



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

Gurdjian-Walsh

Minor Subdivision / Preliminary Plan / UDR

July 23, 2024

Project Type:	Minor Subdivision		
Review Stage:	Preliminary Plan		
Address:	259 Green Hill beach Road		
Plat:	84-1	Lot:	28
Parcel Size:	1.38 acres	Zoning District:	R30
Applicant:	Ardemis K. Gurdjian-Walsh Living Trust C/O 241 Spyglass Dr. Eugene, OR 97401	Owner:	Same

Property Characteristics

The subject site is improved with a 2-story, 4-bed, 2,746 sq. ft. dwelling on the southern half of the lot, and a 1,700 sq. ft. accessory structure on the northern half of the lot. The site is largely flat and wooded and is served by public water and OWTS. The site is located in the Carrying Capacity Overlay District. No wetlands have been identified on-site.

Project Description

The applicant is proposing to divide the existing lot in half, creating 2 legal, conforming lots of record with the existing home on the new lot to the south and the existing accessory structure on the new lot to the north. Existing and proposed lot dimensions are as follows:

	Existing	Required	Proposed Lot-1	Proposed Lot-2
Lot Area	60,112.8 ft ²	30,000 ft ²	30,113 ft ²	30,066 ft ²
Road Frontage	279.17'	125'	139.24'	139.94'

The project has received DEM approvals for a 6-bedroom OWTS on each lot.

Waivers Required

The applicant is requesting limited, temporary relief from the Zoning Ordinance requirement that prohibits accessory uses/structures without the associated principal use.

The applicant seeks to leave the existing accessory building in-place on the northern lot – without an existing principal residence – for possible future use either through conversion to a principle residence or as an accessory structure to a new principle residential structure.

Review to Date

This is the first phase of review for this project.

Decision Deadline

The Planning Board must render a decision on a Preliminary Plan for a Minor Subdivision within sixty-five (65) days of the date the application is certified complete.

The subject application was certified complete by the Administrative Officer on June 3, 2024.

The final decision must be rendered on or before **Wednesday, August 7, 2024.**

Regulatory Considerations

Minor Subdivisions

Zoning Ordinance § 401 - Minor Subdivision applications are subject to the dimensional standards contained within the R30 Zoning District. The following standards apply to the formation of lots in the R30 Zone: Minimum Lot Size – 30,000 ft²; Frontage and Width – 125’

Subdivision & Land Development Regulations: Article IV.C.1 - Thee following Criteria for Review and Lot Development Standards apply to minor subdivisions that create 2 lots:

- (1) *Potential for Further Subdivision*: If the parcel has the potential for further subdivision the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided below.
- (2) *Adequacy of the street on which the proposed lots front*: (a) The lots must be provided with access to a street which is adequate for access for vehicular traffic; and, (b) the frontage must provide safe and adequate access to a public street.
- (3) *Adequacy of the access from the lots onto the street*: (a) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and (b) The lots must be physically accessible from the street upon which it fronts (i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street.)
- (4) *Relationship of scenic highways*: Adequate provision shall be made to preserve scenic values along the road frontage of State-designated scenic highways in accordance with standards adopted by the State Scenic Highway Board pursuant to RIGL Sec. 24-15-9.
- (5) *Conformity to Zoning*: The proposed lots must be in conformity with all applicable zoning ordinance requirements.
- (6) *Conformity with the Comprehensive Plan*: The proposed lots shall be in conformance with regard to (a) discouraging the development of residential lots with direct access on major streets, (b) establishing a functional classification of roads which encourage residences to take access from local roads; and (c) preserving visual quality and rural character along major streets.
- (7) *Relationship to adjacent or nearby use*: The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.

Lot Development Standards:

- (1) The location of the proposed access driveway along the road frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
- (3) Driveways or adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;

- (4) Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;
- (5) Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or
- (6) Provision may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

Required Findings

In approving this subdivision request, the Administrative Officer 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 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
- (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 Administrative Officer also must 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 Decision Under Consideration by A.O.

