



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

GARCEAU

Advisory Development Plan Review

July 24, 2023

Project Type:	Advisory Development Plan Review		
Review Stage:	Development Plan Review		
Address:	239 Old North Road		
Plat:	24-1	Lot:	40
Parcel Size:	~10,000 square feet	Zoning District:	R10
Applicant:	Neil Garceau 98 Wilshire Park Needham, MA 02492	Owner:	Same

Property Characteristics

This property is a residential dwelling used for occupancy by more than three (3) unrelated individuals. The property has been in use as such most recently under a Special Use Permit for the occupancy by more than three (3) unrelated individuals originally granted in December 2019. This Special Use Permit, which carries a 3-year approval window, expired in December 2022.

Project Description

The applicant proposes no exterior modification to the building. Other improvements associated with parking and landscaping improvements were completed as part of the 2019 Special Use Permit. The property is serviced by municipal utilities including water and sewer.

Waivers Required

None.

Decision Deadline

There is no deadline for Planning Board decisions associated with Development Plan Review applications.

Regulatory Considerations

Zoning Ordinance – Article 5, Sec. 504.14: Household occupancy by more than three unrelated individuals.

Section 504.14 of the Zoning Ordinance requires that properties to contain household occupancy by more than three (3) unrelated individuals meet the following criteria as listed below:

- There must be a minimum of one parking space per proposed occupant;
- Parking is to be delineated on the site and cannot be on lawn areas;

- Parking areas must comply with the landscape standards set forth in the Town Subdivision and Land Development Regulations;
- No more than two (2) persons can occupy a bedroom;
- There must be a minimum of 330 square feet of Gross Leasable Floor Area (GFLA) per proposed occupant;
- Bedrooms containing one occupant must be a minimum of 70 sq. ft.;
- Bedrooms containing two occupants must be a minimum of 100 sq. ft.;
- For duplex or multi-family dwellings, the appearance must be residential in character.

Review to Date

This application was reviewed with the applicant at the Technical Review Committee meeting on July 12, 2023. Upon review and discussion with the applicant's project team the TRC granted **conditional approval** of the application with the following conditions subject to confirmation by the Planning Board:

1. Solidifying landscaping required under the regulations;
2. Solidifying public safety and the fire needs of the community;
3. Local police enforcement, whether there have been any issues at this property; and
4. Any changes to actual building layout, internal to the building.

Required Findings

As a reminder, the Planning Board must make positive findings on the following standard provisions for Development Plan Review applications:

- (1) The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- (2) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, with the required conditions of approval.
- (3) The plans for the project comply with all the requirements of the zoning ordinance and the subdivision and land development regulations.
- (4) The plans for the project are consistent with the Comprehensive Plan.
- (5) Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this written approval.

Draft Motions for Consideration

Draft Motion #1:

"The South Kingstown Planning Board hereby grants advisory Development Plan approval to Neil Garceau to allow household occupancy by six (6) unrelated individuals within the existing single-family dwelling unit located on Assessor's Plat 24-1, Lot 40, located at 239 Old North Road, as depicted on the plan entitled 'Survey & Location Plan', Prepared for: Bruce Dearnaley & Deborah Collins, Location: 239 Old North Road, A.P. 24-1, Lot 40, South Kingstown, RI, dated November 7, 2018 with revisions through June 2, 2019, prepared by E. Greenwich Surveyors, LLC, 1050 Main Street, Suite 31, East Greenwich, Rhode Island 02818. This approval is based on upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.

- B. With the required conditions of approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
- C. The plans for the project comply with all requirements of the zoning ordinance and the subdivision and land development regulations.
- D. The plans for the project are consistent with the Comprehensive Plan.
- E. Any condition or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

Conditions of Approval

1. The development shall occur in strict conformance with the plans and specifications submitted in support of the application, and with the Conditions of Approval found herein.
2. Parking areas shall be for the exclusive use of occupants and guests. No parking spaces or areas shall be rented, leased, or otherwise approved for the use of non-occupants."

Draft Motion #2:

"The South Kingstown Planning Board hereby provides a favorable recommendation to the Zoning Board of Review on the Special Use Permit request for AP 24-1, Lot 40, located at 239 Old North Road, to allow household occupancy by more than three (3) unrelated individuals within the existing single-family dwelling unit. The Planning Board finds that the subject dwelling units comply with the site design and exterior appearance requirements for household occupancy for more than three (3) unrelated individuals, as specified in Section 504.14 of the Zoning Ordinance."