



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Shepherd's Run

Phase 1 – Renovations

Major Land Development – Preliminary Plan Review

Public Hearing

March 23, 2021

Project Type:	Major Land Development		
Review Stage:	Preliminary Plan		
Address:	4780A Tower Hill Road		
Plat:	50-4	Lot:	12
Parcel Size:	35.69 acres	Zoning District:	Route 1 SMD
Applicant:	Shepherds Run, LLC 12 Grand Street Stonington, CT 06378	Owner:	Same

Property Characteristics

The subject property is located to the east of Commodore Oliver Hazard Perry Highway (Route 1) directly behind The Prout School and immediately northeast of the State of Rhode Island Oliver Stedman Government Center. The parcel has frontage on Route 1 with vehicular access via an existing access easement. The parcel is zoned Route 1 Special Management District (Rt. 1 SMD) and the property survey indicates the parcel contains approximately 35.69 acres of land. The properties directly across Route 1 are also zoned Route 1 Special Management District. The property is within the Suez Water District's service area, and partially within the Town's future sewer service area.

The parcel contains a large existing structure formerly operated as a religious institution and private boarding school, and a small cottage structure. The primary existing structure provides approximately 33,000 square feet of usable space, is not visible from Route 1, and has historic value although it does not appear to be listed on the National Register of Historic Places. An existing Onsite Wastewater Treatment System (OWTS), which has been somewhat underutilized since installation in 2003, is located to the rear of the building and was designed to accommodate 7,500 gallons of wastewater flow per day. Areas surrounding the existing buildings on the property consists of maintained grass areas and intermittent landscaping. The remainder of the site is wooded with a large wetland located on the eastern portion of the Site which extends towards the Narrow River located more than 1,000' to the east.

The parcel is located within the CRMC's Narrow River Special Area Management Plan (SAMP) which classifies this area as being located within "Lands of Critical Concern." The parcel abuts two (2) GI zoned government and institutional uses (the Stedman Government Center and the Prout School) to the west and south, federally-owned conserved land to the east, and a large parcel zoned R-80, previously the site of a major subdivision application known as Castle Farm that was originally approved on October 25, 2000 and subsequently extended several times. The last action that appears to have been taken by the Planning Board on this subdivision was approval of a 1-year extension in

July 2008 that extended the Final Approval to October 25, 2009. There does not appear to have been any further action on this subdivision since this last extension.

Project Description

The applicant proposes to redevelop the property and adaptively reuse the existing historic structure as the primary building on the site, primarily. The proposed uses include lodging, with hotel rooms and extended stay bungalows for rent, event space, a vineyard, a restaurant and a spa. The restaurant and spa are proposed to be open to the public. In addition to reuse of the existing structure, the applicant proposes to construct a number of small bungalow structures to provide additional/diversified lodging opportunities in a third and final phase of the project. More specifically the application proposes the following 'property highlights' of the redevelopment proposal:

- 33 hotel units
- Winery & Vineyard
- 3,500 square foot restaurant
- 400 person capacity outdoor event lawn
- Indoor event space & wedding hall
- Conference and meeting facilities
- Spa & fitness center
- 12 extended stay bungalows

The application proposes to utilize existing access and infrastructure to support development of this parcel. Access to the Site will remain as currently exists via the driveway and access easement across Lot 19 (The Prout School property). The existing parking areas will be utilized and expanded by repurposing the existing basketball courts on the southern portion of the site. Aside for the extended stay bungalows and associated improvements, there are no physical changes proposed that require the mitigation of increased stormwater flows. Any such mitigation that may be required associated with the bungalows (3rd phase of the project) will need to be accounted for at the time of Preliminary Plan consideration. The proposal also aims to utilize the existing OWTS and public water connections to accommodate the proposed use at the Site.

The project has been proposed to advance in three phases (those in **bold** being the subject of this Preliminary Plan review):

- **Phase 1 (two parts):**
 - 1A – Renovation of primary/main building;**
 - 1B – Renovation of secondary wings of main building.**
- Phase 2 – Construction of access road and utilities to support the proposed bungalows.
- Phase 3 – Construction of twelve (12) detached bungalows.

Decision Deadline

This application was Certified Complete on March 11, 2021. The Planning Board has until **Wednesday, June 9, 2021** (90 days from date of completion) to render a decision.

