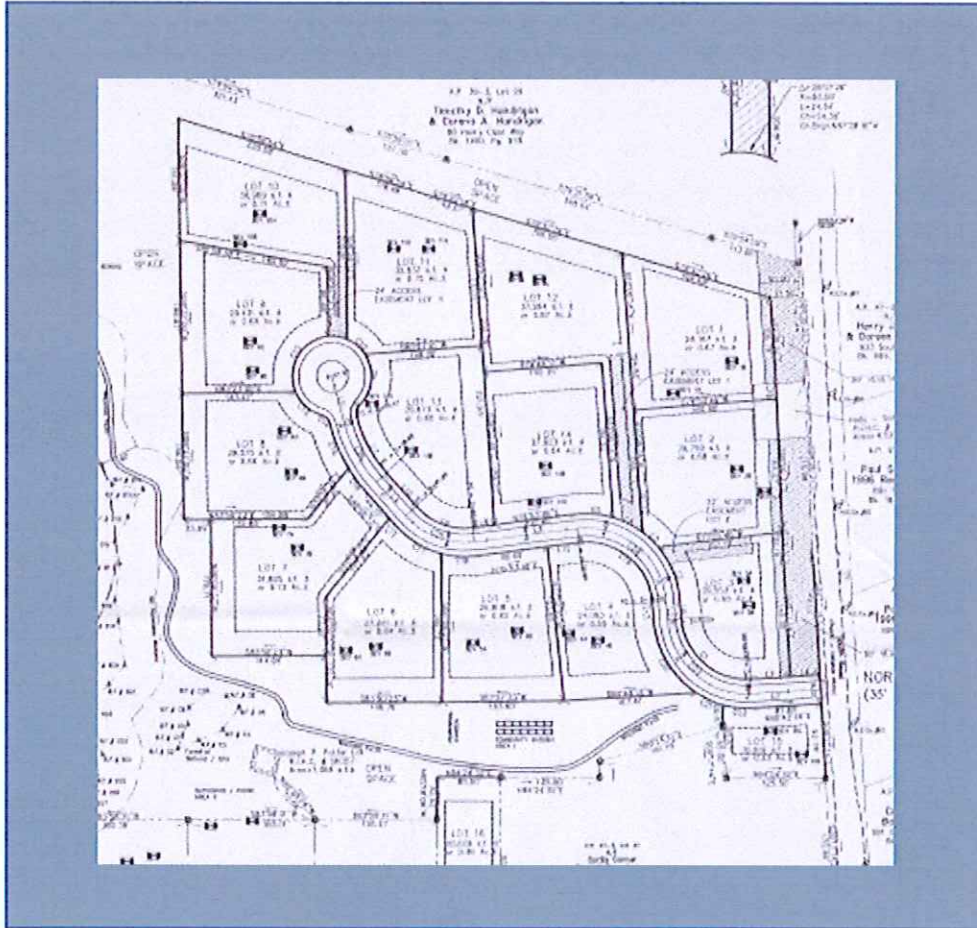


Analysis and Review

North Woods Master Plan Subdivision

Prepared for the
Residents of Henry Case Way



Site Plan by Fontaine Land Surveying, LLC

Prepared by
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May 25, 2020

RECEIVED IN
PLANNING DEPARTMENT

JUN 15 2020

TOWN OF
SOUTH KINGSTOWN, RI

Introduction

This report provides a summary of the analysis conducted of the master plan submission for the North Woods subdivision. In conducting this analysis, a complete review of the Comprehensive Plan was conducted to ensure the project's compatibility and consistency with the goals and policies outlined within the Plan. The South Kingstown Zoning Ordinance and Subdivision Regulations were also reviewed as part of this analysis. In addition, a site visit was conducted to inventory the surrounding neighborhood and determine how the project would appropriately fit into the fabric of the existing area. This report discusses the project's relationship and consistency with various sections of the Comprehensive Plan, zoning ordinance, and subdivision regulations and provides a visual analysis of the surrounding area.

Site and Project Description

Site

The subject property is an undeveloped parcel of land near the intersection of Curtis Corner Road and South Road in South Kingstown. The site is located in an R30 zoning district and is approximately 21.4 acres in size. The primary frontage for the parcel is along South Road. Figure 1 provides an aerial view of the site location and the surrounding area and Figure 2 provides zoning district information for the site and surrounding area.

