



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**Magnolia Lane**

**Major Land Development – Conceptual Master Plan**

January 25, 2022

Project Type:	<b>Major Land Development, Multi-Household Land Development Project</b>		
Review Stage:	<b>Conceptual Master Plan</b>		
Address:	<b>Magnolia Lane</b>		
Plat:	<b>57-1</b>	Lot:	<b>121</b>
Parcel Size:	<b>~1.29 acres</b>	Zoning District:	<b>R10</b>
Applicant:	J. Thomas Investments c/o John D’Agostino 697 Moonstone Beach Road South Kingstown, RI 02879	Owner:	Same

**Property Characteristics**

The subject property is an undeveloped parcel approximately 1.29 acres in size and is located in an R10 Zoning District. Magnolia Lane, formerly known as Wilson & Tarn Streets (existing ‘paper’ streets) was recently constructed in preparation for the development of six (6) adjacent lots of record and one (1) private parcel used for drainage purposes. The subject parcel is located on the southern end of Magnolia Lane and surrounding properties are dominated by residential development. A forested wetland extends onto the western portion of this parcel, the total amount of wetland area on the parcel totals approximately 22,591 square feet.

	<b>Area (square feet)</b>
Total Parcel Size	56,192
Approx. Wetland Size	22,591
Total Approx. Land Suitable for Development	34,201

**Project Description**

The applicant is proposing a minor multi-household land development project to include two (2) duplex structures with two (2) residential units with a single attached garage each, for a total of four (4) units. As a 4-unit minor land development project, inclusionary zoning requirements of the zoning ordinance do not apply to this development, as such no deed restricted affordable units are required or proposed. While this project represents a minor land development project, the applicant is requesting a waiver from the Subdivision and Land Development Regulations which requires it to be considered as a Major Land Development Project.

The development will be serviced by public water and sewer, stormwater will be managed using newly constructed drainage features that have been designed and integrated into the private parcels adjacent to the Magnolia Lane roadway that is currently under construction. Access to these duplex units is proposed from a single shared access driveway directly off Magnolia Lane. A 10’ wide x 120’ long vegetative screen is proposed along the eastern boundary of the Site and buffer plantings are proposed along the western limit of disturbance adjacent to the edge of the wetland that exists on the western portion of the site. As this wetland is identified as a *Forested wetland less than 3 acres*

*in size*, the Rhode Island Department of Environmental Management (RIDEM) requires a 10' setback from the flagged wetland edge. RIDEM permitting for both wetlands and stormwater has been completed (RIDEM Permit #16-0028) as part of the overall proposed construction of Magnolia Lane. While the permit had expired on September 8, 2020, the applicant has verbally indicated to Staff that it has been renewed and will be submitted with all required permitting information at the next stage of review (Preliminary Plan).

## **Regulatory Considerations**

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### **Section 401 (Zoning – Dimensional Requirements)**

Section 401 (Schedule of dimensional regulations) provides the maximum density allowed for multi-household land development projects. The allowed density for the subject property is:

*15,000 for first two (2) dwelling units plus 5,000 square feet per each additional dwelling unit.*

At 34,201 square feet of land suitable for development, the maximum density for the subject property is 5.84 dwelling units. The applicant is proposing a total of four (4) units which is within the allowable density specified within the Zoning Ordinance.

### **Article IV, Section H – Multi-Household Dwellings**

Section H(6) requires screening of the development to provide a physical barrier and visual screen from adjacent properties. This also applies to off-street parking areas, as well as refuse and recycling provisions within the development.

Section H(7) requires a minimum front yard setback of 100 feet along public streets with prohibitions on buildings, parking lots and other utility areas from being located within this setback. A 50' landscaped or natural buffer zone is also required to be maintained in this area along said public street.

Section H(9) requires the following:

*Pedestrian Walkways* - Pedestrian walkways shall be provided where necessary, to provide safe and convenient access to and from the development;

*Parking Lots* – Shall be setback from buildings, no parking area, driveway or utility area shall be located within 15' of any wall of a principal building (except garage) used for residential purposes along which is located an entrance or exit generally intended for use by residents thereof, or along which are located residential windows less than 10' above ground level.

*Distance between buildings on same lot* – The minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other shall be 50'. The minimum distance between two (2) abutting ends of buildings in the same general plane or row shall be 25' (if such walls contain no windows serving habitable rooms or shall otherwise be 50').