Regulatory Considerations

This property is located within the Route 1 SMD, as such the following relevant provisions of [Section 605 \(Route 1 Special Management District\)](#) apply:

605.4 - *Procedure for approval.*

For new uses on undeveloped land, development within the Route 1 Special Management District shall be reviewed and approved by the planning board as a major land development project, and as further provided herein. In order to expedite the review and approval of major land development projects within the district, the planning board may combine the stages of review as provided in section V.C.4 of the subdivision and land development regulations.

Existing conforming uses seeking approval for enlargement or significant expansion, or change to another permitted use code category shall be reviewed as new uses. Existing nonconforming uses within the district may be continued as provided in article 2.

605.5 - *Permitted uses.*

All uses listed in section 301, Schedule of Use Regulations Table, except those uses specifically prohibited in subsection 605.6, below, are permitted in the Route 1 Special Management District, provided however that a special use permit shall not be required for a restaurant serving alcohol (use code 56.1), accessory entertainment to restaurant or bar (use code 56.3). A special use permit shall be required for liquor stores (use code 55.3). The planning board shall determine, at the time of review for approval of, or amendment to, a previously-approved land development project within the Route 1 Special Management District, that the proposed use is consistent with the comprehensive community plan; provided however, that the planning board may not approve any use listed as a prohibited use in subsection 605.6., below. Changes in use of land or buildings or combination thereof to an approved land development project shall be reviewed by the administrative officer as provided in article VI, section D of the subdivision and land development regulations.

The planning board shall, in reviewing applications for development within the district, apply such controls and restrictions as may be necessary to achieve the provisions of the comprehensive plan with regard to the proportion of buildable land which is devoted to different uses. The board shall require that at least fifty (50) percent of the buildable land in the entire district be used for office, institutional, light industrial or similar nonretail business use. Within the southern portion of the District the board may allow a greater percentage of buildable land (greater than fifty [50] percent) to be devoted to low-impact residential development provided such development is found by the board to be at a scale and density appropriate to the southern District setting, provides adequate buffers to existing land uses in the vicinity and is not visually intrusive from Route 1.

In making this determination the planning board shall make affirmative findings relative to each of the following during the conceptual master plan review of a proposed land development project:

- A. The proposed use will have no or very limited impact on those town capacities that are critical in constraining the town's current six-year capacity, as identified by the town council in determining that capacity as provided in article 11, section 1102.4.D of the zoning ordinance.
- B. The applicant has demonstrated that the site planning methodology, standards and techniques utilized in the preparation of the site plan for the proposed land development project are consistent with the "South Kingstown Residential Design Manual," (South Kingstown Subdivision and Land Development Regulations, article IV, A.4.a—e).
- C. The design and scale of the project is found to preserve and enhance the Route 1 viewshed by providing buffers that are determined to be adequate, building yard setbacks that meet or exceed the requirements of any adjacent residentially zoned properties and open space that meets the requirements of article 6, section 605, without the inclusion of required highway buffer areas.
- D. The density of the proposed development is found be appropriate to the southern district setting.

At least fifteen (15) percent of the buildable land area in the entire District shall be set aside for open space as provided in subsection 605.15.

605.10 - *Retail uses, personal, business and professional services, and mixed-use buildings.*

Minimum lot area: Two thousand five hundred (2,500) square feet.

Lot width at front yard setback line: Minimum of twenty-five (25) feet and a maximum of eighty (80) feet.

Lot depth: Minimum of one hundred (100) feet.

Yard dimensions:

Build-to line: As established by the planning board.

Front yard: Minimum of zero (0) feet; maximum of ten (10) feet.

Rear yard: Minimum of twenty-five (25) feet.

Side yard: Minimum of zero (0) feet, if attached to an adjacent building or a minimum of five (5) feet if not attached to an adjacent building.

Maximum lot building coverage: Seventy (70) percent.

Minimum pervious area: Twenty (20) percent. The twenty (20) percent may be used on other parcels in the district subject to approval of the planning board.

Minimum separation between buildings on the same lot: Fifteen (15) feet.

Maximum building size: One hundred (100) feet in length, including buildings on adjacent lots if attached thereto.

