



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**Persson**

**Development Plan Review**

April 25, 2023

Project Type:	<b>Development Plan Review</b>		
Review Stage:	<b>N/A</b>		
Address:	<b>Ministerial Road</b>		
Plat:	<b>46</b>	Lot:	<b>71</b>
Parcel Size:	<b>~3.8 acres</b>	Zoning District:	<b>R80</b>
Applicant:	<b>Robert Persson 3683 Tower Hill Road Wakefield, RI 02879</b>	Owner:	Same

**Property Characteristics**

The property is approximately 3.8 acres in total area and is currently vacant and wooded. This property has 200' of frontage on Ministerial Road, a RI Designated Scenic Highway.

**Project Description**

The applicant is proposing to construct a new 4-bedroom single-family dwelling with porch and attached garage. The driveway is proposed to be 10' in width which will be finished as a stone driveway. Since this area is not serviced by municipal utilities the applicant is proposing a new onsite wastewater management system and private well to service the property.

**Decision Deadline**

As a Development Plan Review application, there are no statutory deadlines in rendering a decision on this type of project.

**Regulatory Considerations**

***Zoning Ordinance – Article 5, Sec. 505.6: Ministerial Road Scenic Highway.***

- A. Any parcel or lot, whether or not developed, having direct lot frontage or vehicular access on the Ministerial Road Scenic Highway shall conform to the following standards, compliance with which shall be confirmed prior to issuance of a building permit:
  - 1. Where that portion of the lot adjacent to Ministerial Road Scenic Highway is already wooded or contains significant stands of natural vegetation or specimen plant materials, including, but not limited to, mountain laurel and rhododendron, a minimum fifty-foot wide wooded buffer shall be maintained. The buffer shall be measured from the state highway right-of-way line and shall extend fifty feet into the front yard of any adjacent parcel of land parallel to the right-of-way line.

2. Except for the following activities, removal of existing vegetation within the fifty-foot wide buffer required by subsection A., above, shall not be permitted:
  - a) Cutting or removal of any trees or shrubs required for disease control as certified by a licensed arborist;
  - b) Removal of dead or dying trees or shrubs;
  - c) Removal of invasive plant species;
  - d) Maintenance of a permitted use of the highway buffer, such as a driveway or path; or
  - e) Selectively removing lower limbs from trees to raise the canopy.
3. Where removal of dead or dying trees or shrubs is performed, or where removal of trees and shrubs is required for disease control, pursuant to subsection 2., above, removed vegetation shall be replaced in-kind pursuant to the standards contained in subsections 5 or 6, below, as applicable.
4. Where a new principal or accessory structure is proposed, existing vegetation along the street is minimal or absent, and such new construction will be visible from the highway due to lack of vegetation, topography or other site characteristics, planting of a natural vegetative landscaped buffer, containing plants that are consistent with the existing Ministerial Road native plant species and that will provide a year-round screen, shall be required. In such cases, the building permit application shall be accompanied by a landscape plan, prepared and stamped by a Rhode Island registered landscape architect.
5. All in-kind replacement required by subsection A.3. above, and required plantings along Ministerial Road required by subsection A.4. above, shall be of specimen quality and shall be native plant material hardy to the plant hardiness zone for the town as defined by the USDA Plant Hardiness Zone Map and the American Standards for Nursery Stock. Plant material shall be installed in accordance with the applicable requirements of the subdivision and land development regulations. Plants shall be installed at the following sizes, at a minimum, as follows:
  - a) Canopy trees shall be one and one-half (1½) to two (2) inch caliper;
  - b) Evergreen trees shall be six (6) to eight (8) feet in height; and
  - c) Shrubs shall be four (4) feet in height.
6. Should removal of plant material within the fifty-foot wide buffer required by subsection A.1. above be due to negligence of the owner or occur without prior approval from the town, the owner shall install in-kind specimen quality plants as defined in subsection A.5. above, excepting that replacement plants shall be installed at equal size to the removed plant or shall be sized as follows, whichever is smaller:
  - a) Canopy trees shall be two and one-half (2½) to three (3) inch caliper (approximately ten (10) feet in height);
  - b) Evergreen trees shall be eight (8) to ten (10) feet in height; and
  - c) Shrubs shall be eight (8) feet in height.
7. Any proposed garages visible from Ministerial Road due to lack of vegetation, topography, or other site characteristics shall have doors facing away from the scenic highway.
8. Other than garages, proposed accessory structures shall be located to the rear of the principal structure or otherwise out of view from Ministerial Road.

