



**SOUTH KINGSTOWN PLANNING DEPARTMENT**  
**PROJECT REVIEW MEMO**  
**485 High Street**  
**Major Multi-household Land Development Project**  
February 27, 2024

Project Type:	<b>Major Multi-household Land Development Project</b>		
Review Stage:	<b>Combined Conceptual Master &amp; Preliminary Plan</b>		
Address:	<b>485 High Street</b>		
Plat:	<b>48-3</b>	Lot:	<b>147</b>
Parcel Size:	<b>0.39 acres</b>	Zoning District:	<b>CD</b>
Applicant:	Bell Capital, LLC c/o Harrison Bell 10 High Street Wakefield, RI 02879	Owner:	Same

**Property Characteristics**

---

Existing development on this property currently consists of a single-family residential dwelling, a four (4) unit apartment building, and three (3) car garage. One of these units is rented through the South Kingstown Housing Authority.

**Project Description**

---

The applicant proposes to construct three (3) 1-bedroom apartments within the existing garage. Upon completion, the property would consist of a total of eight (8) units and two (2) of these units will be deed restricted affordable.

**Waivers Required**

---

The applicant has requested waivers from the following two items:

- (1) *G. Landscaping – General Standards and Specifications, 4. Interior Landscaping. The size of the parking lot does not allow for the required landscaping as mandated in the Subdivision Regulations. We are requesting a waiver to allow for less landscaping in the parking area.*
- (2) *Open Space – It appears that 10% open space is required for a major land development project, even if such a project is in a CD zone. We believe we meet the 10% requirement. However, in the event that a review shows a difference result, we would request a waiver from that requirement.*

**Decision Deadline**

---

This application was certified complete on January 25, 2024. The Planning Board has 90 days from the date of completeness, or until April 24, 2024, to render a decision on this application.

---

## Regulatory Considerations

---

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

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

*15,000 for first two (2) dwelling units plus 1,200 square feet per each additional dwelling unit.*

At 16,988.4 square feet, the maximum density for the subject property is 11.99 dwelling units. The applicant is proposing a total of eight (8) units, considerably below the maximum allowed density.

### **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.

### ***Inclusionary Zoning***

[Section 502.6 \(Inclusionary Zoning\)](#) of the Zoning Ordinance outlines the Inclusionary Zoning requirements and procedures for major subdivisions or land development projects that consist of six (6) or more parcels or units. Those requirements are listed, in part, below:

- E. *Base density calculation, inclusionary requirements and targeted populations.* ...A minimum of 20 percent of the basic maximum number of lots/units must be affordable to low and/or moderate-income households as defined under G.L. 1956, §45-53, Low and Moderate Income Housing Act. Where such calculation yields a fraction of a unit and such fraction is five-tenths (.5) or above the requirement shall be rounded to the next higher, whole number. To facilitate such targeting and ensure that inclusionary units are well integrated into the subdivision or land development project, the planning board shall have the authority to specify the type and location of unit(s) to be constructed, the size and scale of these units or lots in relation to the market rate units or lots in the development, establish general design parameters for the inclusionary units and determine a construction time table for construction.
- F. *Zoning Incentive.* For all subdivisions, flexible design land development projects and land development projects that are subject to the provisions of this section, a zoning incentive increasing the basic maximum number of lots or dwelling units by a factor of 1.2 shall be required. Units required under the zoning incentive provisions of this section shall count toward the maximum zoning incentive permitted under subsection 502.5.E of this ordinance. The requirement for such inclusionary units shall constitute a municipal government subsidy as defined under the RI Low and Moderate Income Housing Act and this ordinance.
- G. *Inclusionary units, deed restriction requirements.* All inclusionary units required under this section shall meet the definition of "low and moderate income housing" as defined in G.L. 1956, § 45-53-3; provided however that units and/or lots generated under these inclusionary provisions shall remain affordable for a minimum period of 99 years. Further provided that any for-sale lots or units shall be sold or conveyed to persons or households earning up to 80 percent of the area median income (AMI) for South Kingstown as defined by the U.S. Department of Housing and Urban Development.  