On-street parking is permitted, provided however that off-street parking must be located in rear yards where feasible. Service lane access is recommended.

605.14 - *Parking standards.*

- A. *Ratios*. Parking ratios for all uses within the district shall be as provided in article 7.
- B. *Landscaping*. Parking lot landscaping for all uses within the district shall be as provided in subdivision and land development regulations. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section. The planning board may require the preparation of a plan showing the location of significant trees on property proposed for development in order to maximize the preservation of such trees and/or to incorporate them into the proposed development plan.

605.15 - *Open space.*

At least fifteen (15) percent of the land suitable for development in the District shall be designated as open space. In order to achieve this requirement, the developer of any parcel proposed for development within the Route 1 SMD shall provide open space by means of any of the following options, subject to the approval of the planning board:

Designation of open space upon the individual parcel proposed for development; or

Designation of open space in another part of the district; or

Payment of a fee-in-lieu of open space dedication to the town may be required by the planning board as provided in the subdivision and land development regulations. Such funds shall be kept in restricted accounts by the town and shall only be spent on purchase of open space land within the district; or

Any combination of the above options.

The designation of land in the district shall be encouraged by the board as a preferable alternative to the payment of fees-in-lieu of open space. Payment of fees shall be restricted to situations only where the board finds that designation of land is impractical.

Open space within the district may include the following:

Uses permitted in open space in a residential cluster development in section 304.A.4 of the zoning ordinance.

Highway buffer areas.

Pedestrian parks, plazas, town green, village commons, etc.

Water features (fountains, pools, etc.).

Bicycle or foot paths, but excluding sidewalks.

Lawns, landscaped or wooded areas larger than five thousand (5,000) square feet.

Farm lands, gardens, and vineyards.

Prior to the approval of any development within the district, the planning board shall require the submission of an overall conceptual open space use plan for the parcel(s) being developed for review and approval. This conceptual open space use plan shall indicate the general patterns and type of open space proposed to be created or reserved on the parcel(s). The planning board shall review this plan for consistency with the comprehensive plan and shall encourage the development of a comprehensive system of open space throughout the district. This open space plan shall coordinate the individual reservation or creation of open spaces upon individual parcels in order to create a system of open space for the whole district. This plan may be amended and refined by approval of the planning board as individual portions of the district are developed over time. Required open space dedications on individual parcels may be combined with open space dedicated from other parcels to a common open space area(s) within the district. Such open space dedication shall be consistent with an approved open space use plan as provided above. Open space shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions and by the grant of a conservation or preservation restriction to the town as provided in the subdivision and land development regulations. No more than twenty-five (25) percent of the minimum required open space in the district may be devoted to impervious surfaces. Wetlands may be devoted to open space but shall not be counted towards the minimum open space requirements as set forth in this section. Parking areas or access drives located within the one hundred-foot wide highway buffer required in subsection 605.7, above shall not be counted as open space for the purpose of fulfilling the minimum open space requirements of this subsection. No more than twenty-five (25) percent of the required highway buffer shall be devoted to parking areas or access drives.

The planning board may allow incentives as provided below, within the district in order to encourage a comprehensive system of open space throughout the district, on adjacent parcels, or on single parcels. In granting such incentives, the board shall find that the incentive so granted will promote the objectives and purposes of the comprehensive community plan and the zoning ordinance. Incentives so authorized may include the following:

1. Adjustments from the literal dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record up to a maximum of twenty-five (25) percent of the requirements of this section.
2. Increases in permitted residential density up to a maximum of five (5) percent of the requirements of this section.

605.16 - *Architectural standards.*

The architectural design of buildings, structures and site layout shall be visually compatible with the traditional historic character of the town and the surrounding area, including building materials, massing, scale, and roof line.

A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. New buildings shall be designed with traditional roof forms that are compatible with the character

of the town, including, but not limited to, gambrel, gable and hipped roofs commonly found in South Kingstown and other small New England towns.

Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. Traditional and contemporary architectural detailing which creates variety, interest and texture on new buildings and additions and which is compatible with the historical character of the town is encouraged.

Traditional building materials such as shingles, wood clapboards, brick and stone should be used for the exterior skin of additions and new construction. These materials shall be considered for all buildings or portions of buildings facing public or private streets. Especially with regard to buildings visible from Route 1, the exterior architectural design and exterior materials used shall be compatible with the traditional historic character of the area.

