

MEMORANDUM

To: South Kingstown Planning Board
From: L. Vincent Murray, South Kingstown Resident and Planning and Land Use Consultant
Date: February 9, 2021
Re: Matunuck Beach Road Condo's, AP 92-2, lot 56, Eileen Biancuzzo, owner, Stephen DiSimone, applicant/developer

Introduction:

It is my understanding that this matter is on the February 11, 2021 agenda for “master plan” decision consideration under the “comprehensive permit” regulations under the RI General Laws and the Town’s Zoning Ordinance. This correspondence is provided to the South Kingstown Planning Board to reinforce and restate my opposition to this application to establish a 12-unit condominium type proposal (9 market rate and 3 “affordable” units, as defined under State law) on this 4.77-acre lot on the easterly side of Matunuck Beach Road. This memorandum should be considered in addition to the detail I provided in my November 4, 2020 communication to the Planning Board.

Process Discussion:

As I noted in my November memorandum clear public information on this proposal has been difficult to ascertain and access. In fact, the agenda materials for the meeting on the 11th contain a revised site plan that is vastly different from the public hearing plan materials discussed to date (Reference: Revised Project Plan set dated February 8, 2021). The road access to Matunuck Beach Road is revised northerly and the access road within the development has been flipped to the north side of this “bowling alley” configured lot. This represents a moving target, which has been characteristic of this application from the “get go”. The Board will recall that early editions of this application contained 20 units (pre-application). This ever-changing nature of the application is unfair to the public at large and particularly to the abutting residents of the Village of Matunuck.

Proposed Project Site/Context:

As noted above the proposed project site is a rectangular “bowling alley” lot comprised of 4.77 acres, 1.87 acres or 39.2% of the property on its easterly end is wetland (salt marsh). The lot has approximately 100’ feet of frontage on Matunuck Beach Road. The site frontage is situated on a sloping curve, site distance for entering or exiting traffic from the property would be impeded especially for northbound traffic from the central business core of Matunuck. Moving the site entry a tad northerly does not in my opinion address the safety considerations regarding the curve and I would note that actual speeds on Matunuck Beach Road are often beyond the posted speed limit.

The front 200' of lot depth is within the Commercial Neighborhood (CN) zoning district (about a ½ acre) while the balance of the lot is in the R-20 (residential ½ acre district). The applicant is requesting “wholesale” waivers from the base requirements of existing zoning to accommodate the multi-household residential project of 12 units on this oddly shaped and environmentally constrained site.

It is noteworthy that the RI Coastal Resources Management Council (CRMC) land use designation under the Special Area Management Plan (SAMP) for the Salt Pond Region classifies this area as “lands developed beyond carrying capacity” this generally carries a recommended density of 80k sq. ft. or > per unit (essentially 2 acres per unit). This policy standard is more stringent than the Town’s zoning for the property and reflects the environmental sensitivity of the area.

It is also important that the Town Comprehensive Plan’s Future Land Use Map (FLUM) depicts this lot as “Residential Medium Density” which would support a maximum density of 2.2 units per “buildable” acre. The wetland area on the property would not be available to support site development density. The proposed development density is 4.14 units per buildable “upland” area.

Further in this regard I continue to question the feasibility of the “yield plan” submitted by the applicant showing six units in three duplex structures on the premises. Especially problematic especially for the “cul-de-sac” extension southerly off Holden Road which would be in close proximity to the salt marsh at the east end of the site. Constructing such infrastructure would require excess filling/retaining walls on low lying land in the wetland buffer. Drainage handling and avoidance of environmental impacts for this base plan would be extremely challenging in a wetland and flood prone vicinity. The requirement for a yield plan is to demonstrate achievable density under existing zoning and environmental constraints. The applicant’s yield plan does not reasonably support a six-unit configuration for the site, let alone the proposed “doubling” of unit density on the property. It is disappointing that the “Staff Memorandum” does not provide any analysis of the feasibility of the yield plan.

