at 183 Kensington Court, Richard & Patricia Angeli, *applicant/owner*. This approval is based upon plan set entitled ‘Proposed Conditions Plan, *Minor Subdivision Plan for “The Angeli Plat”, AP 39-2 Lot 14, 183 Kensington Court North, in South Kingstown, Rhode Island*, prepared for Richard E. & Patricia E. Angeli, 183 Kensington Court, Wakefield, RI 02879, Sheet 1 of 1, dated February 10, 2021, prepared by Principe Company, Inc., Engineering Division, PO Box 298, Tiverton, RI 02878.’ This approval is based on the following Findings of Fact and Conditions of Approval:

#### ***Findings of Fact***

- A. The subdivision is consistent with the requirements of the South Kingstown Comprehensive Community Plan.
- B. The subdivision conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. 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.
- D. There will be no significant negative environmental impacts from the subdivision as depicted on the above referenced plans, with the required Conditions of Approval.
- E. The subdivision, as proposed will not result in the creation of building sites with such physical constraints to development that building on the lots according to pertinent regulations and building standards would be impracticable.
- F. The subdivision has adequate and permanent physical access to a public street, namely, Kensington Court North and South Road.
- G. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.
- H. With the required Conditions of Approval, the supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
- I. The subdivision is well-integrated with the surrounding neighborhood with regard to natural and built features, and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- J. Thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

#### ***Conditions of Approval***

- 1. This approval is limited to two (2) lots in total.
- 2. All lots shall be serviced by private water and individual OWTS.
- 3. Survey monumentation shall be installed at the intersections of all parcel boundaries on both parcels. Said monumentation shall be shown on the draft Record Plan and installed in the field prior to recording. The type, number and location of the monuments shall be subject to the approval of the Administrative Officer as part of the Final Plan approval.

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4. Physical Alteration Permits from the Town of South Kingstown must be received prior to the installation or modification of any curb cuts providing access to these properties.
5. Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit's must be issued from the Town's Department of Public Services prior to applying for any building permits on the lots.
6. All utilities shall be installed underground as required by the regulations.
7. The applicant shall submit a Final Plan that meets the requirements of the 'Final Plan Checklist, Minor Subdivision,' as found in the Regulations. The Final Plan shall contain a draft Record Plan as required by the Checklist. The draft Record Plan shall include notation of Conditions of Approval numbered one (#1) through five (#5), as listed above. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of any applicable Conditions contained within the Final Plan approval, the applicant shall submit the Record Plan on polyester film to the Administrative Officer for endorsement by the Planning Board Chair, and shall record the same in the Town of South Kingstown Land Evidence Records.
8. **And any other conditions deemed necessary by the Planning Board in consideration of this application...**