



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
Fieldstone Farm

Major Subdivision/Comprehensive Permit – Preliminary Plan Review
 May 29, 2025

Draft Motion

Motion: “The South Kingstown Planning Board hereby grants Preliminary Plan approval to Fieldstone Farms, a thirty-nine (39) lot major subdivision, submitted as a Comprehensive Permit, for single-family development, with twenty-nine (29) of these units being market-rate housing units and ten (10) being deed-restricted low- and moderate-income housing units, located at the intersection of Old North Road and Stony Fort Road, Old North Land Investments, LLC, owner/applicant. This approval is based upon a plan set entitled “*Preliminary Plan Submission – Fieldstone Farm*”, South Kingstown, Rhode Island, Assessor’s Plat 16-4, Lot 9, completed by DiPrete Engineering, Inc., Two Stafford Court, Cranston, RI 02920, which include landscape plans prepared by John C. Carter & CO., Inc. In addition to the plans referenced in this motion, two additional plans that were submitted as Exhibit 2 and Exhibit 3 and are referenced in a letter from Joelle C. Rocha, Esq. to the Planning Board, dated April 9, 2025, shall be considered incorporated into the latest revised plan set (i.e., cistern Location/Old North Road, Stopping Distance Inset, open space disposition, and Old North Road Pedestrian Walkway).

<u>Sheets:</u>	<u>Preparer:</u>	<u>Plan Date:</u>	<u>Revisions:</u>
1 through 16	DiPrete Engineering	08-14-2022	10-18-2024
Exhibit 2 and Exhibit 3	DiPrete Engineering	referenced in a letter from Joelle C. Rocha, Esq. to the Planning Board, dated April 9, 2025	TBD

Findings of Fact

- A. The applicant qualifies as an eligible entity to seek approval as a Comprehensive Permit and the project is an eligible project pursuant to R.I.G.L. § 45-53-4, as a for-profit developer dedicating at least 25% of the units to be developed as low and moderate income (LMI) housing units;
- B. The LMI housing units, as indicated and proposed on the Sheet 5 – Overall Plan, have been proposed to be located on the following lots:

Lot 6	Lot 10	Lot 14	Lot 17	Lot 19
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Lot 22	Lot 24	Lot 31	Lot 34	Lot 37
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- C. The proposed development is consistent with local needs as identified in the local comprehensive community plan, and will address the need for affordable housing development within the community;
- D. The ten (10) low and moderate income (LMI) housing units are located on lots that are integrated throughout the development, are shown to be compatible in scale and architectural style to the market rate units within the project and will be built and occupied prior to, or simultaneous with, the construction and occupancy of market rate units;
- E. There will be no significant negative environmental impacts from the proposed development as shown on the plans, if built with all required Conditions of Approval as evidenced by ;the testimony provided;
- F. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including but not limited to safe circulation or pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community as evidenced by ;the testimony provided;
- G. The subdivision has adequate and permanent physical access to a public street, namely Old North Road and Stony Fort Road; and
- H. 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.

The “Findings of Fact” above are based on the conclusion that the development plan **will be revised by the applicant at the Final Plan stage to incorporate the conditions of the approval listed as part of this motion.**

Findings of Fact, Requested Relief

- J. The proposed development will be in compliance with the standards and provisions of the South Kingstown Zoning Ordinance and Subdivision and Land Development Regulations and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing. In view of the state and local need for low and moderate income housing the following waivers, variances and exceptions were hereby granted at the Conceptual Master Plan stage of review:

Zoning Ordinance	
Section 502.5.F	Dimensional (reduced frontage on non-FDRP streets as depicted on the approved plan)
Section 502.5.D	Dimensional (FDRP density – yield plan definition requiring individual OWTS for each lot)
Subdivision Regulations	

Article IV, Section A.13	Dimensional (relief from required FDRP perimeter buffer)
Article XIII, Section B	Dimensional (relief from requirement to construct sidewalks on both sides of the proposed street)
Article XIII, Section C	Dimensional (relief from angle of lot lines at 90 degrees for proposed lots)

- K. No other relief is granted and all local ordinances and regulations not specifically mentioned here shall be enforced in their entirety. Any subsequent revision to the plans that require additional or more expansive relief must be approved by the Planning Board in accordance with state law and Section 509 of the Kingstown Zoning Ordinance as amended.