It is the burden of the applicant to provide an adequate informational basis for the affirmative consideration of any proposal before the Planning Board (here the Local Review Board) under Section 509 of the South Kingstown Zoning Ordinance and the RI General Laws. In this case the sparse and often contradictory information provided does not meet this general threshold. The density and design will overwhelm the premises and vicinity and be in conflict with the Town’s Future Land Use Plan Map designation for the area. It is also in conflict with CRMC land use policy for an area classified as “lands developed beyond carrying capacity” density wise. I see this application as an abuse of the Comprehensive Permit process and averse to the history and character of the Village of Matunuck.

Recommendation:

In this regard I would respectfully recommend that this application be denied. The application will not comport to the below listed requirements of Sec. 509 – Low- and moderate-income housing as listed in the Town’s Zoning Ordinance:

509.7. Criteria for denial. The local review board may deny the request for any of the following reasons:

- (C) The proposal is not in conformance with the Comprehensive Plan. (Reference Map 4, Future Land Use Map, desired range of density). Also noteworthy is the lack of this projects consistency with CRMC “Red Book” land use policy for the Matunuck vicinity particularly in terms of density, see discussion above.
- (E) Concerns for the environment and the health and safety of current residents have not been adequately addressed. The application does not adequately address drainage issues in this flood prone vicinity, it merely depicts areas for storm flow management without any documentation that such systems would work! The excessive on-site parking arrangement for the development is poorly designed and inconveniently placed. The amount of parking would lead to a conclusion that the market units could likely be rentals to college students during the academic year and seasonal, week to week rentals during the high season. Congestion and potential safety/nuisance impacts to the Village may result from this arrangement.

In addition, this application does not meet requirements enumerated under RIGL 45-53 particularly as follows:

Required Findings:

(D) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

As noted herein the lack of detail on significant issues makes it impossible to make such an affirmative finding, this is a highly constrained lot in terms of wetlands, flood zones, future Sea Level Rise impact and the physical configuration of the premises. The proposed multi-household use will overwhelm the site and vicinity. The density of the proposal and infrastructure required to service same would undoubtedly negatively impact the site itself, area wetlands and surrounding existing development on Holden Road and the Mary Carpenter seasonal campground. In my view the Planning Board cannot “condition” this development proposal to result in “no significant negative environmental impacts”. If approved at master plan the density is “vested” and there is no going back to a more appropriate site design and density.

(E) 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 of 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.

The application has not demonstrated that the site access and traffic generated by the excessive density proposed will not create safety and convenience issues for pedestrians, bicyclists, and motoring traffic in this vicinity. A scaled down less dense design could have the effect of being a better fit. The application has not detailed how emergency and large service vehicles will be able to negotiate the site access road. Two larger service or emergency vehicles arriving on the site at the same time would be in conflict with one another and may create safety issues out on Matunuck

Beach Road right of way. As discussed herein the plans do not address “adequate surface water run-off”. The flood prone history of this vicinity is well-documented and existing properties should not be burdened with an unknown impact that this development will engender. In addition, the narrowness of this lot and the sizes of the structures (31’ 11 5/16 “+/- building height) proposed will “loom” over the existing development on Holden Road and in the Mary Carpenter campground creating a visual threat to the existing, historic character of the Matunuck Village. The “study” depicted on the first-floor architectural sketches could readily be converted to a third bedroom post construction, adding to the impact to the site and vicinity. The design and density proposed by this application is in conflict with the natural, cultural, and historic features that contribute to the attractiveness of the Village of Matunuck.

Conclusion:

There is a need for affordable housing in South Kingstown, but this proposal is not the answer, even in part. It is too much for the land and area to properly support and if approved will generate adverse community reaction to more legitimate proposals to address this community need across the Town. Since 2015 the Town has made progress in the provision of affordable housing moving from 5.4 percent of the year-round housing stock in that year, to 5.6% in 2017 and 5.61% in 2020 (611 units, Housing WorksRI). This application is a cynical abuse of the Comprehensive Permit process driven by profit with little regard for community fit, environmental issues and the character of this unique part of our community. It needs to be denied based on findings that it does not meet the required criteria in the Town’s zoning ordinance for Comprehensive Permit applications and the standards detailed in RIGL 45-53.

It is hoped this communication is useful to the consideration of this application. Best regards.