The construction of buildings which are designed primarily according to themes or architectural styles associated with chain stores or restaurants shall be reviewed by the planning board, and may be modified or prohibited if found to be inconsistent with the comprehensive plan or with this ordinance.

Large scale development should take the form of village-like groupings of small scale buildings, rather than a large individual structure or box-like buildings set back on a large expanse of paved parking. New buildings shall not be large, bulky masses, but shall be scaled down into groupings of smaller attached or detached structures.

The planning board shall require schematic architectural drawings of the exteriors of all proposed new buildings to be submitted as part of review of land development projects. The board shall review these drawings for conformity with the design guidelines set forth herein and in the comprehensive plan. The board may permit specific written or graphic architectural standards or codes for building appearance and design to be submitted by the applicant for review and approval.

605.17 - Signs.

The planning board shall require the submission of a comprehensive signage plan for all uses, individual buildings or complex of buildings and uses as part of its review. The signage plan shall include conceptual drawings and supporting information describing the proposed signage for all major buildings and uses, including entrance signs, directional signs, etc. The board may approve, revise or reject such plan as required to achieve consistency with the comprehensive plan and the purposes of this ordinance.

Revisions to signs in an approved signage plan shall be reviewed by the administrative officer as an amendment to an approved plan, as provided in article VI, section D, of the subdivision and land development regulations.

Signs for individual buildings and uses shall not be located within the one hundred-foot highway open space buffer, except for permanent signs at major entrances to the development. The planning board shall limit the number of such major entrance signs to roads or driveways which provide access to major complexes of uses and buildings within the district, and not to individual uses or buildings. No such major entrance sign shall be permitted for individual uses or buildings. Such entrance signs shall be not more than two hundred (200) square feet in sign display area per side and no more than fifteen (15) feet in height.

For commercial, institutional, office and light industrial uses in the SMD there may be one (1) or more wall mounted sign(s) for each main building, the total of which does not exceed one (1) square foot for each lineal foot of the building frontage on which the sign is located, not to exceed seventy-five (75) feet.

In addition to permitted wall mounted signs for main buildings above, there may be one (1) individual wall mounted sign or projecting sign on each side of the building to identify each individual use in a multiple use building. An individual use may place said signs only on those sides of the building that are contiguous to the use. Such signs shall not exceed ten (10) square feet in area per use and shall be located at or near any entrance open to the public.

In addition to permitted wall-mounted signs, there shall also be allowed one (1) freestanding sign for each main building or use not to exceed forty (40) square feet per side. Such freestanding signs shall not exceed twenty (20) feet in height above the ground. No such freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public or private street, sidewalk, driveway, off-street parking or loading facility or any other access required by this ordinance.

In consideration of the comprehensive sign plan for a building or buildings, the planning board may increase the size of the wall mounted signs by reallocating in whole or in part the allowable square footage of the freestanding sign to the wall mounted sign. Where such consideration is granted by the board, no freestanding sign shall be permitted.

Signs for residential uses in the SMD shall be governed by the provisions of section 804.

Permitted signs within the district may be illuminated or indirectly illuminated.

605.18 - *Utilities.*

All proposed new uses in the district shall be serviced with public sewer and water service unless it is not available to the site at the time of the proposed improvements. Electric and communication lines shall be placed underground. Installation schedules for public utilities shall be controlled by the planning board. Individual lots within the Special Management District may be developed prior to the availability of public water, provided however, connection to the utility once available may be required by the planning board.

605.19 - *Internal street and drainage standards.*

Construction of streets and stormwater drainage facilities within the district shall be as provided in the subdivision and land development regulations. The planning board may modify these standards as required in order to adapt street standards to meet special conditions or other requirements particular to nonresidential development in the district. The provisions for inspections, recording of approved plans and revisions thereto, and posting of performance guarantees for all required improvements shall be applicable to development within the district.