Figure 1: Site Location and Surrounding Area

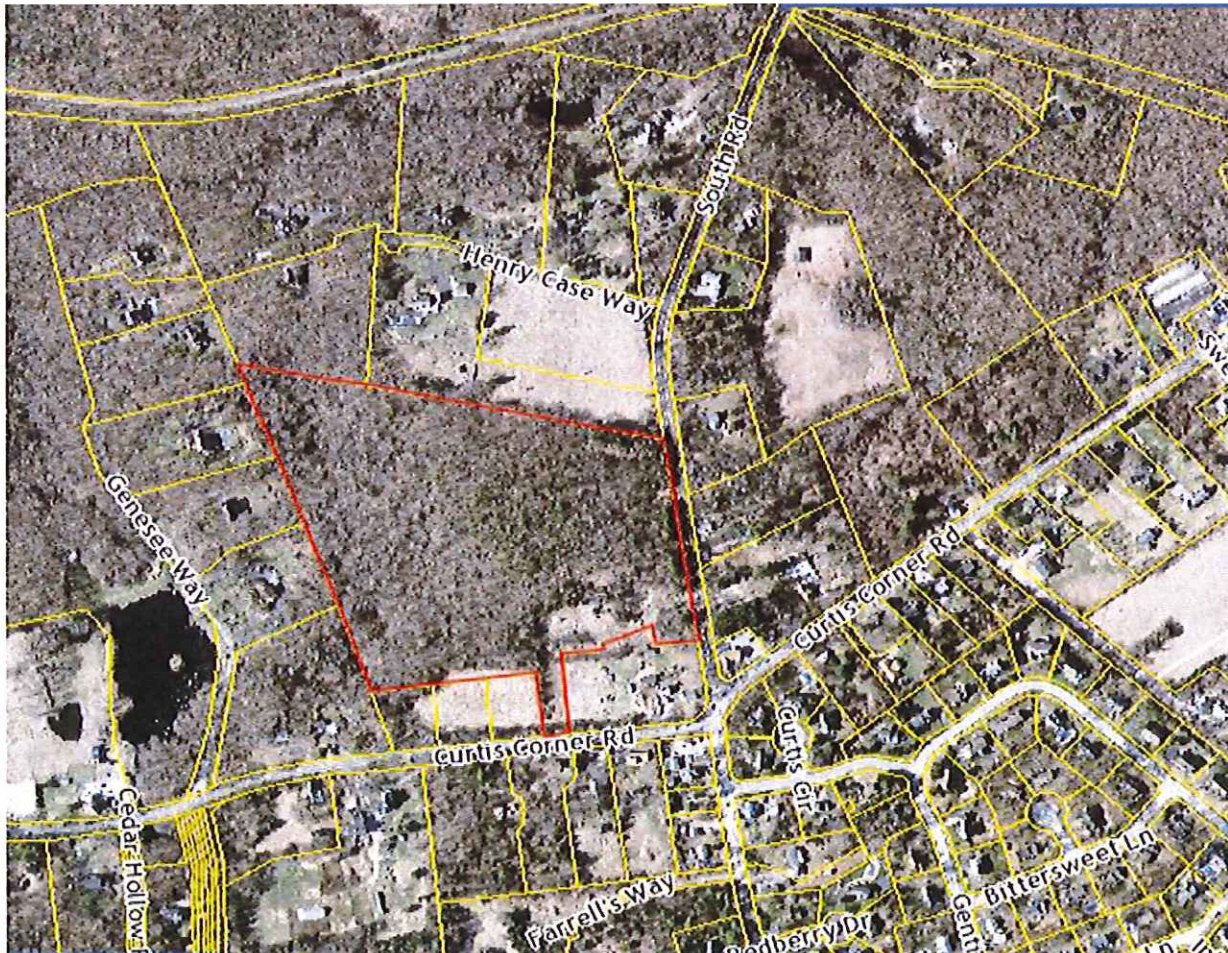


Figure 2: Area Zoning Districts and Subject Site



Map Color	Zoning District
Green	Open Space
Yellow	R40
Olive Green	R20
Light Yellow	R80
Light Orange	R30

Figure 2 above shows that this parcel is in a location where a variety of different sized residential zoning districts come together. The subject parcel is on the edge of the R30 district but almost completely surrounded by the R40 district. The R40 district requires a minimum lot size of 10,000 square feet in excess than those in the

R30 district. The parcel, when you consider the character and size of the lots surrounding it, seems more appropriately zoned as an R40 district, rather than its current designation of R30. Most, if not all of the lots directly abutting the subject parcel are within the R40 district. The R30 district is defined in the zoning ordinance as:

R30 - Medium Density Residential District. This district allows a residential density of up to 1.45 dwelling units per acre. Single-household detached units will be the predominant type of housing, although duplexes will be allowed by special use permit. Residential cluster developments should be considered for major subdivision proposals in this district. The lot sizes for single-household detached dwellings is 30,000 square feet. Water service generally is available to this district or could easily be provided. While public sewers presently serve some of this district, public sewers should not be considered for the outlying villages as designated on the Land Use Plan, except for Middlebridge and the industrially zoned area of West Kingston.

The subject site has the following characteristics:

- Approximately 933,173 square feet, or 21.4 acres.
- The site is entirely within the R30 zoning district.
- The site is located within the Future Sewer Service Area (FSSA).
- The site contains approximately 3.18 acres of wetlands, leaving 18.2 acres as land suitable for development.
- The site's main frontage is on South Road with secondary frontage on Curtis Corner Road.
- The site contains 2 historic cemeteries and several stone walls.
- The site is primarily wooded.

Project

The applicant is proposing to subdivide the property into sixteen (16) lots for residential development, designed as a Flexible Design Residential Project (FDRP). The proposal contains the following characteristics:

- Accessed by way of a private roadway.
- Fifteen (15) single-family homes.
- One duplex residence.
- Three (3) affordable units, one single family residence on Lot 15 and 2 duplex units on Lot 16.
- 2 duplex units will have access from Curtis Corner Road, with the remainder of the lots being accessed off the private roadway.
- All lots will be serviced by public water and individual onsite wastewater treatment systems (OWTS).

Consistency with Existing Neighborhood Character

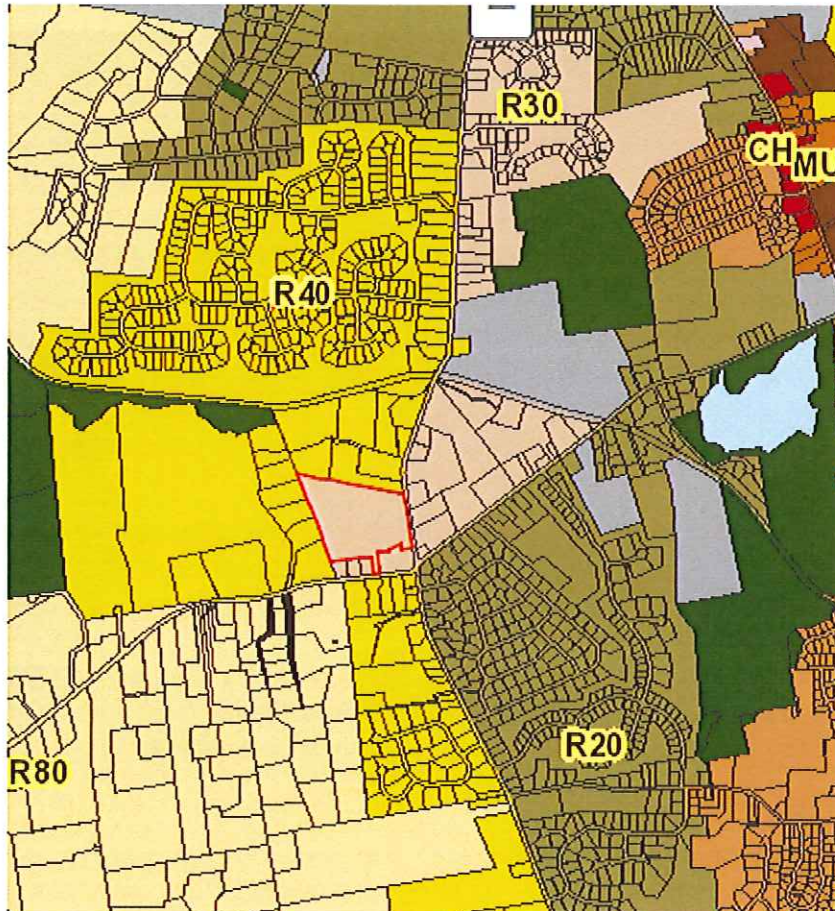
A site visit was conducted in order to understand the neighborhood character in the immediate area of the subject site. During this site visit, the project site itself, and the surrounding area were visited and surveyed. The surrounding neighborhood is a mixture of residential housing on varying lot sizes. Directly to the north and west of the site, the area is zone R40. Southwest of the site is an extensive area of land zoned R80. Directly to the east is a small pocket of R30 zoned land with a large area of R20 zoned land to the southeast. Figure 3 below provides a zoning map of the surrounding area.