“The South Kingstown Administrative Officer hereby grants Preliminary Plan approval to the Gurdjian-Walsh Minor Subdivision, a two (2) lot minor subdivision for single-family development located at 259 Green Hill Beach Road, Ardemis K. Gurdjian-Walsh Living Trust, *applicant/owner*. This approval is based upon the plan set entitled “*Existing Conditions & Conceptual Plan Minor Subdivision, ‘The Gurdjian-Walsh Plat’ Assessor’s Plat 84-1 Lot 28, 259 Green Hill Beach Road, South Kingstown, Rhode Island,*” prepared by James G. Flynn, Flynn Surveys Inc., 22 Stanton Avenue, Narragansett, RI 02882, and dated January 22, 2024. This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. The subdivision is consistent with the requirements of the South Kingstown Comprehensive Community Plan.
- 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 subdivision as depicted on the above referenced 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 the lots according to pertinent regulations and building standards would be impracticable.
- F. The subdivision has adequate and permanent physical access to a public street, namely, Kensington Court North and South Road.
- G. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.
- H. With the required Conditions of Approval, the supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
- I. The subdivision is well-integrated with the surrounding neighborhood with regard to natural and built features and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- J. A thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

Conditions of Approval

- 1. This approval is limited to two (2) lots in total.
- 2. All lots shall be serviced by public water and individual OWTS.
- 3. Survey monumentation shall be installed at the intersections of all parcel boundaries on both parcels. Said monumentation shall be shown on the draft Record Plan and installed in the field prior to recording. The type, number and location of the monuments shall be subject to the approval of the Administrative Officer as part of the Final Plan approval.

4. Physical Alteration Permits from the Town of South Kingstown must be received prior to the installation or modification of any curb cuts providing access to these properties.
5. Street access to the proposed north lot shall be via the existing driveway to the south lot in a shared driveway configuration. This shared driveway configuration is required because the applicant was unable to demonstrate adequate control over the land area within the sight lines for safe stopping distances along Green Hill Beach Road to support a second driveway on the north lot. The applicant may apply for a driveway on the proposed north lot if the applicant/owner can demonstrate appropriate legal control over the land area associated with demonstrating safe stopping distance through ownership or easement. Areas inside of the Town's Right-of-Way (ROW) shall be deemed to be under the control of the owner/applicant and/or Town of South Kingstown.
 - a. Final approval/recording of the subdivision shall be subject to review and approval of all legal documents required to secure street access to Green Hill Beach Road from the proposed north lot by the Administrative Officer in consultation with the Town's Legal Counsel.
 - b. No building permit for the north lot shall be issued until the issue of access to that lot is resolved by recording either an access easement across the south lot using the existing driveway, or such deeds or easements as are necessary to show ownership or control over the sight lines for safe stopping distances for a driveway on the north lot. All such documents shall be provided to the town for review and approval by the Administrative Officer in consultation with the Town's Legal Counsel prior to recording.
6. Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit's must be issued from the Town's Department of Public Services prior to applying for any building permits on the lots.
7. All utilities shall be installed underground as required by the regulations.
8. Within twenty-four (24) months of the recording of the Final Plan the owner of the north lot shall either: (i) convert the existing accessory structure to a principle use as a residential dwelling; (ii) construct a new principle residential structure that allows the existing structure to maintain its status as accessory to a primary residential unit or; (iii) demolish the existing accessory structure. Failure to comply with this requirement will result in the accrual of administrative fines in according the local regulations, local ordinances [i.e., Zoning Ordinance § 903(d)], and/or Rhode General Law.
 - a. The final plan shall contain a note which shall appear within the boundaries of the proposed north lot clearly indicating the condition established above. The final location and language shall be reviewed by the Administrative Officer in consultation with South Kingstown's legal counsel.
 - b. The applicant/owner shall disclose the requirements of this condition in writing to any prospective purchaser prior to executing a Purchase & Sales Agreement.
9. The applicant shall submit a Final Plan that meets the requirements of the 'Final Plan Checklist, Minor Subdivision,' as found in the Regulations. The Final Plan shall contain a draft Record Plan as required by the Checklist. The draft Record Plan shall include notation of Conditions of Approval numbered one (#1) through five (#5), as listed above. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of any applicable Conditions contained within the Final Plan approval, the applicant shall submit the Record Plan on polyester film to the Administrative Officer for

endorsement by the Administrative Officer (AO), and shall record the same in the Town of South Kingstown Land Evidence Records.

10. **And any other conditions deemed necessary in consideration of this application...**
-