



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
Lavender Waves Farm
Development Plan Review
June 23, 2020

Project Type:	Development Plan Review		
Review Stage:	N/A		
Address:	3814 Commodore Oliver Hazard Perry Highway		
Plat:	78-3	Lot:	7
Parcel Size:	13.6 acres	Zoning District:	R200
Applicant:	Lavender Waves Farm c/o Henry Cabrera	Owner:	Henry Cabrera
Current Plan Set:	<i>Event Location Plan, A.P. 78-3, Lot 7, 3812 Commodore Oliver Hazard Perry Highway, South Kingstown, Rhode Island, dated January 24, 2020 with revisions through March 19, 2020, Prepared For: Henry Cabrera, Prepared By Michael A. Fontaine, PLS, 593 Green Hill Beach Road, South Kingstown, RI 02879.</i>		

Property Characteristics

The property is approximately 13.6 acres in total area located on the south/east side of U.S. Rte. 1. (*Note: Zech Drive, which appears in between the property and the highway is an access road located in the Rte. 1 right-of-way.*). The parcel is located in the R200 zoning district and is improved with a single-family home, barn, garage and gravel drives, and is currently operated as “Lavender Waves Farm”, a private luxury lavender farm that is not open to the general public.

Although the parcel has 156 feet of frontage on U.S. Rte. 1, driveway access to the property is via a 16-foot right-of-way (ROW) located on the abutting property to the east (3804 Commodore Oliver Hazard Perry Highway). There is no existing or proposed access via the property’s own road frontage.

The property is abutted to the east by several large, 3 to 5 acre residential estates and to the south and west by large farmsteads. All of these abutting parcels are similarly zoned R200. However, in contrast to the surrounding R200 properties, a 4-lot residential subdivision of one-acre lots has been developed on the northwest corner of the parcel, which lots are disparately zoned as R80.

Project Description

The applicant proposes to make designated areas of his farm field available for accessory farm events in accordance with §503 G. of the Zoning Ordinance. The project narrative proposes a maximum of 15 events per year limited to 150 people per event. The project plan depicts two event spaces south of the lavender field near the back of the property on either side of an existing pond. The site plan includes 150 unmarked, 10’x20’, grass parking spaces in various locations around the field. All event-related equipment (tents, tables & chairs, port-a-johns, cooking, lights, sound equipment ... etc.) would be provided by the parties renting the event space. There is no proposal for new event-related structures or for on-site storage of event-related equipment.

Parking & Circulation

The only zoning requirement in § 503 G. is that all parking conform to the requirements of Article 7 of the Zoning Ordinance. Section 703 of the Ordinance requires that all parking areas be paved with “impervious material” unless the Planning Board approves the use of an alternative “porous paving material” at the time of Development Plan Review. In this case the applicant proposes to park all guest vehicles on grass, which while “porous” is not a “paving material” as required by § 703.

The proposal for 150 parking spaces is 3 times the number of spaces required to accommodate the 150 guest limit specified in the plan. At 3 guests per vehicle only 50 spaces would be required for guests, plus additional parking for vehicles for contractors equipping and operating the event (e.g. tent contractors, caterers, DJs, and furniture outfitters).

In addition, § 711 requires that parking spaces (including aisles) shall not be less than 350 ft.² per vehicle. The applicant’s site plan proposes 10’x20’ parking spaces (200 ft.² ea.). As the site plan does not depict travel aisles or vehicle circulation patterns it is unclear as to how or where the additional 150 ft.² per space required by the ordinance will be allocated, although there appears to be sufficient room to do so.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, there is no deadline for Planning Board decisions on Development Plan Review applications.

Regulatory Considerations**Zoning Ordinance – Article 12: Definitions**

- (50.3) *Farm enterprise.* An agricultural or silvicultural-based process, activity or use of a farm that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural or silvicultural operation. Activities of a farm enterprise may include, but are not limited to the following uses: farm tours, classes and/or conferences related to agricultural production and skills, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, animal walks, and horse and pony rides.
- (50.4) *Farm events.* In addition to allowable farm enterprise uses (definition 50.3) farms may, as an accessory use, host events that are not agricultural in nature but provide a means to promote and/or increase the exposure of the agricultural operation. Such events are classified into the following categories: educational conferences, fundraisers for nonprofit entities, weddings and other personal recognition special events.