During the site visit the subject property was viewed from South Road, Curtis Corner Road, Genesee Way, and Henry Case Way. The homes along Genesee Way and Henry Case Way are primarily larger in size, with the smallest lot at about one acre, to the largest consisting of just over seven (7) acres. There are only 3 existing lots (47-2-117, 47-2-118, and 47-2-119) that abut this property that are approximately the same size (.7 acres) as the lots proposed in the subdivision. All the other lots that directly abut the property are larger than one acre, some of them significantly.

Appendix A of this report provides a visual assessment of the northern property boundary of the subject parcel with the Henry Case Way subdivision. The area currently designated as the 50' perimeter buffer consists of hardwood trees and little to no undergrowth. This will not provide adequate buffering. The entire southern boundary area of A.P. 39-3, Lot 29 is utilized by the animals that reside on that lot. Their designated living area direct abuts the 50' designated buffer area and as proposed, that buffer area is

insufficient to protect their health and habitat. Additional buffering is required along this area for both the human and animal residents of Henry Case Way. There should be a minimum of 100' buffer provided along that property line and the buffer area should have supplemental plantings of low growth buffer materials to provide adequate visual screening.

Figure 3: Surrounding Area Zoning



Consistency with the Comprehensive Plan

This report aims to provide instances from the Plan that support and encourage new development to be sensitive to the context of the existing neighborhood, supporting the position for increased buffering and housing integration throughout. The Plan provides support to not only adhere to the minimum standards outlined in the subdivision regulations and zoning ordinance, but to request additional protections and measures when warranted to achieve the goals, policies, and actions of the Plan. It is my professional opinion that without enhanced buffering, inclusionary zoning integration, and a more neighborhood sensitive design, the proposal is not consistent with the Town of South Kingstown Comprehensive Community Plan.

The Planning Board must determine that all projects that are approved for development, are found to be consistent with the goals, policies, and themes of the Plan. The current Plan for the Town was adopted in 2014 by the Town Council. The following excerpts from the Plan support the need for additional buffering to the proposed FDRP:

Introduction

Page INTRO-13

Major new growth of residential subdivisions should be restricted to the areas of medium density in the central Town areas and discouraged from the outlying villages. Subdivisions carry a strong feeling of suburbanization, and care should be taken to require site planning to avoid look-alike plats and roadside frontage lots. The potential for a sprawling housing pattern must be avoided throughout the Town.

Land Use Element

The Land Use Element of the Plan provides important information and guidance for decision makers, developers, residents, and business owners about the community's vision for itself. Planning for appropriate land uses is necessary to provide for the protection, development, use, and management of our land and natural resources. Below are excerpts from the Plan that support increased buffering and context sensitive development design.

Page LU-11

***Goal 3:** To promote and require high standards of development to preserve and enhance the quality of life, to encourage a sense of community, to support a healthy, walkable environment and to protect the natural resources of the Town.*

***Policy 3.1** - The Town recognizes that its rural, small-town character and natural resources must be protected and enhanced through appropriate land use regulations, design guidelines, environmental protection, site planning and landscaping regulations.*

Implementation

- *The Town shall support a Low Impact Development (LID) approach to development and redevelopment by revising its regulations to provide innovative standards for resource protection and site design.*

***Policy 3.2** - The Town shall encourage landscape diversity that creates identity and a sense of place, fosters the creation of distinct neighborhoods and villages, and recognizes the natural, historic, and cultural features of the land and surrounding community.*

The excerpts above discuss the need to promote and preserve quality development standards that support new and existing residents of the Town. New development cannot negatively impact existing neighbors and neighborhoods, but instead must be properly integrated and sensitive to the surrounding landscape and character. A key tool to ensure this is achieved is proper site design and buffering. As presented, the proposed design and buffering are not appropriate and proper.

Housing Element

The Housing Element of the Plan gives communities the opportunity to envision their neighborhoods as they want them to be – with safe, healthy, sanitary, and well-designed housing for people of all income-levels, ages and abilities, in the appropriate locations to make day to day life easier and more enjoyable.

Below are excerpts from the Housing Element that support maintaining the quality and design of housing and neighborhoods.

Page H-1: Introduction

Providing and maintaining quality homes throughout the Town are inextricably linked to issues of economic development, fiscal stability, social equity, and long-range environmental sustainability.

Page H-10: Inclusionary Zoning

Although this model does not provide large numbers of workforce housing units as part of individual developments, it does integrate deed restricted units into market rate neighborhoods in a manner that is socially sustainable. The Town acknowledges this preference for integrating deed restricted housing into new neighborhoods (through Inclusionary Zoning) or into established neighborhoods (through accessory apartments) as central to its overall approach to this important issue).

It is clear that the deed restricted units are not integrated into the development, but rather, segregated and set off from the market rate units. This is not in keeping with the aforementioned provision.

Consistency with the Code of Ordinances

The provisions of *Article II. -Wastewater Management, Division 6. – Installation, Section 19-115. – Connection policy.* state the following:

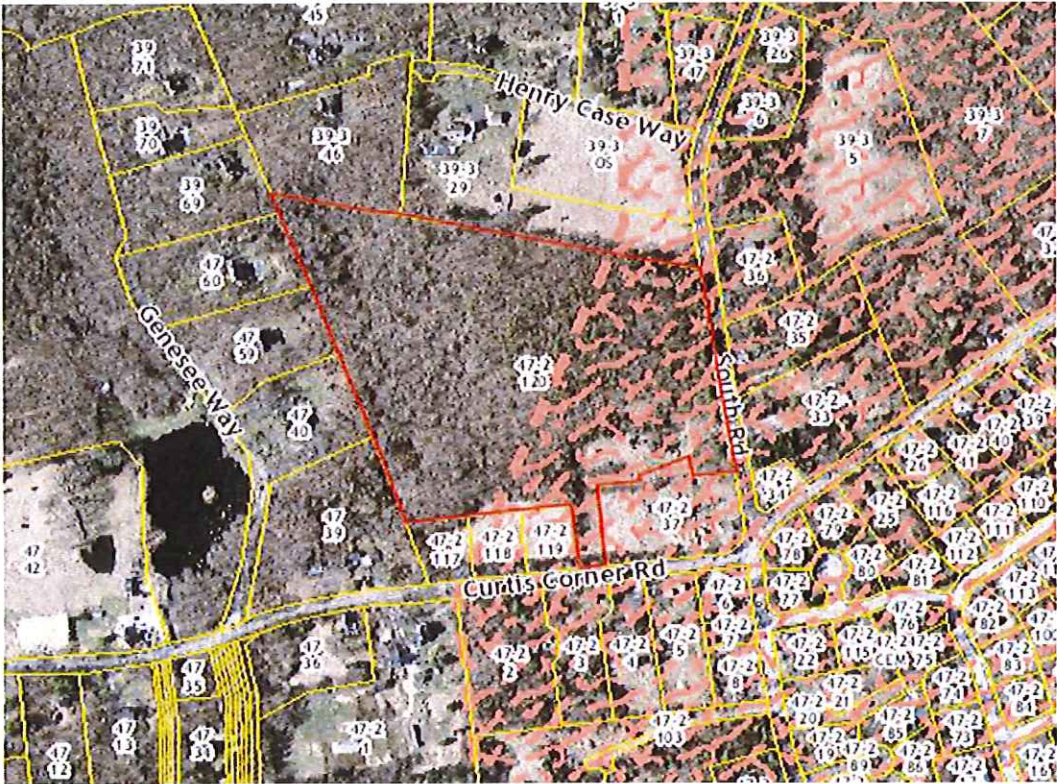
The town hereby establishes the following policy relative to future connections to the sewer system:

- (1) Property within the existing and/or future sewer service area. Any parcel of land located within the existing and/or future sewer service area as defined in figure 6.2 entitled "Sewer Service Areas," of the Town of South Kingstown Comprehensive Community Plan, may be required to connect to the sanitary sewer system. The property owner agrees to abide by all conditions, restrictions, standards, specifications, design criteria, and to pay all fees which may be established by the town. The property owner shall also pay any cost(s) associated with sewer service connection and/or sewer main extensions.*

Figure 4 on the following page shows the future sewer service area with relationship to the subject parcel. Approximately 30 – 40 percent of the subject parcel falls within the future sewer service area identified on the Town's GIS online mapping tool. The staff report provided for this application identifies that *"despite being located within the Future Sewer Service Area (FSSA), and after an extensive soil analysis, the Public Services Director has agreed to waive the requirement to connect to the municipal sewer system provided the applicant restricts the density of this development to fourteen (14) market rate plus any affordable units required."* No soil extensive soil analysis, nor letter or notice from the Public Services Director was supplied as part of the materials received with our request for a copy of the information on file. We would respectfully request a copy of the soil evaluation and/or analysis that was conducted that led to the determination that this proposed subdivision was not required to tie into the sewer.

The yield plan for the site alleges that 19 lots could be built under conventional subdivision design. The currently proposed design, under the FDRP regulations, yields 16 lots with 17 units (one duplex). The difference between the yield and this proposal is 2 units. We are requesting access to the analysis that was conducted that led to the determination that sewer connections are not necessary.

Figure 4: Future Sewer Service Area



Consistency with the Zoning Ordinance

Inclusionary Zoning (Article V, Section 502.6

South Kingstown has an inclusionary provision which requires a percentage of units within a development be affordable to households of low and moderate income. Article 5, Section 502.6.E states the following:

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 units(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.(emphasis added)

This proposal includes a single-family house lot and a duplex lot as the inclusionary units. The single-family house lot is somewhat segregated from the entirety of the development by being placed right on South Road at the entrance to the subdivision. The duplex lot is completely segregated from the development and is accessed separately from Curtis Corner Road. We would respectfully request that the Planning Board require that the inclusionary lots be

properly integrated into the development and not left as secondary considerations on the outskirts of the development.

Consistency with the Subdivision Regulations

All land development project must be consistent with the provisions of the subdivision regulations that are applicable to the proposal for development. In this particular case, the applicant has proposed a Flexible Design Residential Project, which is regulated under Section IV.A of the South Kingstown Subdivision Regulations (herein after referred to as the regulations). The general purposes for proposing an FDRP is as follows (IV.A.1 Purpose):

- a. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;*
- b. To preserve historical and archeological resources;*
- c. To protect the natural environment, including South Kingstown's varied landscapes;*
- d. To protect the value of real property;*
- e. 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 in the Comprehensive Community Plan (hereinafter, the "Design Manual");*
- f. To perpetuate the appearance of South Kingstown's traditional New England landscape;*
- g. To allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure cost and density bonuses;*
- h. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,*
- i. To offer an alternative to conventional subdivision development.*

It is important that as part of the review process for a FDRP, the purpose statements above are assessed and analyzed against the project and a determination is made that the project, as proposed, conforms to the general statements of purpose outlined above. The application materials submitted do not provide an analysis of how the project meets the general-purpose statements of a RDRP. The staff report provided outlines sections of the FDRP requirements that are applicable but does not provide an analysis of how the proposed project is consistent with those purpose statements. Below is an overview of the general-purpose statements as they relate to this application.

- a. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;*

The open space proposed in this project is essentially a ring of land surrounding the proposed lots on all four sides. This type of open space layout is mostly beneficial for the residents of the newly created lots. Often, intentionally and unintentionally, lot access and use extends into these narrow perimeter type buffers. This type of open space creation does not usually benefit neighboring properties or the neighborhood as a whole. More specifically in this project, the open space abutting proposed lots 10, 11, 12 and 1 consists of a 50-foot strip of land between the rear property lines of those lots and the adjacent property line of A.P. 39-3, Lot 29. This 50-foot strip of land is not integrated with the other open space areas to the west and south of the site. Site plans indicate three (3) distinct open space areas, none of which include the 50' northern buffer area. This 50' open space strip is highly susceptible to becoming an extension of the yard areas of Lots 10, 11, 12 and 1 due to its configuration and distinct separation from the identified and useable open space to the south and west of the site. There is a

walking trail that begins in the southern portion of the site and terminates in the western portion of open space but in no way connects to the 50' strip to the north. The majority of the open space is on the southern portion of the site closest to Curtis Corner Road, a church, and smaller house lots. The northern portion of the site contains larger abutting lot sizes, open space, and agricultural fields where animals are kept. The open space portion of the project would be more appropriately sited to the north of the property where abutting lot sizes are larger, there is existing open space associated with the Henry Case Way subdivision, and agricultural land is present where animals are housed. There is concern that the abutting new lots will utilize the 50-foot buffer area to encroach upon the neighboring land, open space, and animal habitat. The field areas are sensitive habitat that requires proper separation and screening from abutting residential uses to maintain an appropriate environment for the animals.

b. To preserve historical and archeological resources;

The subject site is home to stonewalls and two historical cemeteries. Several proposed property lines follow the existing stone walls. It is unclear if those stone walls will be protected during development. Both cemeteries appear on the development plans, though no details were provided in the application materials made available that indicate how they will be protected during development.

c. To protect the natural environment, including South Kingstown's varied landscapes;

The application does not provide a justification, or explanation, of how this particular configuration will protect the natural environment or the Town's varied landscapes. It is our contention that pushing all of the open space, minus a 50' strip, to the south and west of the site does not protect the natural environment or the varied landscapes of the town. This type of open space area is highly susceptible to the extension of back yards that abut the narrow strip. When this happens, the open space becomes compromised and no longer serves its intended purpose.