605.20 - *Off-site traffic improvements.*

The planning board shall require vehicular traffic created by development in the district to be integrated into the surrounding area and be compatible with abutting and nearby properties. Proposed vehicular traffic circulation shall be regulated to provide for safe and efficient traffic flow to and from US Route 1 and Old Tower Hill Road. The board may require improvements to abutting streets such as Route 1, Kelley Way, Albro Lane or to the existing frontage road on US Route 1 and may require the installation of traffic signals at appropriate off-site locations. If state highways are involved, such improvements shall also be approved by the Rhode Island Department of Transportation and Federal agencies, if applicable. In making this determination of the need for off-site traffic improvements, the board may require a separate circulation plan to be submitted by the developer as part of the application for approval.

The costs of installing or constructing off-site improvements shall be distributed equitably among all proposed development in the district which will benefit from such improvements. The planning board may require that construction improvements be made as a condition of approval, or may require the payment of a fee to the town in lieu of construction of off-site improvements. Such payment shall be used for off-site improvements within or adjacent to the district on a

shared basis among all property owners in the district for which development is proposed. All payments in lieu of construction shall be kept in restricted accounts by the town and shall only be spent on the mitigation of the identified impacts for which it is required.

All required public improvements shall reflect the character defined for the district in the comprehensive community plan.

The planning board shall clearly state the need for such improvements in writing, setting forth findings of fact based on studies of traffic circulation in the impacted area, the comprehensive plan, or the capital improvement program.

The board shall identify any significant negative impacts of proposed development projects on existing conditions within or in the vicinity of the District and the reasons for and extent to which mitigative measures are required.

605.21 - *Lighting.*

Streets, parking areas, pedestrian areas and other actively used development in the district shall be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Street lights shall be decorative and blend with the architectural style of buildings in the district.

Along all commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces, twelve-foot high decorative lamp posts shall be provided at regular intervals. Posts shall be spaced at no greater than eighty (80) feet on center on both sides of a commercial main street. Lighting on residential streets should be confined to street intersections and corners. Lighting standards shall be consistent throughout the district. In parking lots, post heights may be extended to a maximum of sixteen (16) feet.

Use of minimum wattage metal halide or color corrected sodium light sources is encouraged. Non-color corrected low pressure sodium and mercury vapor lights are prohibited, except in light industrial areas where access by the public is restricted.

Porch light and yard post lighting shall be required in residential areas, and shall be incorporated into the street lighting design.

605.22 - *Pedestrian and bicycle circulation.*

As part of its review of development within the district, the planning board shall require that adequate, safe and attractive pedestrian and/or bicycle circulation be provided. A sidewalk network shall be provided throughout the district that interconnects all dwelling units with other dwelling units, non-residential uses, common open spaces, and with major activity centers adjacent to the district. The board may require construction of on-site or off-site sidewalks, footpaths or bicycle paths. In particular, pedestrian access shall be provided in residential and retail commercial areas, but pedestrian access for light industrial and institutional development shall be required only if the planning board finds that such access is reasonable and necessary for reasons of public safety. Access to off-site areas is required, particularly to permit pedestrian and/or bicycle access to the existing retail areas on Old Tower Hill Road or to public, semi-public and/or recreational facilities on Broad Rock Road.

605.23 - *Performance standards.*

Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulation are prohibited. The provisions of section 507 shall be applicable to commercial and industrial uses in the Route 1 Special Management District.

No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

Any use, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any street, property or wetland which may adversely affect the health, safety comfort of, or intended use of their property by persons within or adjacent to the district.

The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere, which may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the district or which may be harmful to property or vegetation.

The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened building and then only in such a manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which said operation is conducted.

Excessive noise. No outside speaker or public address system shall be permitted without the express written consent of the planning board. At no point outside of any lot line shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, exceed the decibel levels set forth in article 5, section 507.13.

Excessive emissions of smoke, steam or particulate matter. Visible emissions of smoke or steam shall be prohibited that exceeds the levels set forth in section 507.16. Wind borne dust, sprays and mists originating in any commercial or industrial operation are prohibited.

Storage of hazardous materials. No material of a hazardous character, as defined by G.L. § 23-24-2, the Hazardous Substance Act, shall be stored except within a building having roofing, walls and floors constructed of such materials as to render said building weather tight, and so as to prevent leakage of materials into the ground or release into the atmosphere. Storage and use of such materials shall be in strict compliance with the requirements of applicable local, state and federal agencies governing such storage and use.