The developer of inclusionary units must contract with a monitoring agency that will qualify home buyers and/or renters for initial occupancy, determine pricing and resale or transfer of dwelling units in accordance with RI Housing and Mortgage Finance Corporation regulations and standards. Rhode Island Housing and the Town of South Kingstown shall be a party to any such monitoring agreement. Long-term affordability shall be guaranteed through the recording of restrictions on the sale, transfer and ownership of the unit through the appropriate legal documents and monitoring agreement.
- I. *Modification of lot requirements for inclusionary units.* To encourage good design and to reduce construction, land and infrastructure costs the planning board shall have the discretion to modify (or require the modification of) minimum dimensional standards for inclusionary dwelling units/lots. Such modifications shall be in accord with the standards and requirements set forth in subsection 502.5.F of this ordinance.

The zoning incentives within the Inclusionary Zoning provisions of the Ordinance allow for a total of fourteen (14) units with three (3) being deed restricted affordable units. The applicant is proposing a total of eight (8) units with two (2) being deed restricted affordable units.

---

## Required Findings

---

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.

---

## Review to Date

---

*Pre-Application Concept Review*

July 25, 2023 - Planning Board Review

*Combined Conceptual Master & Preliminary Plan Review*

September 13, 2023 – Technical Review Committee (TRC). Upon review the TRC granted conditional approval of the application with the following conditions subject to confirmation by the Planning Board:

1. Transitional landscaping/buffering is required along the easterly (rear) property line where the property abuts an R10 Zoning District.
2. The required deed-restricted affordable units need to be identified and called out on the Site Plan and within the application.
3. A variance will be required from Section 402 of the Zoning Ordinance requiring that residential dwelling units shall be prohibited from the first floor.
4. If not constructed as townhouses (garage conversion) entire building shall be provided with a NFPA sprinkler system.
5. Details shall be provided regarding load bearing capacity of the driveway as it relates to emergency vehicle access.
6. Specifications on the dumpster location and enclosure shall be provided and also referenced on the Site Plan.
7. The Site Plan shall clearly depict the boundaries of any FEMA Special Flood Hazard Areas (flood zones) on the site.
8. Details shall be provided associated with the proposed grass paver system.
9. Details shall be provided that incorporates the stormwater drainage volume as it relates to the stormwater storage area proposed.
10. The applicant should consider an alternative to the California Privet proposed for landscaping purposes.
11. The Site Plan shall clearly reflect the location of any parking spaces designated as handicap.

### **Draft Motions for Consideration**

---

**Motion:** “The South Kingstown Planning Board hereby grants Combined Conceptual Master & Preliminary Plan approval to the 485 High Street Major Land Development application, an eight (8) unit major multi-household land development project consisting of two (2) existing structures with five (5) existing units in each, and three (3) new units being created in the existing garage with two (2) of these units being restricted low- and moderate-income housing units, located at 485 High Street, Bell Capital, LLC, *owner/applicant*. This approval is based upon plan set entitled: *Proposed Conditions Plan* for Eric Bell, located at Assessor’s Plat 48-3, Lot 147, 485 High Street, South Kingstown, R.I., Sheet 2 of 3, dated December 20, 2023, completed by American Engineering, Inc, as well as the plan titled *Landscape Plan*, High St. Gardens, 485 High Street, Peace Dale, RI 02874, Sheet P1.0, dated December 13, 2023 completed by Mather & Page Landscape Architects.

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

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

- A. This development is consistent with the requirements of the Comprehensive Plan.
- B. This development 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. This development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- F. All proposed units have adequate and permanent physical access to a public street, namely High Street.
- G. With the required conditions of approval, this 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.
- H. The design and location of building lots, utilities, drainage improvements, and other improvements in this development minimize flooding and soil erosion.
- I. The applicant has included two (2) deed restricted affordable units as required in accordance with Section 502.6 (Inclusionary Zoning) and proposes to deed restrict one (1) unit on the first floor of the existing 4-unit apartment building and one (1) unit located on the first floor of the new units to be constructed in the converted garage.