Zoning Ordinance – Article 5, Section 503.7: Farm Retail Sales Activity (Farm Accessory Uses)

- F. *Farm enterprise uses.* Subject to development plan review approval farm structures and grounds may be utilized for farm enterprise uses (parking must be provided in accord with the requirements of Article 7, see also definition 50.3, Farm enterprise). Such uses shall not be counted toward the allowable square footage in a farm retail sales building.
- G. *Farm events.* Subject to Development Plan Review (DPR) approval, for each category of event, farm structures and grounds may be used to host farm events as an accessory use to the principal use of the premises for agricultural purposes. Parking must be provided in accordance with the requirements of Article 7 (see also definition 50.4 "farm events"). Such uses shall comply with all applicable state or local licensing requirements and shall not be counted toward the allowable square footage in a farm retail sales building. Prior to DPR consideration of any proposed farm event use or uses, the application shall be reviewed by the town's traffic and transportation review committee (T2RC). The T2RC shall provide advisory recommendations to the planning board to assist its formal review. The applicant shall provide postcard notice to property owners within 200 feet of the area that is proposed for the activity and parking facility

to support the farm events. Said notice shall be mailed not less than seven (7) days prior to the planning board's development plan review consideration.

Zoning Ordinance – Article 7: Standards for Parking Lots and Loading Facilities

Sec. 703. - Paving

All parking and loading facilities required under the terms of this Ordinance, together with driveways, aisles, and other circulation areas, shall be paved with an impervious material to provide a durable and dust-free surface, to be applied over no less than 12 inches of compacted gravel. Notwithstanding the foregoing, the use of porous paving material may be allowed as follows:

1. By the Planning Board at the time of development plan review; or
2. Where development plan review is not required, by the Zoning Board of Review as a special use permit under the provisions of Article 9 of this Ordinance.

Sec. 704 - Lighting

Any lights used to illuminate a parking lot shall be so designed as to reflect the light away from adjoining property and away from streets. The Planning Board may, at the time of development plan review, require off-street parking lots to be illuminated during non-daylight hours if necessary for reasons of public safety or efficient traffic circulation.

Sec. 705 – Drainage

All parking and loading areas shall provide for proper drainage of surface water. The Planning Board may, at the time of development plan review, require stormwater drainage facilities for off-street parking and loading facilities to be constructed to the standards set forth in the Subdivision and Land Development Regulations.

Sec. 706 – Required Trash Areas

All commercial, industrial and multi-household residential uses that provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall, opaque fence or compact planting screen of at least five feet in height if such area is not within an enclosed building or structure. If trash compactors are used, holding tanks for compacted waste must be provided. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.

Sec. 707 – Wheel Blocks

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the parking facility.

Sec. 708 – Width of Access Driveways

Access driveways serving any required parking lots as a direct access drive from a street shall not be less than 12 feet [wide] for one-way only traffic and not less than 24 feet [wide] for two-way traffic.

Review to Date

05/13/2020 TRC Review of the Development Plan

Discussion at the TRC meeting on May 13, 2020 focused on the number of proposed events compared to what has been permitted elsewhere in town; noise; parking; event scheduling & logistics and the lack of detail pertaining to the layout of the event locations. The TRC requested that the applicant update its plan to show revised/reduced parking, and provide more details on the size and layout of the event areas, and the operational logistics for the events (e.g. hours of operation, noise limits & noise monitoring ... etc.) Given the proximity of the 4-lot subdivision on the northwest corner of the property, the Board may wish to consider the merits of a perimeter landscaping buffer at these property boundaries pursuant to Article IV.G.3. of the Subdivision & Land Development Regulations to screen these residential lots from the visual and auditory impacts of the parking area and noise associated with the events.

One particular concern expressed by the TRC involved the existing access to the property, which is via a ROW on an adjacent lot. A copy of the written easement for the ROW was not included in the applicant’s materials and it was unclear whether the terms of that easement allow use of the ROW for commercial events such as those being proposed in the application.

Ms. Rubinoff requested more detail on the plans regarding the proposed location/layout of tents, food service, sanitary facilities ... etc. and Mr. Flanders asked for the plans to show the actual square-footage of the event areas. Ms. Gray requested that the applicant include the layout and orientation of sound equipment and event hours. Ms. Rubinoff stressed that the hours of operation should give adequate consideration the time required to set up the event, for guests to depart and breaking down event equipment.