All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened by wood enclosures or by brick walls, with a minimum height of seven (7) feet, and shall extend on three (3) sides of such an area, with a gate or door on the fourth side. Such a brick wall, if used, shall be capped at the top. A landscaped planting strip a minimum of three (3) feet in width shall be planted on three (3) sides of such area. The planning board may modify this requirement if such area is not visible from abutting property or streets, and, in the opinion of the planning board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the comprehensive plan or this zoning ordinance.

605.24 - Timing of development.

In order to regulate the development of new construction within the district and to prevent excessive development from exceeding the capacity of the town and/or other public or private agencies to provide essential services and facilities, the planning board may provide for the construction to be divided into reasonable phases. If phasing of development is determined to be necessary by the board, the following shall apply:

The board shall grant approval of the entire site design first as a master plan. Thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phases.

The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

The planning board may set phasing of construction in order to coordinate the generation of traffic from the district to schedules for completion of on-site or off-site traffic control improvements; to ensure that adequate capacity exists or will exist for provision of wastewater treatment or drinking water supplies. The board may also phase construction which, if developed too quickly, may create significant negative financial impacts upon critical town services, including schools, emergency services, stormwater drainage facilities or other services. Where mixed-use development is proposed or anticipated, the board may also establish requirements on the amount of development in a particular land-use category which may be completed before other types or categories of development are completed.

In establishing phasing requirements, the board shall consider the ability of the town, state or other public or private agencies to provide adequate permanent or interim services, facilities or capacity and shall establish timing controls which regulate development according to these capacities, but do not unreasonably restrict the development of the district according to the policies of the comprehensive plan and in accordance with these and other land use regulations of the town.

Waivers Requested

Included with this application was a statement from the developer that the proposed project does not require any waivers and/or modifications to the town's land development regulations that they are aware of.

Review to Date

Pre-Application Concept Review

May 12, 2020 - Planning Board Review of Pre-Application Concept Plan

Conceptual Master Plan Review

August 25, 2020 – Planning Board Decision of the Conceptual Master Plan for this project. The Planning Board approved the Conceptual Master Plan with conditions and rendered a favorable advisory to the Town Council on the applicant's Comprehensive Plan and Zoning Map & Text amendments with conditions.

Town Council Comprehensive Plan and Zoning Map & Text Amendments

September 14, 2020 – The Town Council unanimously voted to approve the proposed amendments to the Comprehensive Community Plan, as well as amendments to the Zoning Map and Zoning Text. Said approvals incorporate the Planning Board's August 25, 2020 decision to approve the amendments including their Findings of Fact. See attachments to review Town Council Resolutions for additional information.

Preliminary Plan Review

February 10, 2021 - TRC Review of the Preliminary Plan

The project was discussed with the TRC and the items were discussed:

Item/Issue Discussed	Recommendation
Vineyard	<ul style="list-style-type: none"> • A Management Plan for the vineyard and grounds should be developed as it relates to herbicides, pesticides and fertilizer applications.
Construction Phasing	<ul style="list-style-type: none"> • Clarification should be provided on the phasing of construction.
Parking	<ul style="list-style-type: none"> • Analysis on parking arrangements as it relates to area, dimension, and circulation and providing that in the form of a Parking Management Plan.
Wastewater	<ul style="list-style-type: none"> • Concurrence with the Sewer Feasibility Study.

Required Findings

In approving this major land development application, 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 development, 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.

Draft Motion for Consideration

Although Staff was not specifically directed to provide a draft motion for this project, the following motion has been provided for review of formatting and anticipated conditions for consideration by the Planning Board upon conclusion of the Board’s review of the application. If the Board finds the application acceptable, this draft motion may help to conclude review with minimal delay.