d. To protect the value of real property;

The application does not provide a justification, or explanation, of how this particular configuration will protect the value of real property. It is the contention of the abutters on Henry Case Way that the proposed configuration of development is detrimental to their property value and that the proposed 50' buffer area is insufficient to protect their existing quality of life, neighborhood character, or property values.

e. 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 in the Comprehensive Community Plan (hereinafter, the "Design Manual");

The placement and size of the 50' buffer on the northern property line does not present a better overall site plan and will place lot lines and homes undesirably close to residences on Henry Case Way, which includes existing open space and an agricultural area that houses animals. This is a particularly sensitive area due to the presence of farm animals and should have additional buffering by way of plantings and open space to ensure the safety of the animals and the quality of life of the residents.

f. To perpetuate the appearance of South Kingstown’s traditional New England landscape;

This is a subjective criterion that the applicant has not provided any justification or explanation as to how the proposed configuration will achieve it. The abutters to the north would argue that pushing the housing towards the less densely developed lots, existing open space and agricultural area would not perpetuate the appearance of a traditional New England landscape.

g. To allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure cost and density bonuses;

This criterion should apply to the landowner’s proposing the development, as well as the landowners that abut the development. Allowing a reasonable return on investment to only the developer, and not also to the abutting landowner, is a lopsided development approach that has the potential to negatively impact neighborhoods and pit existing residents against landowners and future residents. The Henry Case Way residents would like to ensure that they have an adequate return on their investment despite the development of the subject lot.

h. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,

The applicant has provided for a private roadway, which is shorter and narrower than a conventional subdivision.

i. To offer an alternative to conventional subdivision development.

This criterion is achieved by allowing or requiring the applicant to propose the development as a FDRP.

Open Space Requirements

Article IV, Section A(11) requires the dedication of open space in the development of an FDRP. Subsection A(11)(b) identifies the minimum area requirements for opens space within an FDRP. Table 1 below summarizes the requirements.

Table 1: Minimum Open Space Requirements

Zoning District	Minimum Amount of Open Space Required
R200, HFD	70%
R80	60%
R40	50%
R30	40%
R20	35%
R10, RM	30%

The minimum requirement for the R30, which is applicable to this project, is highlighted in blue above. Any FDRP in an R30 zone is required to provide a minimum of 40% open space. The applicant’s site plans provide a representation of open space based on the entire acreage of the site, deducting out the

wetland area, then providing a total open space area. There is no calculation provided and there is no total area provided for the development portion of the site. Assessing the site plan visually, does not provide an adequate mechanism by which it can be assured that the 40% threshold is being satisfied. The staff report on this application states *“Although the open space area includes the wetland complex (land unsuitable for development), the total net area of the open space that is suitable for development appears to satisfy the 40% requirement with the Subdivision and Land Development Regulations”*. It is clear from the language used in the staff report that it is not certain the requirement is met. It is impossible to determine if the 40% threshold has been satisfied because a portion of the equation necessary to confirm this is missing: the amount of land within the development area. Without that being provided, it is not possible to conduct the full calculation (total area – wetland area – development area = remaining land available for open space). We respectfully request that the full equation be provided by the applicant, along with an open space plan (as required in Article V, Section 13 (g)) specifically showing each open space area, with its total acreage.

Open Space Use and Allowances

In a letter to the Planning Director, dated February 28, 2020, the applicant makes the following statements regarding the open space area

“The fifty (50’) open space buffer along the norther property lines of Lots 10, 11, 12, and 1 is to be exclusive to these lots as a shared access path to Area III. This allows these property owners an off road trail to the contiguous open space Areas of I, II, and III. The trail to Area III, from Areas I and II, will be carefully located and defined with these parameters in mind”.

“The open space active Areas I and II will not have any significant modification to the landscape other than debris, deadwood, and invasive removal, and also a significant improvement of the landscape. Pruning of mature species for safety and aesthetic is allowed. In areas along the North property line of Lots 10, 11, 12 & 1, limited light clearing is allowed to establish a view. In all areas of open space, removal of invasive species is allowed...Finally, the open space will include a fifty (50’) foot buffer along the norther lot lines of Lot’s 10, 11, 12, and 1, which borders on the Henry Case Way residences and their open space. The Homeowner’s Association Covenants will further define the responsibilities, declarations, and rules for use and maintenance of the open space”.

The statements and assertions made above by the applicant are completely inappropriate for an area designated as both open space and a required buffer. The applicant is required to provide a minimum of a 50’ perimeter buffer and has chosen to also designate that northern buffer as part of the open space. This does not imply that use of that space is appropriate. The area is intended to act as a buffer to neighboring properties, not for use and enjoyment by the residents of the subdivision. To purport that clearing will be allowed in the buffer to create views of the lots in the Henry Case Way neighborhood is highly inappropriate and clearly not consistent with the intent of the required buffer or the comprehensive plan. The residents of Henry Case Way are before the Planning Board to request enhanced buffering to protect the character and value of their land, while the applicant is proposing the minimum buffer required and skirting the intent of such buffer by suggesting that as part of the open space, it is provided for the use and enjoyment of the future residents of the North Woods subdivision, including clearing of vegetation to create views from their lots. Buffers are intended to screen and

protect abutting lots and residences, not to be cleared in order to provide views and access for the lots within the proposed development.

FDRP Waivers Requested

The applicant has identified that the project requires several waivers from the regulations as it is currently proposed. Table 2 below outlines the waivers requested.

Table 2: Regulatory Relief

Section	Requirement	Proposed Relief
Article IV, Section A(5)	Minimum 80' frontage for the R10 zone	Lots 1, 2, 10, 11, 12 all appear to have less than the required frontage on the proposed new roadway (lots 1 and 2 also front on South Road)
Article IV, Section A(13)	100' required buffer width for lots on the outer perimeter of the FDRP which are directly adjacent to a public street.	Applicant proposes 50' buffer
Article XIII, Section B	24' pavement width	20' pavement width

Article IV, Section A(5) states the following requirement for lot frontage:

Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the FDRP; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with the existing development patterns in the neighborhood. Unless waived pursuant to the Subdivision and Land Development Regulations, dimensional regulations applicable in the R10 Zoning District, as set forth in the South Kingstown Zoning Ordinance, Section 401, Schedule of Dimensional Regulations, shall be applicable to an FDRP.

