



Town of South Kingstown, Rhode Island

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PLANNING DEPARTMENT

February 29, 2012

David Krauss
19 Pine Street
Newington, CT 06111

Witness: South Kingstown Town Clerk

Re: Preliminary Plan Review, Brandyberry Minor Subdivision, a Proposed Two-lot Subdivision (One Existing Home), Existing Street Frontage, AP 22-3, Lot 4, Located at 22 Waites Corner Road, Revocable Living Trust of Marilyn Brandyberry-2011, Owner, David Krauss, Applicant

Dear Mr. Krauss:

At the continued meeting of the South Kingstown Planning Board held on February 28, 2012 the Board voted as follows:

Motion: "The South Kingstown Planning Board hereby grants Preliminary Plan Approval to the Brandyberry Minor Subdivision, a proposed two-lot subdivision located at 22 Waites Corner Road and identified as Tax Assessor's Plat 22-3, Lot 4, as depicted on plans entitled: 'Minor Subdivision Site Plan, Prepared for Marilyn Brandyberry, Trustee of Revocable Living Trust of Marilyn Brandyberry - 2011, 22 Waites Corner Road, West Kingston, RI 02892, for property located on 22 Waites Corner Road in the Town of South Kingstown, Rhode Island, Map 22-3, Lot 4.' Plans by Environmental Planning & Surveying, Inc., 52 Dugway Bridge Road, West Kingston, Rhode Island dated November 2010 with revisions through 11/16/11. This approval is based upon the following Findings Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the requirements of the Comprehensive Plan including but not limited to the future land use map.
2. The subdivision 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 subdivision, as proposed, will not result in the creation of building sites with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. With the required Conditions of Approval, the subdivision will have adequate and permanent physical access to a public street, namely Waites Corner Road.

- 7. With the required Conditions of Approval the subdivision 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 sites, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion.

Conditions of Approval

- 1. Approval is limited to two lots in total.
- 2. Fair Share Development Fees for both school facilities and open space and recreational purposes, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program, shall be required for the newly created lot only.
- 3. Survey monumentation shall be shown on the Final Plan and shall be installed in the field to define the new lot lines. The Project Surveyor shall certify that the monumentation is installed prior to recording.
- 4. Access to both of the resulting lots shall be limited to the existing driveway.
- 5. The applicant shall file a building permit application for a home on the new lot within ninety (90) days of recording the subdivision. If a building permit application is not filed with respect to the new lot within the aforesaid ninety (90) day period the applicant shall seek Zoning Board of Review relief to allow for the continued maintenance of the existing accessory buildings on the new lot without a principal use.
- 6. As part of the final submittal, the applicant shall submit final legal documents in support of the subdivision. Such documents shall include a use and maintenance agreement addressing the shared driveway access and a unilateral or cross easement regarding the use of the existing carport and shed. Legal documents shall be subject to the review and approval of the Administrative Officer and the Town's Special Legal Counsel for Planning and Zoning.
- 7. Required easements, use and maintenance agreements and new property deeds for each of the resultant lots shall be recorded at the same time as the Record Plan."

Respectfully,



Maria H. Mack, Chair
Planning Board

MHM/mft

- c: Marilyn Brandyberry, Trustee
Environmental Planning & Surveying, Inc.
William E. George, Esquire
Building Official,
Director of Public Services
Town Clerk