



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

The Village at Broad Rock

**Major Subdivision, Flexible Design Residential Project
Preliminary Plan Review**

March 25, 2025

Project Type:	Major Subdivision, Flexible Design Residential Project		
Review Stage:	Preliminary Plan		
Address:	852 Broad Rock Road		
Plat:	33	Lot:	9
Parcel Size:	~16.5 acres	Zoning District:	R-40
Applicant:	New England Properties, LLC 257 Wickford Court North Kingstown, RI 02852	Owner:	Sheleen Clarke Revocable Living Trust AGMT 96 Duck Cove Road North Kingstown, RI 02852

Property Characteristics & Project Description

The subject property consists of approximately 16.5 acres of land that includes a small wetland area (~1.2 acres) along the western boundary of the lot. Currently, the property is developed with one single-family home (~2,400 sq. ft.) and an accessory structure/barn (~1,500 sq. ft.).

As described in the application, the current proposal consists of a major subdivision with nineteen (19) single-family homes on individual lots laid out as a Flexible Design Residential Project (FDRP) under [Section 502.5](#) of the South Kingstown Zoning Ordinance (“Z.O.”) and [Article IV.A.](#) of the Subdivision & Land Development Regulations (the “S&LD”). All lots will front on a private cul-de-sac (*approx. 1,240’ long*) and will be serviced by public water and individual onsite wastewater treatment systems (OWTS). Stormwater will be managed via a 33,424 sq. ft. infiltration system in the opens space southwest of the developed lots.

The project is proposed to be completed in a single phase. The overall land-use breakdown is as follows:

Total Land Area:	16.50 acres
Land Unsuitable for Development:	1.62 acres
Land Suitable for Development:	14.88 acres
FDRP Required Open Space for R40 Zone: <i>(50% of Land Suitable for Development / Art. IV.A.11)</i>	7.44 acres
Total Open Space Provided:	10.06 acres
Land Suitable for Devel. Provided as Open Space	7.44 acres
Total Land to be Developed:	5.90 acres

The applicant's proposed development density for the project includes the following components:

Max. Yield Allowed Under R40 Zoning: <i>"Basic Maximum Number"</i>	13 lots/units
Affordable Units Required by Inclusionary Zoning: Z.O. Section 502.6(E)	13 x 25% = 3 Lots/Units
2:1 Mandatory I.Z. Density Incentive Z.O. Section 502.6(F)	3 x 2 = 6 lots/units
Total Units Proposed:	13 + 6 = 19 lots/units

Decision Deadline

This application was Certified Complete on February 19, 2025

The deadline for decision is **90 days**, on or before **Tuesday, May 20, 2025**.

Regulatory Considerations

Purpose of the Preliminary Plan

Pursuant to RIGL § 45-23-32(32), the Preliminary Plan stage of review is:

A required stage of land development and subdivision review that generally requires detailed engineered drawings.

Pursuant to RIGL § 45-23-39(d), the requirements for the preliminary plan and supporting material for this phase of review include, but are not limited to, information on:

[E]ngineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey.

Flexible Design Residential Projects:

[Z.O. Section 502.5.A.](#) and [S&LD Article IV.A.](#) allow for FDRP-type projects in order to:

1. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;
2. To preserve historical and archeological resources;
3. To protect the natural environment, including South Kingstown's varied landscapes;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning consistent with the "South Kingstown Residential Design Manual," prepared by Dodson Associates, dated January 1999 and as subsequently amended and incorporated into the Comprehensive Community Plan;
6. To perpetuate the appearance of South Kingstown's traditional New England landscape;
7. To allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure costs and density bonuses;
8. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and
9. To offer an alternative to conventional subdivision.

Notable FDRP requirements associated with this subdivision include the following:

Open Space ([Z.O. Section 502.5.H](#) and [S&LD Article IV.A.11](#))

- The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- In the R-40 district the required minimum amount of open space is 50% of the land suitable for development.
- None of the minimum required open space area shall be devoted to land unsuitable for development.
- The minimum required open space shall not include areas used for storm water drainage facilities unless the Planning Board approves a waiver allowing such drainage facilities to count toward the minimum required open space.