***Findings of Fact, Waivers***

- J. The waivers or modifications are reasonable and within the general purposes and intents of these regulations; and,
- K. 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.

***Findings of Fact, Inclusionary Zoning & Affordable Units***

- L. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the plan presented by the applicant which demonstrates the ability of the development parcel to support a 'basic maximum number' of ten (10) units. Two (2) additional units are being proposed as the inclusionary (incentive) units in compliance with Section 502.6.E of the Zoning Ordinance.
- M. The applicant has proposed that two (2) of the eight (8) units will be deed restricted affordable to 'low and/or moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
- N. The Planning Board finds that the proposed affordable units (located in the existing 4-unit building and in the renovated garage) are integrated within the development and that the design of these units is consistent with the design of the market rate lots within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I of the Town's Subdivision and Land Development Regulations.
- O. These affordable units shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.
- P. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units shall be exempt from the Town's Pacing and Phasing requirements.
- Q. The affordable units shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1 of the Zoning Ordinance and Section II, Element 5, III of the Town's Capital Improvement Program.

***Conditions of Approval***

1. This approval is limited to eight (8) residential dwelling units in total, five (5) of which are existing and three (3) to be constructed in the former garage.
2. This approval is further limited to six (6) market rate units and two (2) affordable units for a total of eight (8) units which shall be deed restricted in accordance with Section 502.6.G (Inclusionary Zoning – Inclusionary units, deed restriction requirements) of the South Kingstown Zoning Ordinance.
3. The proposed residential structures shall be constructed in substantial conformance with the digitally created architectural image submitted as part of this application and labeled as south-west-rendering.  

This condition is being imposed as the renderings/elevations demonstrate conformity with Article IV. H (7) and (9) of the South Kingstown Subdivision and Land Development Regulations and support the applicant's assertion that the development equates to good planning in justification in the granting of the waivers previously requested and approved by the Planning Board.
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 nine (9) market rate units.
5. This residential land development project shall satisfy its affordable housing component requirement with the dedication of units (within the existing 4-unit structure and renovated garage) available for ownership/occupancy by 'low/moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. The lease, sale or transfer of the two (2) deed-restricted units shall remain affordable to low- or moderate-income households whose household incomes do not exceed 80% (eighty percent) of the median income, adjusted for household size for the Providence Metropolitan Statistical Area, for a period of ninety-nine (99) years.
6. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and 'Deed Restrictions' that will ensure that affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
7. As part of the Final Plan submittal, the applicant shall propose a specific construction schedule in which the LMI Housing units will be constructed. Said schedule shall not exceed the construction of three (3) market-rate units for each (1) LMI Housing unit required.
8. Electric, telephone and cable services shall be installed underground.
9. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services encompassing the overall limits of construction prior to commencing construction and/or grading activities.
10. The applicant shall secure a Physical Alteration Permit, and if necessary, a Tree Permit from the Department of Public Services prior to the commencement of work within the public right-of-way of Holley Street.
11. The applicant shall provide a detailed construction cost estimate on forms provided by the Department of Public Services. The purpose of the estimate is to allow the Town to establish a project inspection fee and any required performance bond.
12. Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay the project inspection fee as determined by the Planning Board.

13. The development's HOA shall incorporate maintenance and inspection provisions associated with sites porous pavement and storm water management structures/infrastructure. The documents shall also clearly state the HOA's responsibilities to maintain all drainage infrastructure including any porous and/or pervious structures. The maintenance and inspection schedule shall be incorporated into documents to be recorded on the Land Records of the Town of South Kingstown. The maintenance and inspection schedule shall be prepared by a Rhode Island registered engineer and shall be signed and sealed. Prior to recording the proposed schedule shall be reviewed and approved by the Administrative officer (Planning Director) in consultation with the Director of Public Service.
14. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**