



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Ferranti Minor Subdivision

Minor Subdivision – Preliminary Plan Review/Reinstatement

November 22, 2022

Project Type:	Minor Subdivision		
Review Stage:	Preliminary Plan		
Address:	22 Waites Corner Road		
Plat:	22-3	Lot:	4
Parcel Size:	1.31 acres	Zoning District:	R20
Applicant:	Debra Ferranti 11 Anna Sayles Road Lincoln, RI 02865	Owner:	Same

Property Characteristics

The parcel being subdivided is located at 22 Waites Corner Road, being AP 22-3 Lot 4, and contains about 1.31 acres with 763.74' of existing road frontage along Waites Corner Road and Kingstown Road (Rt 138). The entire property is zoned R20 residential district. This parcel has an existing residential dwelling, and two small accessory structures, open yard lawn areas, and wooded areas. The existing building has sewer and water which connects to town utilities located in Kingstown Road (Route 138). The stormwater outfall areas adjacent to the lot were delineated by Natural Resource Services, Inc. (NRS) on June 8, 2022.

Project Description

The owners and applicant wish to subdivide their land into 2 parcels and build a house on Parcel 1. Proposed Parcel 1 contains 20,000 square feet of land with 378.19' of road frontage along Waites Corner Road and Kingstown Road (Rt 138). Proposed Parcel 2 contains 36,916 square feet of land with 385.55' of road frontage along Waites Corner Road and Kingstown Road (Rt 138).

Parcel 1 will have a 4-bedroom dwelling tied into existing municipal water and sewer lines. This proposed dwelling will house an estimated zero (0) to two (2) school aged children. The approximate proposed population of the dwelling is approximately two (2) to five (5) persons. No zoning or setback variances are requested for the proposed dwelling.

Parcel 2 will have the existing 3-bedroom dwelling and the two (2) existing outbuildings located on it. It is proposed that this existing dwelling will remain as is, and zoning or setback variances are not being requested.

Prior Approval History

The applicant purchased this property in June of 2017 and unbeknownst to them, this parcel had previously received Preliminary Plan approval from the Planning Board in February 2012 for a 2-lot subdivision (Brandyberry Minor Subdivision) that was nearly identical to the current subdivision proposal. Other than general boundary layouts, the only significant difference was the shared driveway connection being located within the parcel boundary. The applicant's current proposal has the shared driveway connection located within the Waites Corner right-of-way which avoids the need for an access easement on Lot 1 and does not require an additional curb cut on Waites Corner Road. The prior subdivision serves the same purpose the applicant is currently pursuing in essentially the same layout.

Although the Brandyberry Minor Subdivision received Preliminary Plan approval on February 28, 2012, the Final Plan submission was initiated but never completed. The February 28, 2012 Preliminary Plan approval subsequently expired on February 28, 2014.

Waivers Requested

No waivers are being requested by the applicant.

Staff Comments

Given the fact that a nearly identical subdivision received Preliminary Plan approval ten (10) years ago but did not complete their Final Plan submission, it would make sense to **reinstate** the existing approval rather than initiate a new subdivision review for basically the same proposal. It's the opinion of Staff that there have not been any significant changes to the Zoning or Subdivision and Land Development Regulations that would apply to this parcel and a reinstatement would be appropriate. The reinstatement would allow the applicant to complete the Final Plan submission without starting a new Preliminary Plan review on the current (nearly identical) application.

Review to Date

On November 9, 2022, the Technical Review Committee (TRC) discussed the application, considering the potential of reinstatement, and rendered a favorable recommendation to the Planning Board for reinstatement without any additional conditions.

Required Findings

If the Planning Board deems that a reinstatement is appropriate, the Planning Board must make positive findings on the following provisions of reinstatement:

- a. The subdivision is consistent with the Comprehensive Community Plan;
- b. The Subdivision Regulations are substantially the same as they were at the time of original approval;
- c. The zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
- d. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval;
- e. Any applicable State or federal regulations are substantially the same as they were at the time of original approval; and,
- f. Any required fee, including Fair Share Development Fees as provided in the Zoning Ordinance and/or Capital Improvement Program, is the same as it was at the time of the original approval. The Board shall, in approving such request, condition its approval on the payment of the current Fair Share Development Fee in effect at the time of the granting of approval, and as amended annually in the Capital Improvement Program.

If the Planning Board feels that reinstatement is not appropriate and that a new subdivision review is required, the Board must make positive findings on the following standard provisions:

- 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 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
- e. 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:

- f. Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- g. Promoting high quality and appropriate design and construction of land developments and subdivisions;
- h. 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;
- i. 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;
- j. 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;
- k. Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- l. 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
- m. 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 Reinstatement Approval Consideration

“The South Kingstown Planning Board hereby reinstates the Preliminary Plan for the Brandyberry Minor Subdivision, a proposed 2-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, Lot4. Plans by Environmental Planning & Surveying, Inc., 52 Dugway Bridge Road, West Kingston, Rhode Island dated November 2010 with revisions through 11/16/11.**

Findings of Fact

- a. The subdivision is consistent with the Comprehensive Community Plan;
- b. The Subdivision Regulations are substantially the same as they were at the lime of original approval;
- c. The zoning of the subdivision parcel is substantially the same as ii was at the time of original approval;

- d. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval;
- e. Any applicable State or federal regulations are substantially the same as they were at the time of original approval; and,
- f. Any required fee, including Fair Share Development Fees as provided in the Zoning Ordinance and/or Capital Improvement Program, is the same as it was at the time of the original approval. The Board shall, in approving such request, condition its approval on the payment of the current Fair Share Development Fee in effect at the time of the granting of approval, and as amended annually in the Capital Improvement Program.

Conditions of Approval

1. All conditions of the February 28, 2012 Preliminary Plan approval shall remain in full force and effect.

Draft Motion for Subdivision Approval Consideration

“The South Kingstown Planning Board hereby grants Preliminary Plan approval to the ‘Ferranti 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 – The Ferranti Plat’, Conceptual and Proposed Condition Plan Prepared, AP 22-3, Lot 4, 22 Waites Corner Road, South Kingstown, Rhode Island, prepared for Debra Ferranti, dated October 20, 2022 with revisions through October 27, 2022, prepared by Foster Survey Company, 8 North Road, Foster, Rhode Island 02825.***

This approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

- A. The subdivision is consistent with the requirements of the Comprehensive Plan including but not limited to the future land use map.
- 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 proposed development as shown on the 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 these lots according to pertinent regulations and building standards would be impracticable.
- F. With the required conditions of approval, the subdivision will have adequate and permanent physical access to a public street, namely Waites Corner Road.
- G. 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.
- H. 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 to the satisfaction of the Administrative Officer. 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 curb cut.
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, if required by the Administrative Officer. 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 (if required) and new property deeds for each of the resultant lots shall be recorded at the same time as the Record Plan.