The section cited above requires that each lot in an FDRP have a minimum of 80' of frontage on a roadway created as part of the development. In the case of this project, at least five of the lots appear to lack the minimum required 80' of frontage on the proposed roadway. As indicated in Table 1 above, lots 1, 2, 10, 11 and 12 all appear to need a waiver from this requirement. The application does not specifically identify which lots require relief, only that relief is needed. The application states that the waivers requested, for reduced frontage, are necessary in order to promote better design and building placement. However, there is no justification made upon which to base this bald assertion. Four of the lots requiring frontage waivers (lots 10, 11, 12 and 1) abut the Henry Case Way subdivision, and more specifically A.P. 39-3, Lot 29. These lots all have very minimal frontage or utilize an easement in order to gain access to the roadway. These lots should be reconfigured and moved to the southern portion of the site, increasing the open space, and buffering along the northern property line. This would provide more privacy to the Henry Case Way subdivision and the associated open space and agricultural land. The lots to the south of the property are either church owned, owned by the applicant or proposed to be a duplex lot within the subdivision. Only one lot, containing a single-family home, is an abutting lot not in some way associated with the subdivision.

Article IV, Section A(13) states the following requirement for buffers:

If property abutting the proposed FDRP contains developed residential building lots, or if there are existing residential structures within one hundred (100) feet of the perimeter of the FDRP, the following conditions must be met:

- a. Development in the FDRP must be designed to meet at least the minimum yard setback of the underlying zoning district in which the FDRP is located, from the property line to the principal building on the new abutting lot and,*
- b. 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 in either of two alternative forms, to be determined by the Planning Board:*
 - (1) A separate open space lot or lots as provided in subsection 11 above, entitled Open Space; or,*
 - (2) A permanent easement along the perimeter of the FDRP to be located along the rear of the proposed lot or lots which abut the perimeter of the FDRP. Said easement shall run in favor of the Town and shall be for conservation or open space purposes only. Where such easements are located on privately owned lots, they shall not be counted toward the minimum required open space area.*
- c. The width of the required perimeter buffer shall be fifty (50) feet provided, however, that the Planning Board may reduce this width to a minimum of ten (10) feet. In making this determination, the Planning 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;*
 - (6) the land use classification of adjacent property as provided on the Comprehensive Plan Land Use Plan Map.*

If lots on the outer perimeter of the proposed FDRP are not contiguous to developed residential building lots outside the FDRP, the above provisions regarding rear yard setbacks shall not apply. However, the requirement for a permanent buffer along the perimeter property line shall apply unless the Planning Board specifically waives this requirement.

Lots on the outer perimeter of the proposed FDRP which are directly adjacent to a public street must be separated from said public street by a wooded buffer or screen of at least one hundred (100) feet in width along the entire street frontage, except for any necessary access streets.

This section of the regulations provides enormous flexibility to the Planning Board to determine buffering for the project. The standard minimum requirement is a 100' buffer on all perimeter lots adjacent to a public roadway and a 50' buffer along the perimeter of the project. The section goes further to allow the Planning Board to reduce the buffer for various reasons. In the case of this project, we contend that the 50' buffer is insufficient and should be increased. This notion is supported by the Technical Review Committee (TRC) at their meeting of February 12, 2020 and reflected in the staff report where the following was stated: *"consider design opportunities to increase perimeter buffering from abutting residential properties to the north and South Road to the east"*.

It is the desire of the residents of Henry Case Way, and my professional opinion, that the buffer on the northern property line is insufficient at 50' and should be increased to prevent encroachment by the abutting lots into the narrow strip of open space proposed on the northern property boundary. Additionally, as previously stated the northern property line has open space within close proximity and includes sensitive areas where animals are kept. Measures should be taken to reduce the impacts on both the residents and the animals to the north of the subject property.

Items for Discussion and Consideration

After careful review and consideration of the application materials, the Town of South Kingstown Zoning Ordinance, Subdivision Regulations, and Comprehensive Plan, we offer the following concerns and recommendations related to the proposed FDRP entitled "North Woods".

1. Article V, Section 13 (g) requires the following:

At the time of Conceptual Master Plan review by the Planning Board, the applicant shall submit a separate open space use plan containing:

- 1. the general location and area of all proposed open space;*
- 2. the general proposed uses(s) of the open space;*
- 3. existing topography and existing ground cover of open space areas;*
- 4. the location and nature of any buildings, structures, stone walls or other unique natural and/or historic features;*
- 5. areas of opens space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;*
- 6. generalized proposals for the re-grading, re-vegetating, and/or landscaping of proposed disturbed areas; and,*
- 7. areas proposed to be left in their existing natural states without any disturbance.*

An open space plan containing the above outlined information was not part of the materials received with our request for a copy of the information on file. If such plan was submitted, we respectfully request a copy and adequate time to review and provide comments. If an open space plan was not submitted, we respectfully request that the Planning Board require the applicant to submit one based on the requirements of Article V, Section 13 (g). We would also respectfully request a copy of said plan upon its submission.

2. Article V, Section 13(a) states “ *Development in the FDRP must be designed to meet at least the minimum yard setback of the underlying zoning district in which the FDRP is located, from the property line to the principle building on the new abutting lot...*”. Table 3 below provides information related to the dimensional requirements of the R10 district and the setback requirements for the district in which this particular FDRP is proposed, the R30 district.

Table 3: Dimensional Requirements

Zoning District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
R10	25'	20'	10'	30'
R30	40'	30	20'	40'

The site plans indicate that the R10 dimensional requirements have been applied to each lot, and each lot shows a building envelope based on those requirements. As stated above, Section 13(a) requires that the actual development (structures) adhere to the setbacks of the underlying district. Because no house locations have been shown on the plans it is impossible to determine if the individual house locations will meet the R30 setback requirements (underlying district) when the R10 dimensional requirements have been applied to each lot. This creates a building envelope within a building envelope. The applicant should be required to show both of these envelopes on the plans so that interested parties can better understand the area within which a structure can be erected on each lot and to show that each lot can in fact meet the required setback with a house situated upon it.

3. The applicant has provided a letter to the Planning Director dated January 27, 2020 from the True North Land Co., LLC indicating a variety of site considerations including:
 - Soils and Conditions
 - Density/LMI
 - Open Space Use
 - Requested Waivers
 - South Road Entry Alternatives
 - Drainage/Runoff/Qualified Permeable Areas (QPA)
 - South Road Planting Buffers
 - Subdivision Population
 - Fiscal Impact/Town Services Demand

A majority of these topics are reserved for review and analysis only by certified professionals. This letter is signed by the managing property owners yet provides information on these various topics. The managing partners should be required to provide the appropriate credentials for the topic areas identified. There is no indication whatsoever that these statements are made upon information and data that is competent and reliable. If the property owners are not in possession of those credentials, the information in the subject

letter is inappropriate and should not qualify as credible evidence associated with this application. Only a certified professional can speak to specialized topic areas such as those identified above. We would like to reserve the right for further review and comment on the items contained within the letter, should the Planning Board determine the letter is appropriately submitted and considered as part of the record evidence.