Conditions of Approval

The Planning Board finds that the conditions imposed in the section are necessary in order to properly address local concerns as previously stated herein. The Board finds that such conditions will not render it financially impossible or logistically impracticable to proceed with the proposed project, within any limitations that may be set by a subsidizing agency of the government. To the extent that such conditions may render the project infeasible, the Board finds that the local concerns in imposing the same outweighs the potential benefits of the affordable unit that has been proposed and that said conditions are ‘consistent with local needs’ and said conditions are not designed or intended to exclude low and moderate income residents from the community or to discourage or frustrate the likelihood of success of the project as further described below. Thus the conditions are found to be reasonable in view of the stated need for low and moderate income housing; and similar conditions are applied on a case-by-case basis and as equally as possible to both subsidized and unsubsidized housing as further described below.

1. Approval is limited to thirty-nine (39) lots each for single-family development.
2. The approval is based on the development of the proposed subdivision in a single phase.
3. Approval is based upon the provision of 25% subsidized housing units available for LMI residents. The LMI dwelling units will be sold to a person or persons with a household income at or below 100% of the Area Median Income (AMI) and shall be deed restricted for a period of 30 years.
4. The required LMI designated lots, as proposed, are to be located on the following parcels:

Lot 6	Lot 10	Lot 14	Lot 17	Lot 19
Lot 22	Lot 24	Lot 31	Lot 34	Lot 37

5. Proposed LMI Housing units shall be integrated throughout the development as depicted on Sheet 5 – Overall Plan and referenced in Findings of Fact above. The construction schedule of LMI units/lots shall not exceed the construction of three (3) market-rate units for every one (1) LMI Housing unit.

- a. The size of the market rate units and affordable units shall be similar in scale and style per architectural submittals (Exhibit I – plans prepared by ClearVue Design, dated 11/23/24)
6. The LMI units must meet the criteria for subsidy and deed restrictions such that the units meet all state requirements to be counted toward the LMI housing stock within the Town.
7. As part of the final submittal, the applicant shall submit additional final legal documents including a final ‘Monitoring Agreement’ or ‘Memorandum of Understanding’ from a certified Monitoring Agent, a final draft ‘Deed Restriction’ and draft lease agreements for any rental units, 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 Administrative Officer.
8. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
9. Fair Share Development Fees for both open space and school facilities as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the twenty-nine (29) market rate units.
10. The applicant shall provide a detailed construction cost estimate on forms provided by the Department of Public Services prior to Final Plan approval. The purpose of the estimate is to allow the Town to establish a project inspection fee and any required performance bond. The final type and surety amount shall be set by the Administrative Officer in consultation with the Department of Public Service, and legal counsel.
 - a. Under no circumstance shall a CO be issued for any residential unit until the project’s drainage improvements and the proposed roads/driveways binder course have been installed, inspected and approved by the town in consultation with the Town Engineer and Administrative Officer for the corresponding subdivision road, including any necessary infrastructure necessary to service/access said project.
11. (OVERALL PROJECT) Prior to the initiation of site disturbance activities (i.e, excavation, clearing, ground disturbance, grading), the applicant shall attend a pre-construction conference and shall pay a project inspection fee as determined by the Department of Public Service and reviewed by the Administrative Officer.
12. (INDIVIDUAL LOT DEVELOPMENT) 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 Old North Road and/or Stony Fort Road.
13. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control (SERC) Permit from the Town’s Department of Public Services encompassing the overall limits of construction prior to commencing construction and/or grading activities or any portion of the property.
14. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control (SERC) Permit from the Town’s Department of Public Services for each individual home site prior to applying for individual building permits.
15. The Permits associated with the SERC shall include the requirement that the limits of clearing are staked/flagged in the field by a licensed surveyor and inspected by Department Public Service prior to the cutting of trees and/or any land clearing activities,

