



# Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT  
180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1244  
Fax (401) 789-9792

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TOWN OF SOUTH KINGSTOWN, RI

December 1, 2020

Tower Hill Landings Annex, LLC  
c/o Christopher Bicho  
543 Thames Street  
Newport, RI 02840

RE: Tower Hill Landings Annex – Major Land Development Project  
Preliminary Plan Approval  
2095 Kingstown Road  
South Kingstown Tax Assessor's Plat 32-4, Lot 32

Dear Mr. Bicho:

At the meeting of the South Kingstown Planning Board held on November 24, 2020 the Board voted as follows:

**Motion:**

"The South Kingstown Planning Board hereby grants Preliminary Plan approval to Tower Hill Landings Annex, an eleven (11) unit multi-family residential development located on AP 32-4, Lot 32 with a physical address of 2095 Kingstown Road, Tower Hill Landings Annex, LLC, *applicant/owner*. This approval is based upon plan set entitled: *SITE PLAN SET FOR PROPOSED 11 UNIT RESIDENTIAL DEVELOPMENT, TOWER HILL LANDINGS ANNEX, LLC*, Plat 32-4, Lot 32, Zoning Districts: CN and R-10, Commercial Neighborhood and Medium High Density Residential District and Kingstown Road Special Management District, 2095 Kingstown Road (Route 108), South Kingstown, R.I., Sheets C1 through C14, Sheet E1, and Sheets L1 & L2, dated July 2020 with revisions through October 28, 2020, by Crossman Engineering, 151 Centerville Road, Warwick, RI 02886. This approval is based on the following Findings of Fact and Conditions of Approval:

**Findings of Fact**

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. 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
- E. 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.

- F. Thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

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

- G. The applicant has proposed that two (2) of the eleven (11) total units will be deed restricted affordable to 'low and/or moderate income households' with an income at or below 80% of the Area Median Income and be deed restricted for a period of 99 years as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. These deed restricted affordable units will include one (1) 2-bedroom unit and one (1) 4-bedroom unit.
- H. The Planning Board finds that the proposed affordable units are integrated within the development and that the design of these units are consistent with the design of the market rate units within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I of the Town's Subdivision and Land Development Regulations.
- I. These affordable units shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.
- J. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units shall be exempt from the Town's Pacing and Phasing requirements.
- K. The affordable units shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1 of the Zoning Ordinance and Section II, Element 5, III of the Town's Capital Improvement Program.

**Findings of Fact, Requested Relief**

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the waivers proposed:

<b>Article IV – Special Requirements: (G) Landscaping</b>	
<i>(G.3) Perimeter Landscaping – Parking Lots and Loading Facilities: No less than ten (10) feet in width where the parking area contains five (5) spaces or more or which exceeds 2500 sq. ft. of paved area.</i>	
Required:	10' (minimum)
Proposed:	0'
<b>Article IV – Special Requirements: (H) Multi Household Dwellings</b>	
<i>(H.7) Front Yard Setbacks for Multi-Household Land Development Projects: Multi-Household Land Development Projects (Use Code 12.1 and 12.3), when located along any public street, shall provide a minimum front yard setback of 100 feet along said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of 50-foot width, shall be maintained along said public street and may be used for any required yard, open space or recreation space, for access driveways (no parking allowed) or for other necessary entrance and exit facilities.</i>	
Required:	100' front yard setback 50' landscaped buffer zone
Proposed:	25' front yard setback 25' landscaped buffer
<i>(H.9) Distance between Buildings on Same Lot: In any Multi-Household Land Development Project, the minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.</i>	
Required:	50' (minimum)