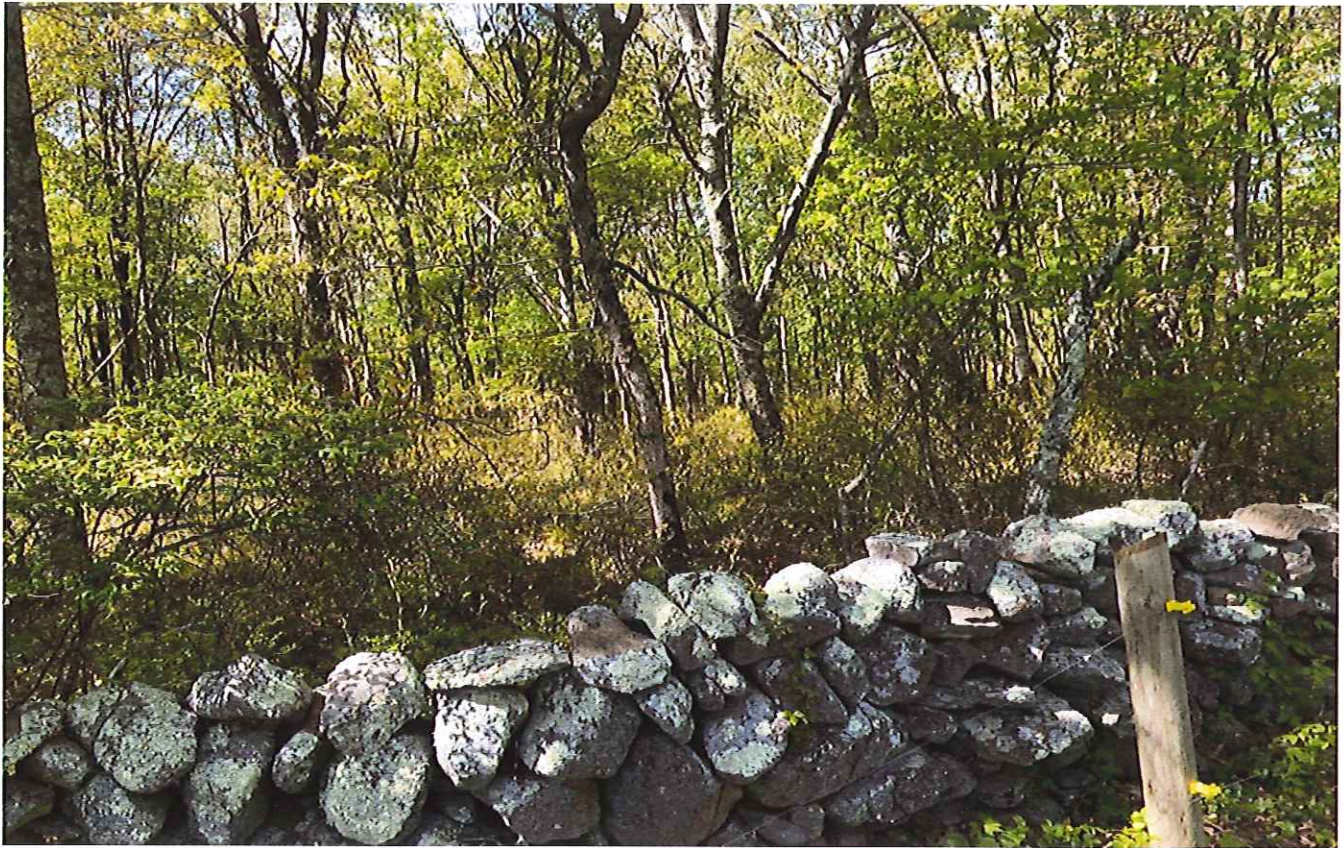
Conclusions

The residents of Henry Case Way appreciate and understand that the subject property is developable and potentially as a conventional subdivision, which could possibly result in an additional three (3) lots and a less environmentally sensitive design. The goal is not to prevent the development, but to ensure that the development that is approved is as sensitive to the context of the neighborhood as possible. This is a common goal that benefits all involved.

We ask the Planning Board to carefully consider the lot design that places four lots within 50 feet of agricultural fields that contain animals that are sensitive to their surroundings. As discussed throughout this report, we feel a 100' minimum buffer in this area is essential to the health and safety of the Henry Case Way neighborhood and the animals kept on the property. This enhanced buffer area should be heavily vegetated, which will likely require additional planting as the existing foliage is not effective for proper visual screening (please see Appendix A for photographs of this area). The residents in the surrounding area enjoy a relatively quiet and rural quality of life and the comprehensive plan requires that new development be designed in such a way that allows them to preserve the character of their neighborhood despite the development of adjacent land. Reducing buffers and relaxing design requirements for the proposed development will have a negative impact on the surrounding neighborhoods and the character of the community.