“The South Kingstown Planning Board hereby grants Preliminary Plan approval for **Phase 1 renovations (Phase 1A and 1B)** of the Shepherds Run Major Land Development Project, an adaptive reuse proposal to convert the existing historic property upon completion of all three project phases into a destination resort and winery including boutique hotel, winery and vineyard, restaurant, indoor and outdoor events, spa & fitness center and extended stay bungalows located on AP 50-4, Lot 12 with a physical address of 4780A Tower Hill Road, Shepherds Run, LLC, *applicant/owner*. This approval is based upon the Preliminary Plan Drawing Set entitled *Shepherd’s Run, 4780A Tower hill Road, South Kingstown, Rhode Island, Preliminary Plan/Final Plan*:

Sheet	Title	Drawn By	Date	Last Revision
G0.00	<i>Cover Sheet</i>	<i>Centerbrook Architects and Planners, LLP</i>	<i>January 8, 2021</i>	--
1 of 2	<i>ALTA/ACSM Land Title Survey</i>	<i>DiPrete Engineering, Inc.</i>	<i>July 22, 2014</i>	--
2 of 2	<i>ALTA/ACSM Land Title Survey</i>			
2 of 5	<i>Aerial Half Mile Radius</i>		<i>May 29, 2020</i>	<i>December 3, 2020</i>
3 of 5	<i>Overall Existing Conditions Plan</i>			
4 of 5	<i>Site Plan Overall</i>			
5 of 5	<i>Detail Sheet</i>			
AS1.01	<i>Site Plan</i>	<i>Centerbrook Architects and Planners, LLP</i>	<i>January 8, 2021</i>	--
L1.00	<i>Landscape Plan</i>			
A1.00	<i>Overall Basement Floor Plan</i>			
A1.01	<i>Overall First Floor Plan</i>			
A1.02	<i>Overall Second Floor Plan</i>			
A3.00.1B	<i>Exterior Elevations Phase 1B</i>			

This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. The proposed development is consistent with the comprehensive community 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;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The development, 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; and
- E. The development has adequate and permanent physical access to a public street, namely Tower Hill Road (Route 1).
- F. The Town Council approved amendments to the Comprehensive Plan and Zoning Ordinance on September 14, 2020 to allow this project to proceed to the Preliminary Plan review stage as proposed and in conformity with the Comprehensive Plan and Zoning Ordinance.
- G. The applicant has completed the Sewer Feasibility Study and submitted a System Suitability determination from the RI Department of Environmental Management (RIDEM), as well as a Preliminary Determination from the RI Coastal Resources Management Council (CRMC) and a Traffic Impact Study, in compliance with the conditions of the Planning Board's Conceptual Master Plan approval.

Conditions of Approval

- 1. This approval applies only to the renovations to the main buildings on the subject property which have been identified by the applicant as Phase 1 (A and B). No other improvements outside of these Phase 1 renovations to the main buildings are authorized and any subsequent improvements would need to be approved by the Planning Board under a separate phase of review.
- 2. The use of the property shall be limited to Use Code 40.1 (Motel, hotel, inn or resort or bed and breakfast with over 20 rooms), Use Code 56.1 (Restaurant with alcohol service, Use Code 56.3 (Accessory Entertainment to Restaurant), Use Code 71 (Food Products Manufacturing [for the winery]), and Accessory Uses (indoor events and wedding hall, outdoor lawn events, spa and fitness center, and conference/meeting facilities) to Use Code 40.1 (associated with the hotel use). Other accessory uses that are customarily incidental and subordinate to the aforementioned uses shall be permitted at the discretion of the Town of South Kingstown Building and Zoning Official.
- 3. The Site shall be developed in strict conformance with the plans, specifications, and supporting documentation submitted with this application.
- 4. Any installation or modification of utilities associated with this project shall be coordinated with the Town's Department of Public Services prior to applying for a building permit.
- 5. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services prior to applying for a building permit.
- 6. No request for a Certificate of Occupancy or Use shall occur prior to submittal of certification from a Rhode Island licensed Landscape Architect to the Administrative Officer and the Building Official stating that the installation of landscape materials substantially confirms to the approved plan.
- 7. No request for a Certificate of Occupancy or Use shall occur prior to submittal of certification from a Rhode Island Professional Engineer to the Administrative Officer and

the Building Official siting that that the completed construction substantially conforms to the approved plan.

8. The vineyard and grounds associated with this development shall be managed in accordance with the *Integrated Pest Management Program* submitted with this application.
9. The applicant shall submit a Final Plan that meets the requirements of the 'Final Plan Checklist, Major Land Development Project,' 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 numbers one (#1) through eight (#8) 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 of Approval contained with the Final Plan approval, the applicant shall submit the Record Plan on polyester film to the Administrative Officer for endorsement, and shall record the same in the Town of South Kingstown Land Evidence Records.