Buffer Areas ([S&LD Article IV.A.13](#))

- A permanent buffer along the perimeter of the FDRP shall be established providing for the preservation of existing trees or other vegetation or for the planting of new vegetation in order to provide a visual and audio screen between the FDRP and adjacent land uses. This buffer may be provided as a separate open space lot (or lots) or as a permanent easement along the perimeter of the FDRP. When proposed as an easement the area shall not be counted toward the minimum required open space.
- A buffer width of fifty (50) feet is required; however, the Planning Board is authorized to reduce the width to a minimum of ten (10) feet by waiver. In doing so the Board shall consider the following factors:
 - (1) The nature of adjacent land uses existing at the time of Conceptual Master Plan Review;
 - (2) The nature of proposed or projected future land uses on adjacent property;
 - (3) The physical characteristics of adjacent property (e.g., wetlands, slopes, stone walls, etc.);
 - (4) The ownership of adjacent property (e.g., private, public, non-profit conservation, etc.);
 - (5) The zoning of adjacent property; and,
 - (6) The land use classification of adjacent property as provided on the Comprehensive Plan Land Use Plan Map.

Streets ([Z.O. Section 502.5.G](#) and [S&LD Article IV.A.14](#))

- Streets within an FDRP may be publicly or privately owned and maintained and shall conform to the standards of Article XIII, Section B. "Street Design Standards" of the Regulations. Streets shall be designed to conform to the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

Inclusionary Zoning

[RIGL 45-24-46.1\(c\)](#) and [Z.O. Section 502.6](#) outline the mandatory Inclusionary Zoning requirements and procedures for major subdivisions or land development projects that consist of six (6) or more lots/units. Those requirements are listed, in part, below:

- A. *Inclusionary Zoning Required.* Z.O. Section 502.6(B) requires that all residential developments of six (6) or more units or buildable house lots are subject to the town's Inclusionary Zoning requirements. RIGL § 45-24-46.1(a) and Z.O. 502.6(D)(1) require that all projects subject to Inclusionary Zoning provide at least twenty-five percent (25%) affordable housing.
- B. *Base density calculation, inclusionary requirements and targeted populations.* The base density of the development is the maximum density allowed under applicable zoning requirements, as shown on a yield plan. To comply with inclusionary zoning requirements, at least 25% of this base density must be designated as affordable housing. Under the South Kingstown Zoning Ordinance, the Planning Board is authorized by the ordinance to specify the type and location of the affordable 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 timetable for their construction.
- C. *Zoning Incentive.* Z.O. 502.6(F) requires that all projects subject to inclusionary zoning shall allow the addition of two (2) market rate units for each affordable unit provided and that the minimum lot area per dwelling unit shall be reduced by that amount necessary to accommodate the incentive lots/units.
- D. *Inclusionary units, deed restriction requirements.* RIGL § 45-24-46.1(a) and Z.O. 502.6(D)(1) requires that all affordable inclusionary units shall meet the definition of "low and moderate income housing" under RIGL § 42-128-8.1(d)(1) and RIGL § 45-24-46.1(a) requires that the units remain affordable for not less than thirty (30) years. The Zoning Ordinance no longer requires either a minimum ninety-nine year subsidy or that the units be affordable to a household earning 80 percent (80%) or less than the area median income (AMI) for South Kingstown, as defined by the U.S. Department of Housing and Urban Development (HUD).

The developer of inclusionary units must contract with a state-certified 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.

- E. *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.

Affordable inclusionary units must also meet design standards under [S&LD Article IV.I.](#), which require that:

- i. Affordable dwelling units must be similar in exterior design, construction methodology and materials to other dwellings or units in the project.
- ii. Allows the Board to permit affordable units to be sited on smaller lots or otherwise modify lot requirements for those units.

Waivers Requested

A waiver is requested from Condition 12 of the Conceptual Master Plan Approval requiring submission of a Letter of Eligibility from Rhode Island Housing for the project on the basis that this is not a Comprehensive Permit project.

Review to Date

Previous Application History

June 11, 2024 - Conceptual Master Plan Approval granted by the Planning Board subject to the following (30) conditions of approval.