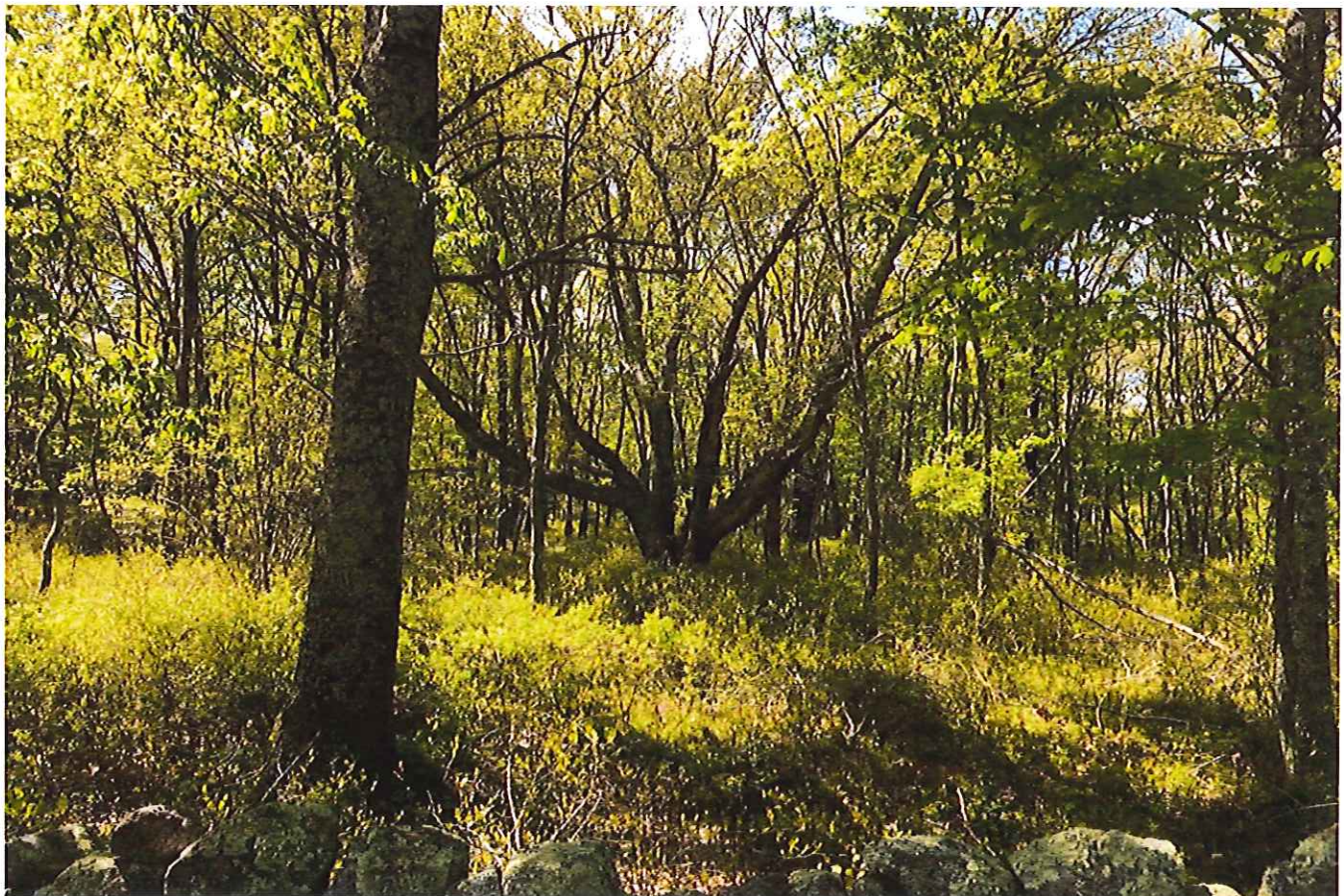
For the reasons outlined in this report, it is my professional opinion, that the buffer area to the north of the project is insufficient given the context of the abutting neighborhood. It is also my professional opinion that the inclusionary units be integrated into the subdivision properly as called for in the comprehensive plan and as required in Rhode Island General Law Section 45-53.

APPENDIX A



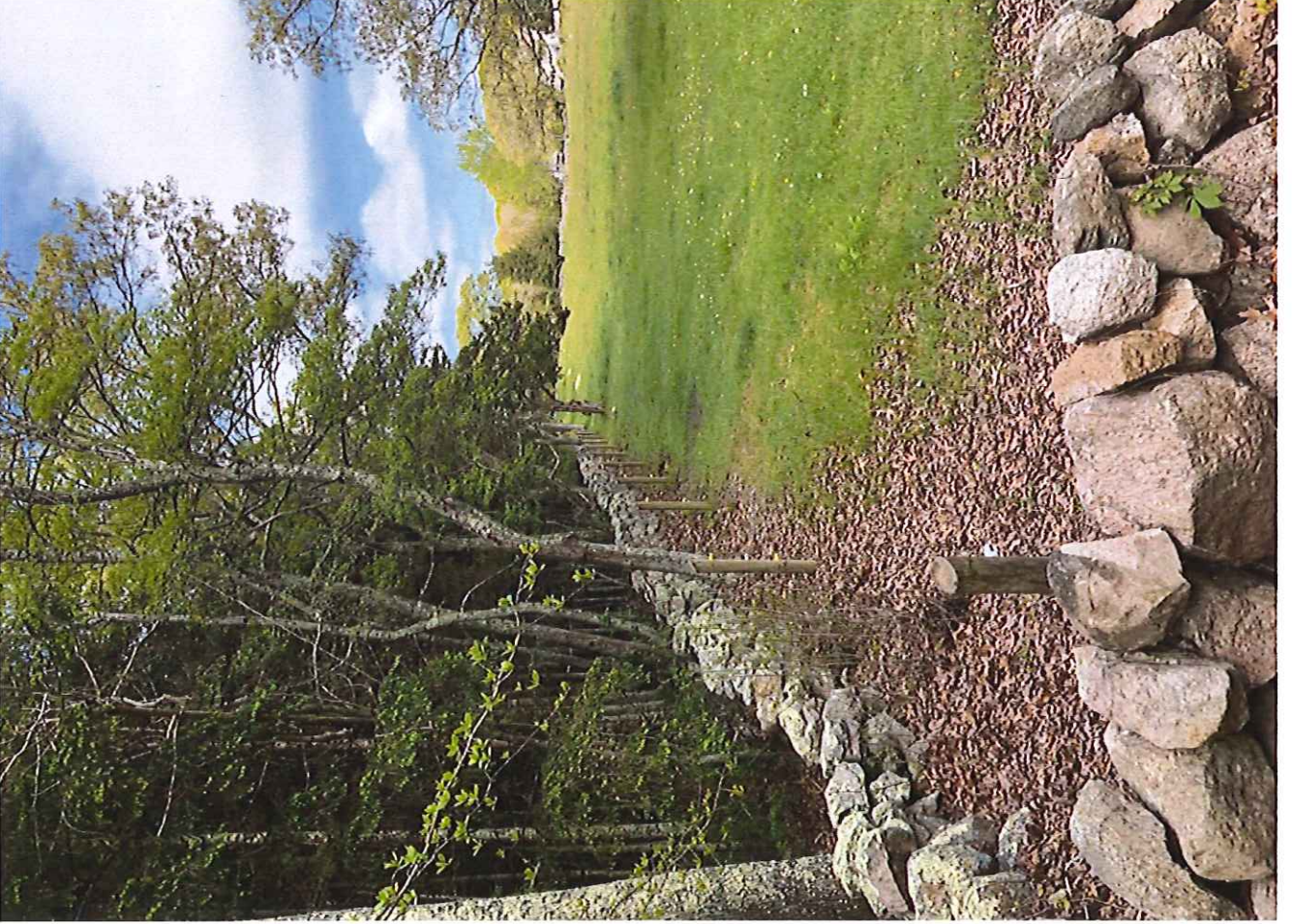
At northern property boundary facing south (both photos)

**Photos show buffer area contains mostly tall trees and
little to no undergrowth for proper visual buffering**





Facing west along at the buffer area from South Road



Facing west along the property line from South Road



Facing northwest along the property line from South Road



Facing south from property line showing approximate 50' buffer distance (person is paced out at 50')



Facing south from Henry Case Way showing animal habitat abutting project's northern boundary



Facing south from A.P. 39-3, Lot 29 showing llama enclosure and proximity to project's northern property line



Facing south from A.P. 39-3, Lot 29 showing donkey enclosure and proximity to project's northern property line