*Rubbish Disposal* – Each building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and all utility areas shall be properly screened and buffered from all buildings and property lines.

*Floor Area of Accessory Uses* – Permitted floor area for allowable accessory uses shall not exceed 2 ½ percent of the floor area for residential use. Accessory uses in multi-household structures shall not exceed 800 square feet in any district where permitted.

*Open Space* – Open space shall be provided for residents as appropriate to the type of occupant (i.e., elderly, adults, families with children, etc.). At least 10 percent of the developable land area shall be dedicated to open space use, devoted to either (a) private open space (such as private rear yards or semi-private front yards); (b) public open space (such as pedestrian parks, plazas, Town green, village common, etc.); or (c) active recreation areas, such as playgrounds, play fields, tennis courts, etc.). For dwellings

proposed for occupancy by elderly residents only, at least 100 square feet of outdoor area per dwelling unit shall be provided, which shall be suitably designed and landscaped to meet the specific needs of the elderly and/or handicapped residents of the development. The type, location and design of all open spaces areas shall be subject to the approval of the Planning Board.

*Exterior lighting* – All exterior lights shall be directed toward the interior of the development. Exterior lighting shall be shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises. No exterior lighting shall shine on or into residential structures and/or properties to an extent that would adversely affect the neighboring residents.

### Waivers Requested

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The Applicant is requesting waivers from Article IV. H (7) of the South Kingstown Subdivision and Land Development Regulations which requires a minimum 100-ft. setback along any public street.

The Applicant is proposing a 47-ft. front yard setback for the proposed residential buildings which meets the underlying R-10 Zoning District requirements. The lot has existing drainage feature in the rear and due to the depth of the lot cannot comply with a 100-ft. long setback. The applicant believes that the waiver is reasonable and within the general purposes and intents of the Subdivision and Land Development Regulations and that little enforcement of the regulations is impracticable and will exact undue hardship because peculiar conditions pertain to the land in question.

### Review to Date

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This application was reviewed with the applicant at the Technical Review Committee meeting on September 8, 2021. Upon review and discussion with Attorney William Landry and David Russo, engineer with DiPrete Engineering, the TRC granted **conditional approval** of the application with the understanding that the applicant is encouraged to modify the proposed eastern buffer to represent a more soft and natural buffer in lieu of a landscaped hedge.

**The applicant has responded to this suggestion by modifying the landscaping plan.**

### Required Findings

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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.

In approving this land development 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 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**

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#### ***Decision***

"The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to the Magnolia Lane Multi-Household Land Development project, a two (2) duplex, four (4) unit multi-household development located on Magnolia Lane, J. Thomas Investments, *applicant/owner*. This approval is based upon plan entitled *Conceptual Master Plan Submission, Magnolia Lane Development, South Kingstown, Rhode Island, Assessor's Plat 57-1, Lot 121*, Sheets 1 through 8, dated April 6, 2021 with revisions through September 20, 2021, completed by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920. This approval is based on the following Findings of Fact and Conditions of Approval:

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

- A. This multi-household land development project is consistent with the requirements of the Comprehensive Plan.

- B. This multi-household land development project conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
- D. This multi-household land development project, as proposed, will not result in the creation of individual lots or units with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- E. The development has adequate and permanent physical access to a public street, namely Magnolia Lane.
- F. With the required conditions of approval, this multi-household land development 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.
- G. The design and location of building lots, utilities, drainage improvements, and other improvements in this subdivision minimize flooding and soil erosion.

***Findings of Fact, Requested Relief***

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waiver:

<b>Section</b>	<b>Waiver</b>
Article IV, Section H(7) Front yard setback	Waiver from the minimum 100' front-yard setback from a public street for multi-household land development projects.
Open Space	??

In doing so, the Planning Board finds that:

- H. The waiver or modification is reasonable and within the general purposes and intent of these regulations; and that
- I. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design (assuming conformance with conditions of approval) as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

***Conditions of Approval***

1. The use of the property shall be limited to Use Code 11 (two-household detached structure) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.
2. This approval is limited to four (4) residential dwelling units in total.
3. The applicant shall modify the proposed eastern buffer to represent a more soft and natural buffer in lieu of a landscaped hedge for the Preliminary Plan submission.
4. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the proposed units prior to the issuance of a Certificate of Occupancy.
5. Electric, telephone and cable services shall be installed underground.

6. 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.
7. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**