1. *The use of the property shall be limited to Use Code 10 (single-household detached structure) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.*
2. *This approval is limited to nineteen (19) building lots in total.*
3. *This approval is further limited to sixteen (16) market rate units and three (3) affordable units for a total of nineteen (19) units.*
4. *The subdivision shall satisfy its affordable housing requirement under Section 502.6.D. of the Zoning Ordinance with the dedication of three (3) lots for affordable housing, as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.*
5. *Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for all market rate units in this project.*
6. *All lots to be developed with 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.*
7. *All lots to be developed with affordable units shall be exempt from the Town's Pacing and Phasing requirements consistent with Section 502.6.J. of the Zoning Ordinance.*
8. *All lots designated for affordable housing units shall be deed-restricted to remain affordable to low- or moderate-income households for a period of 30 years.*
9. *All lots developed with affordable units must meet the criteria for subsidy and deed restrictions such that the units count toward the low- and moderate-income housing stock within the Town.*
10. *Per Rhode Island Law all lots to be developed with low- and moderate-income affordable housing units shall be: integrated throughout the development; compatible in scale, architectural style and materials to the market rate units within the project; and built and offered for occupancy simultaneously with the construction and occupancy of the market rate units. The applicant shall submit architectural plans for both proposed market rate units and deed restricted affordable units that include representative exterior elevations and material choices (i.e., windows, siding, roofing, fenestration, etc.) for both types of units.*
11. *As part of the Preliminary Plan submittal, the applicant shall identify the specific lots that will contain the affordable housing units and shall propose the schedule according to which the affordable housing units will be constructed. Said schedule shall not exceed the construction of four (4) market-rate units for every one (1) affordable housing unit.*
12. *As part of the Preliminary Plan submittal, the applicant shall include a Letter of Eligibility from Rhode Island Housing for the project as proposed.*
13. *As part of the Preliminary Plan submittal, the applicant shall identify a monitoring agent to supervise occupancy requirements at the lots that will be developed with affordable housing units and provide drafts of a 'Monitoring Agreement' and a 'Deed Restriction' 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 and the Planning Board.*
14. *The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.*

15. *As part of the Preliminary Plan submittal, the applicant shall specify whether each affordable unit will be available for owner-occupancy (home ownership) or rental occupancy and shall specify the area median income (AMI), as determined by the U.S. Department of Housing and Urban Development (HUD), that will be used by the monitoring agent to qualify buyers or renters for occupancy.*
16. *The monitoring agreement between the developer and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.*
17. *As part of the Preliminary submittal, the applicant shall provide a traffic report detailing the anticipated traffic impacts from the proposed development and the adequacy of the existing and proposed roadways to safely accommodate existing and projected traffic.*
18. *Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.*
19. *The project design for the Preliminary Plan phase shall include a detailed erosion and sedimentation control plan including any proposed stockpile containment. The plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and Sedimentation Control Handbook.*
20. *Electric, telephone and cable services shall be installed underground.*
21. *Final design of the cul-de-sac shall conform to the requirements of the Union Fire District.*
22. *The applicant shall utilize low impact drainage methodologies in conformance with the Rhode Island Stormwater Design and Installation Standards Manual or other best management practices.*
23. *The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement. The Easement shall include language that the open space is intended to be left in its natural state, however provisions may be included to allow for the removal of dead fall and the control of invasive plant material.*
24. *The applicant shall be required to submit a plan depicting where the stone walls that are to be disturbed as part of the development of the proposed 19 lot residential development will be rebuilt including estimated amount of stone that will be disturbed (i.e., cubic yards/tons). All onsite stone disturbed shall be used to construct new stone walls on site in the same linear footage (type and quantity of wall) on a one (1) for one (1) basis. The applicant shall submit a plan depicting how the onsite stone walls will be rebuilt on site (i.e., location(s), specification for wall type/size). A detail associated with the reconstruction of the stone walls shall be added to the plan set at preliminary.*
25. *The applicant shall depict a plan to provide appropriate monumentation of the open space associated with the proposed development (i.e. grant bounds/landscape boulders) in consultation with DPS.*
26. *The applicant shall submit a detailed landscape plan associated with the construction of the private drive and how the construction of the new private road will utilize new landscaping in a manner to minimize the visual impact of this new piece of infrastructure from Broad Rock Road and surrounding residential properties.*
27. *The applicant shall provide a plan depicting buffer landscaping along the southerly property line in the area of the old residential driveway that is planned to be abandoned.*
28. *The applicant shall evaluate the impact of invasive species impact on site and how the development.*
29. *The applicant shall clarify limits of proposed disturbance and areas of proposed protection as it relates to single lot development.*
30. *The Home Owners Association shall include a provision within their ownership documents for the open space that contains a provision that no motorized vehicles shall be allowed within the opens space area, with the exception of approved (Town Authorized with a plan) removal of deadfall and/or invasion plant material.*

TRC Review of the Preliminary Plan

January 8, 2025 - The project was discussed, and the following recommendations were made.

