



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT
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September 2, 2020

True North Land Co., LLC
c/o Earl M. Greco
11 Knight Street, Unit E-19
Warwick, RI 02886

RE: North Woods – Major Subdivision, Flexible Design Residential Project
Conceptual Master Plan Approval
South Road
South Kingstown Tax Assessor's Plat 47-2, Lot 120

Dear Mr. Greco:

At the meeting of the South Kingstown Planning Board held on August 25, 2020 the Board voted as follows:

Motion: “The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to the North Woods Major Subdivision, a sixteen (16) lot major subdivision – flexible residential design project, to contain fifteen (15) single-family dwellings and one (1) duplex structures for a total of seventeen (17) dwelling units, with fourteen (14) of these units being market-rate housing units and remaining three (3) being restricted low- and moderate-income housing units, located near the intersection of Curtis Corner Road and South Road, True North Land Company, LLC, applicant, Earl Greco & Michael O’Brien, owner. This approval is based upon plan set entitled: *North Woods Major Subdivision, Conceptual Master Plan – Flexible Design Residential Project (FDRP)*, A.P. 47-2, Lot 120, Curtis Corner Road, South Kingstown, Rhode Island, Sheets 1 through 6, dated January 30, 2020 with revisions through July 29, 2020, prepared by Michael A. Fontaine, PLS, 593 Green Hill Beach Road, South Kingstown, RI 02879. 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.

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- F. All proposed lots have adequate and permanent physical access to a public street, namely South Road and Curtis Corner Road.
- G. With the required conditions of approval, This subdivision/flexible design residential project will provide for adequate surface water runoff, 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 of the criteria set forth at Article III, Section A of the Regulations.

Findings of Fact - Inclusionary Zoning & Affordable Units

- J. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicant which demonstrates the ability of the development parcel to support a ‘basic maximum number’ of nineteen (19) lots.
- K. The applicant has proposed that three (3) of the sixteen (16) lots (Lots 15 and 16, 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.
- L. The Planning Board finds that the proposed affordable units (on Lots 15 and 16) are integrated within the development and that the design of the lots is consistent with the design of the market rate lots 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.
- M. These affordable units (on Lots 15 and 16) 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.
- N. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units (on Lots 15 and 16) shall be exempt from the Town’s Pacing and Phasing requirements.
- O. The affordable units (on Lots 15 and 16) 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 following waivers:

Section	Waiver
Article IV, Section A(5) Frontage Requirements	Waiver from the minimum 80’ frontage requirement for R10 Zone for several lots with reduced frontage and shared access driveways.
Article XIII, Section B Paved Area, Private Roadway	Waiver from the required 24’ pavement width to a width of 20’.

In doing so, the Planning Board finds that:

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- P. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations.
- Q. 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 will the Comprehensive Community Plan and the Zoning Ordinance.

In addition, the Planning Board hereby grants *conditional approval* of the following waiver subject to review and approval of an adequate, complimentary landscape plan at Preliminary:

<i>Section</i>	<i>Waiver</i>
Article IV, Section A(13) FDRP Buffer Requirements	Waiver of the required 100' buffer width for the lots on the outer perimeter of the FDRP which are directly adjacent to a public street (South Road) and authorizing a minimum buffer width of 75'.

In doing so, the Planning Board finds that:

- R. The waiver or modification is reasonable and within the general purposes and intents of these regulations *provided that* the Board subsequently finds that the landscape plan presented at Preliminary Plan provides the required visual and auditory screen required by Article IV, Section A(13).
- S. The waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency will the Comprehensive Community Plan and the Zoning Ordinance.
- T. The Board reserves the right to revisit the buffer width issue and to require an increase in the width up to but not exceeding 100' in the event that the Board determines that the applicant is unable to provide an adequate visual and auditory screen with landscaping in a 75' wide buffer.

Conditions of Approval

1. The use of the property shall be limited to Use Code 10 (single-household detached structure) and Use Code 11 (two-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 sixteen (16) building lots in total.
3. This approval is further limited to fourteen (14) market rate units and three (3) affordable units for a total of seventeen (17) units.
4. 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 fourteen (14) market rate units.
5. The subdivision shall satisfy its affordable housing component requirement with the dedication of Lots 2 and 16 as units available for ownership/occupancy by 'low/moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
6. The lease, sale or transfer of Lots 2 and 16 shall remain affordable to low or moderate income households for a period of ninety-nine (99) years.

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7. The 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.
8. 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.
9. As part of the Preliminary Plan submittal, the applicant shall confirm which specific lots and/or units will contain the LMI Housing units and shall propose the schedule by which the LMI Housing units will be constructed. Said schedule shall not exceed the construction of four (4) market-rate units for every one (1) LMI Housing unit.
10. As part of the Preliminary Plan submittal, the applicant shall include a Letter of Eligibility from Rhode Island Housing for the project as proposed.
11. As part of the Preliminary 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 and the Planning Board.
12. 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.
13. 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.
14. Individual homes in the subdivision shall be served by on-site wastewater treatment systems designed to minimize potential water quality impacts from nitrogen loading.
15. The preliminary project design 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.
16. Electric, telephone and cable services shall be installed underground.
17. Final design of the cul-de-sac shall conform to the requirements of the Union Fire District.
18. 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.
19. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
20. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.
21. The proposed development shall be serviced by public water and the preliminary project design shall include detailed utility plans for the installation of all public water infrastructure as required by the Town and the applicable service provider.
22. The applicant's request for a waiver to the requirement for a 100' buffer along South Road and that final approval of the proposed 75' buffer is contingent on the applicant submitting a

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detailed landscape plan at Preliminary that meets the requirements for an acceptable visual and auditory screen.

23. As part of the landscape plan to be submitted at Preliminary, the applicant shall include a detailed buffer maintenance plan for invasive species and bull briar, which plan shall include a description of the size and location of any paths to be created in the buffer to facilitate said maintenance activities.

Said motion, made by Mr. Riendeau and duly seconded by Mr. Murphy, passed by unanimous poll vote, 6-0 (S. Axelrod; S. DiMasi; M. Mack; J. Murphy; J. Riendeau; P. Rubinoff; E. Torello).

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

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