<b>Proposed:</b>	<b>10'</b>
<b>RIGL § 45-23-41 (General Provisions – Major land development and major subdivision – Preliminary Plan)</b>	
<p>(2) Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, <u>all permits required by state or federal agencies prior to commencement of construction</u>, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads..</p>	
<p>Waiver request from the requirement that Tower Hill Landings Annex Major Development Project provide all local and State permits at the time of Preliminary Plan review. Permit requests were submitted to RIDEM and RIDOT in August 2020 with an anticipated response mid to late October 2020. If permits are approved after the submittal deadline of October 9 but prior to the October 27<sup>th</sup> Planning Board meeting they will be forwarded to the Principal Planner with copies for the Planning Board members or submitted immediately upon receipt.</p>	

In doing so, the Planning Board finds that:

- L. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations; and that
- M. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

***Conditions of Approval***

1. The use of the property shall be limited to Use Code 12.1 (Multi-household Land Development Project) for residential development as proposed.
2. This approval is further limited to nine (9) market rate units and two (2) affordable units for a total of eleven (11) units. Approval is based upon the provision of 20% (2 units) subsidized housing units available for low and moderate income residents. The low and moderate income dwelling units (LMI Housing units) will be sold to a person or family with an income at or below 80% of the Area Median Income and be deed restricted for a period of 99 years.
3. Proposed LMI Housing units shall be integrated throughout the development, shall be compatible in scale and architectural style to the market rate units within the project, and they shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units.
4. As part of the Final Plan submittal, the applicant shall propose the schedule by which the LMI Housing units will be constructed and available for occupancy. Said schedule shall not exceed the construction and occupancy of three (3) market-rate units for every one (1) LMI Housing unit. Presuming simultaneous construction of dwelling units within this development, this schedule shall be managed and satisfied through the issuance of Certificates of Occupancy (CO's).
5. As part of the Final Plan submittal, the applicant shall 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.
6. 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.
7. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the nine (9) market rate units.
  8. The parking lot shall be designed and installed with pervious pavement to minimize potential water quality impacts from stormwater.
  9. 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.
  10. Prior to Final Plan submission, the applicant shall provide a response from the RI Department of Environmental Management (RIDEM) associated with wetland and stormwater permitting, as well as a response from RI Department of Transportation (RIDOT) associated with the Physical Alteration Permit (PAP), to the Department of Public Services for review and concurrence. Should the Department of Public Services have any concern with any of the State permitting correspondence, the Administrative Officer reserves the right to have Final Plan approval conducted by the Planning Board.
  11. Prior to Final Plan submission, the applicant shall submit 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) to the Department of Public Services for review and concurrence. Should the Department of Public Services have any concern with the contents of the traffic study, the Administrative Officer reserves the right to have Final Plan approval conducted by the Planning Board.
  12. As part of the Final Plan submittal, an executed 'No Access Easement' shall be granted to the Town of South Kingstown (as a grantee) prohibiting any future driveway or other vehicular access from Kingstown road.
  13. As part of the Final Plan submittal, an 'Open Space Easement' shall be granted to the Town of South Kingstown (as a grantee) for the purposes of enforcing the covenants of the easement.
  14. That the applicant shall add three additional green mountain sugar maples along the street frontage for a total of seven street trees.
  15. The applicant shall supplement the proposed ground cover landscaping with mid/height evergreen type plant material to assist in the screening of the proposed residential structures.
  16. The applicant shall modify the dumpster/trash enclosure to include pedestrian access - minimum 4' of additional space to accommodate those movements.
  17. Final landscape plan shall be review by the administrative officer.

Said motion, made by Ms. Mack and duly seconded by Mr. Murphy, passed unanimously, 7-0 (S. Axelrod; S. DiMasi; P. DiStefano; P. Jordan; M. Mack; J. Murphy; P. Rubinoff).

In accordance with Section 505.1.D.3 of the Town of South Kingstown Zoning Ordinance, any party aggrieved by this decision shall have the right to appeal this decision to the Planning Board of Appeals in accordance with the procedure set forth in Article XII of the Subdivision and Land Development Regulations. The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.

Respectfully,



F. Steven DiMasi, Chair  
Planning Board