Item Discussed & Recommendation (requestor)	Status
Stormwater	

<ul style="list-style-type: none"> • Provide a wood guardrail or stone wall between the road and detention basin. • Upgrade proposed 12" reinforced concrete pipe to 15" and add flared end sections to driveway culverts. 	To be shown and discussed at Preliminary.
<i>Roadway</i>	
<ul style="list-style-type: none"> • Change terminology on plans from "Private Driveway" to "Private Road." • Submit detailed cross-sections for the proposed private road showing: road, road shoulder, drainage swale, and individual driveway culverts. 	To be shown and discussed at Preliminary.
<i>Utilities</i>	
<ul style="list-style-type: none"> • Clarify utility conflicts at the intersection of Broad Rock Road and the proposed private road. • Eliminate landscape conflicts with proposed underground utilities. 	To be shown and discussed at Preliminary.

Required Findings

In approving this major land development application, 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.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waivers or modifications are reasonable and within the general purposes and intents of the Regulations; and,
- b. 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.

Draft Motion for Consideration

Motion: “The South Kingstown Planning Board hereby grants Preliminary Plan approval to the Village at Broad Rock, a nineteen (19) lot major subdivision and Flexible Design Residential Project, located at 852 Broad Rock Road and identified as Assessor’s Plat 33, Lot 24, New England Properties, LLC, *applicant*, Sheleen M. Clarke Rev. Liv. Trust Agmt, *owner*.

This approval is based on the Site Plan Set submitted with the application titled “*Flexible Design Residential Project, Village at Broad Rock, for Plat 33, Lot 24, Zoned R-40, in South Kingstown, Rhode Island*” consisting of Sheets 1 through 17 and Sheet 1 of 1 (Survey Plan), completed by Commonwealth Engineers & Consultants, Inc. dated February 28, 2024 with revisions through March 10, 2025. This approval is also based on the “*Landscape Plans, The Village at Broad Rock*” Sheets 1 through 5, dated November 18, 2024 with revisions through January 31, 2025, completed by John C. Carter & Co., Inc.

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

Findings of Fact

- A. This subdivision/flexible design residential project is consistent with the requirements of the Comprehensive Plan.
- B. This subdivision/flexible design residential project design 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 subdivision/flexible design residential project, 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 lots have adequate and permanent physical access to a public street, namely Broad Rock Road.

- G. With the required conditions of approval, this subdivision/flexible design residential project will provide adequate stormwater drainage 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 subdivision/flexible design residential project minimize flooding and soil erosion.
- I. The flexible design plan presented for consideration better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and Design Manual than would a conventional development after considering all the criteria set forth in Article III, Section A of the Subdivision and Land Development Regulations.

Findings of Fact, Inclusionary Zoning & Affordable Units

- J. The applicant has proposed that three (3) of the nineteen (19) lots (Lot 6; Lot 11; and Lot 18, respectively) 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.
- K. The Planning Board finds that the proposed affordable units (on Lots 6, 11, and 18) are integrated within the development, that the design of the lots is consistent with the design of the market rate lots within the development, and that the proposed affordable units have been determined to be compatible in scale and architectural style to the market rate units. 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.

Conditions of Approval

- 1. This approval is limited to nineteen (19) building lots in total, all which shall support single-family residential development. All improvements associated with the construction of this development shall be completed in one (1) single phase.
- 2. The lots being created via this subdivision shall be limited to Use Code 10 (single household detached structure) for residential development, as proposed, unless further amended by the South Kingstown Planning Board.
- 3. In accordance with the Inclusionary Zoning requirements of Section 502 of the Zoning Ordinance, this approval is limited to sixteen (16) market rate units and three (3) affordable units for a total of nineteen (19) units. The affordable units have been identified on Sheet 4 (*Permit Agency Review Plan*) as being located on Lot 6, Lot 11, and Lot 18 which are to be constructed as single-family residential structures.
- 4. The affordable units located on Lot 6, Lot 11, and Lot 18, shall be made available for ownership/occupancy by 'low/moderate-income households (LMI)' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. The LMI dwelling units shall be sold to a person or family with an income at or below 80% of the Area Median Income (AMI). The sale or transfer of Lot 6, Lot 11, and Lot 18 shall remain affordable to low- or- moderate income households for a period of ninety-nine (99) years. These affordable units shall meet the criteria for subsidy and deed restrictions such that these units count toward the low- and moderate-income housing stock within the Town.
- 5. Proposed LMI housing units shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units. The construction sequence for market rate units shall not exceed the completion (by the issuance of Certificates of Occupancy) of three (3) market-rate units for every one (1) low- to moderate-income housing unit.