- any ground disturbance, grading and/or excavation and shall require the installation of Erosion and Sedimentation Controls as detailed on the plans to be installed.
16. 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.
 17. All new utilities installed to and on the site/property (i.e., electric, telephone, fiber, and cable services) shall be installed underground.
 18. 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 and new road elements. Once the improvements have been completed, the design engineers shall verify in writing that the storm water infrastructure and road was constructed/installed as designed. 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).
 19. The applicant shall be required to perform periodic professional inspections at critical points by a registered Landscape Architect (RLA) 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 RLA shall verify in writing that the material was installed as designed and approved by the Planning Board.
 20. All proposed landscape material shall be warrantied for a period of two (2) years.
 21. The owner shall create a document for recording that clearly details the maintenance and financial responsibilities associated with the subdivision's storm water management of its infrastructure (i.e., detention basins, catch basins, pipe runs, rain gardens, infiltration systems) and how that infrastructure will be maintained and repaired over time and by what legal entity (i.e., Home Owners Associations "HOA"). The document shall incorporate language that includes a maintenance and inspection schedule to be recorded on the Land Records of the Town of South Kingstown.

The Maintenance and inspection schedule shall be prepared, signed and sealed/stamped by a Rhode Island registered professional engineer and shall include a detailed monitoring and reporting program. The monitoring and reporting program shall occur for a period of 2 years following the issuance of the final Certificate of Occupancy (C/O) for the final unit and shall include, but not limited to, evaluating the functionality of the stormwater improvements and their effectiveness. South Kingstown's Public Services Director shall review post construction monitoring report findings and submit written comments to the Planning Board on any action needed. Prior to recording, the documents shall be reviewed and approved by the Planning Board's Administrative Officer in consultation with the Town's Legal Counsel, Public Services Director and Town Engineer.

22. Open space areas within the development shall be marked in the field with 'witness posts or similar monumentation to establish these buffer areas and help prevent encroachment on or within these areas. 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 and shall be noted in the deeds.

- a. All open space areas shall be accessible by all 39 lots.
 - b. The applicant shall submit language associated with the long-term management of the development's open space. The language shall clearly spell out the owner's and/or HOA's management responsibilities associated with the care of the open space and the vegetation contained within the open space. The plan shall be prepared by a licensed or registered forester. The final plan shall be reviewed and approved by the Administrative Officer in consultation with the Planning Board Chair.
23. Any existing stone walls that are disturbed shall be reconstructed 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.
24. The property lines along Old North Road and Stony Fort Road shall be adjusted to the east and south of the proposed walkway/path. The proposed new walkway/path shall be located within the Town R.O.W (Right of Way). The land area necessary to accommodate the proposed improvements along Old North Road and Stony Fort Road shall be deeded to the Town and incorporated into the Town's R.O.W. This modification to property line is also referenced in Exhibit E (John C. Carter & CO., Inc. Date August 19, 2021) and Exhibit F (DiPrete Engineering, Offsite Pedestrian Exhibit, Insert A - Pedestrian Walkway).
- a. All modifications to lot lines and/or lot area that are affected by compliance with this provision shall be considered waived (i.e., minimum lot size, lot area...).
25. Easements for the proposed shared driveways on Old North Road shall be incorporated into the deed for individual lots utilizing the shared components. Deeds shall include the right to pass and repass, maintain, repair and upgrade the shared portion of any driveway, and shall include provisions to share cost and maintenance provisions.
26. The proposed shared portion of the driveways shall be no wider than 16'.
27. The developer shall record a new deed for each lot at the time of the recording of the subdivision.
28. Prior to the issuance of any COs, the applicant shall submit an as-built for all improvements to the site for the corresponding components associated with the development. The as-built shall show building locations, sidewalks/walkways, pavement edges/layout, drainage structures including inverts (above and below grade), and the location of all underground utilities. In addition to providing an as-built for the development improvements the applicant shall also provide an as-built survey to demonstrate that the applicant/developer has achieved the proposed and approved sightlines/stopping distances associated with the project's proposed curb cut for the new road, the intersection sightline for Stony Fort Road and Old North Road and that all of the necessary tree/brush removal and grading has been completed per plans.
29. 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 Special 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.