9. Commercial vehicles and boats, major recreational equipment, household appliances, junk, machinery or scrap materials, as permitted by this ordinance, shall be located in the rear yard so as not to be visible from the street, or shall be fully enclosed and screened by means of a full landscape screen as defined in the subdivision and land development regulations. Landscape materials, firewood, outdoor furniture or play equipment or similar materials normally associated with a residential use shall be allowed. In such cases, the landscape screen shall be reviewed for compliance with the regulations and approved by the administrative officer prior to initiating on-site storage of the items and materials listed above.
- B. Should the building official be unable to determine compliance with the standards referenced in subsection A. above, the building permit application shall be referred to the technical review committee (TRC) for an advisory opinion. The TRC shall review the application and advise the Building Official as to the application's compliance with the standards. Should the TRC find an application not in compliance, the TRC shall advise the applicant as to how compliance with the standards can be achieved, or whether a waiver from the planning board as described in subsection F. below, must be obtained.
- C. Development plan review shall be required where alteration of the fifty-foot wide buffer required by this section is proposed in order to construct, alter or relocate a driveway from the highway across the wooded buffer. In such cases, a single driveway not to exceed twenty (20) feet in width for residential uses, and twenty-six (26) feet in width for other permitted uses, may be constructed from the highway across the wooded buffer. Straight driveways shall be avoided and, where possible, a curved driveway shall be located so as to obstruct direct views from the road to site structures.
- D. Upon approval by the planning board, through application for development plan review with a request for a waiver pursuant to the town's subdivision and land development regulations, modification of or full relief from the standards contained within this section may be permitted. Applications for development plan review under the provisions of this section shall first be referred to the town conservation commission/tree board for an advisory opinion prior to any approval by the planning board.

### Review to Date

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This application was reviewed at the Technical Review Committee meeting on April 12, 2023. Upon review and discussion with the applicant's project team the TRC rendered a **favorable recommendation for approval of the project.**

### Required Findings

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As a reminder, in approving this application, the Planning Board must make positive findings on the following standard provisions:

- a) The granting of approval will not result in conditions inimical to the public health, safety, and welfare;
- b) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding are or zoning district;
- c) The plans for such project comply with all the requirements of the Zoning Ordinance and these Regulations;
- d) The plans for such project are consistent with the Comprehensive Plan; and,
- e) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

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**Draft Motions for Consideration**

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“The South Kingstown Planning Board hereby grants Development Plan approval to Robert Persson, requesting to construct a 4-bedroom dwelling with attached garage and driveway extending through the 50-foot vegetative buffer along Ministerial Road. This approval is based upon plan entitled *Development Plan Proposed Conditions*, prepared for Robert Persson, 3683 Tower Hill Road, Wakefield, RI 02879, Sheet 2 of 3, dated November 2022 with revisions through March 29, 2023) completed by Environmental Planning & Surveying, Inc., 52 Dugway Bridge Road, West Kingston, RI 02892. This approval is based on the following Findings of Fact and Conditions of Approval:

***Findings of Fact***

- A. The granting of approval will not result in conditions inimical to the public health, safety, and welfare;
- B. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding are or zoning district;
- C. The plans for such project comply with all the requirements of the Zoning Ordinance and these Regulations;
- D. The plans for such project are consistent with the Comprehensive Plan; and,
- E. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

***Conditions of Approval***

- 1. Future development of the subject parcel shall be in strict conformance with the approved plans.
- 2. The applicant shall obtain all required local and State permits prior to commencing construction and/or installation of site improvements.
- 3. Prior to application for a Building permit, the applicant shall submit a written certification from a Rhode Island licensed Landscape Architect stating that they have reviewed the site plan for the proposed development , and visited the site in order to assess the proposed vegetative buffer and finds that the vegetation will provide an effective year-round screen following construction.
- 4. Prior to application for a Building Permit, the applicant shall revise the limits of disturbance as depicted on the Proposed Conditions Plan on the south side of the driveway within the 50’ buffer to reflect a disturbed area not to exceed 12’ in width (which accommodates the proposed 10’ driveway with 1’ of disturbance on both sides). The applicant shall submit a revised Development Plan to the Administrative Officer of the Planning Board depicting such change.
- 5. If any trees located within the roadway right-of-way are required to be removed to construct and install the driveway, the Town’s Tree Warden shall be consulted and a tree permit shall be received prior to removal of any trees within the roadway right-of-way.