6. 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 sixteen (16) market rate units.
7. The LMI restricted units on Lot 6, Lot 11, and Lot 18 shall be exempt from the Town's Packing and Phasing requirements in accordance with Section 502.6.J of the Zoning Ordinance, and shall be further exempt 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.
8. Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.
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 or grading activities and/or applying for individual building permits.
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 Broad Rock Road.
11. The final plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and Sedimentation Control Handbook.
12. All utilities (including electric, telephone and broadband services) shall be installed underground.
13. All proposed landscape improvements shall be constructed and/or installed in accordance with the approved Landscape Plan. All improvements and/or plantings shall be warranted for a period of one (1) year.
14. The applicant shall submit language associated with the long-term management of the developments open space. The language shall clearly spell out the HOA's management strategies associated with the care of the open space and the vegetation contained within the open space.
15. Certificates of Occupancy shall not be issued until the proposed landscape improvements shown on the Landscape Plan have been installed, inspected and approved by the Administrative Officer to determine compliance with this approval.
16. Open space areas within the development shall be marked in the field with open space boundary markers or similar monumentation to delineate the open space areas and help prevent encroachment. Specifications for these markers and their proposed locations shall be depicted on the final plans for the development. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.
17. Any existing stone walls that are disturbed shall be reconstructed and/or the stones shall be used to construct or repair other stone walls within the project limits. Stones from existing stone walls shall not be removed from the development parcel.
18. The applicant shall submit an HOA agreement that outlines the maintenance responsibilities of its members and further restricts development and/or disturbance of the Open Space as designated on the approved site plan.
19. The applicant shall create a document that clearly details the maintenance and financial responsibilities associated with the site's storm water management of its infrastructure (i.e., detention basins, catch basins, pipe runs, rain gardens, infiltration systems). The document

- shall incorporate language that include a maintenance and inspection schedule to be recorded on the Land Records of the Town of South Kingstown.
20. The applicant shall post financial security in the amount approved by the Planning Board for any approved item associated with the development's infrastructure, landscaping, and/or drainage features as prescribed by Town Regulations.
 21. Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay a project inspection fee as determined by the Planning Board.
 22. The applicant shall be required to perform periodic professional inspections at critical points under the supervision of a Rhode Island registered professional engineer during construction of the proposed storm water infrastructure. Once the improvements have been completed, the design engineers shall verify in writing that the storm water infrastructure was installed as designed and approved by the Planning Board. The applicant shall be required to submit an as-built of the site post construction (*i.e.*, grading, building elevations, storm-water structures/elevations limited to existing grading and elevations of buildings).
 23. The applicant shall be required to perform periodic professional inspections at critical points by a registered Landscape Architect at critical points during installation of the plant material (*i.e.*, trees, shrubs, turf, grasses). Once the installation of the plant material (including turf) has been completed, the design architect shall verify in writing that the material was installed as designed and approved by the Planning Board.
 24. The developer shall record a new deed for each lot at the time of the recording of the subdivision.
 25. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and 'Deed Restrictions' for the LMI units that will ensure that all state affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Planning Board. The monitoring agreement shall include architectural renderings of the proposed market rate and affordable units. The administrative officer shall review and approved the proposed architecture associated with the proposed single-family homes to determine that the homes are similar scale/size, type/style and quality.
 26. As part of the Final submittal, the applicant shall submit final legal documents in support of the development for review and approval by the Administrative Officer and the Town's Legal Counsel. The documents shall address the use, restrictions on use, ownership, maintenance, and replacement of commonly owned infrastructure components including driveways, underground utilities, above ground utility structures and open space as well as the specific deed restriction language required as conditions of this approval.