Finally, the applicant was asked if there had been any efforts made to communicate with neighbors about the plan to run event activities at this location. Attorney Kenyon said that efforts had been made, but that he was unaware whether any feedback had been received or what it might be.

Item/Issue Discussed	Recommendation	Status
Number of events	The TRC recommends that the number of events per year be restricted to what is allowed at other similar venues in town.	To be discussed and/or required to be submitted in the application to the Zoning Board of Review.
Parking	<p>The TRC recommends a reduction in parking. 150 parking spaces are proposed, but only 50 spaces are required by ordinance. The applicant should consider removing parking spaces from the areas adjacent to the wetlands.</p> <p>The application proposes that most event parking – up to 150 guest vehicles – will be on grass. Per Article 7, § 703 and Article 5, § 503.7(F and G) of the Zoning Ordinance parking for farm enterprise uses and events must be provided on an impervious surface, <i>unless</i> the Planning Board approves the use of a “porous paving material” during Development Plan Review per § 703(1). Thus, in order for the plan to be approved:</p> <ul style="list-style-type: none"> • The applicant must amend the plan to propose an acceptable porous paving material in its parking areas; or • The applicant must obtain a variance to the above referenced paving requirements from the Zoning Board; or • The Planning Board must make a finding that unimproved grass/dirt areas constitute an acceptable “porous paving material” per Article 7. 	To be discussed with the Planning Board.
Circulation	The terms of the ROW easement should be provided to confirm that the ROW can be used for commercial events.	To be discussed with the Planning Board.

Noise	The applicant should provide a plan for monitoring and managing noise levels at the property boundaries. Noise management should include details on the layout and orientation of amplified sound equipment.	To be discussed with the Planning Board.
Event Operations	More detail needs to be provided on the size/area and layout of the event spaces for guest-tent, food-prep and sanitary facilities. Applicant must provide proposed hours of operation that detail event hours and set-up/break-down times.	To be discussed with the Planning Board.

The TRC voted unanimously to forward this application to the Planning Board with a favorable recommendation, subject to review of the revised plans by staff. As of the date of this report, the staff has not received any revised plans for review.

Required Findings

As a reminder, in accordance with Article IV.F(3) of the Subdivision & Land Development Regulations, prior to granting Development Plan Review approval the Planning Board shall find that:

- 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 area or zoning district;
- c) The plans for such project comply with all the requirements of the Zoning Ordinance and the Subdivision & Land Development 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.

Draft Motion

“The South Kingstown Planning Board hereby grants Development Plan approval for the Lavender Waves Farm application located at 3814 Commodore Oliver Hazard Perry Highway, for proposed farm-event use with associated minor site improvements on Assessor’s Plat 78-3, Lot 7, Henry Cabrera, *applicant/owner*. Development Plan approval for this bed and breakfast use is based upon the Event Location Plan, A.P. 78-3, Lot 7, 3812 Commodore Oliver Hazard Perry Highway, South Kingstown, Rhode Island, dated January 24, 2020 with revisions through March 19, 2020, Prepared By Michael A. Fontaine, PLS, 593 Green Hill Beach Road, South Kingstown, RI 02879.

This approval is based upon 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. With the required Conditions of Approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
- C. With the required Conditions of Approval, the plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.

- D. The plans for the project are consistent with the Comprehensive Community Plan.
- E. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

Conditions of Approval

- 1. This approval shall be limited to the hosting of up to _____ events annually.
- 2. Events shall occur only between _____ and _____ of each year.
- 3. All events shall be limited in size to a maximum of _____ persons.
- 4. All events including production of amplified sound, are to end no later than 10:00PM. All vendor activity including catering, clean-up, and valet services (if appropriate) shall conclude within 1.5 hours of the event end time.
- 5. Temporary signage indicating the location of events shall be provided for all events at the property entrance in accordance with Section 806 of the Zoning Ordinance.
- 6. All temporary lighting utilized during events shall be downcast in nature and shall be designed and sited to prevent light from extending beyond the boundaries of the property.
- 7. All events will utilize portable toilets for guest use.
- 8. Any request by the applicant to amend this approval, including requests to increase the number of events allowed annually, shall require review and approval by the Planning Board.”
- 9. **And any other conditions deemed necessary by the Planning Board in consideration of this application...”**



Lavender Waves Farm

**Development Plan Review – Farm Events
3814 Commodore Oliver Hazard Perry Highway**

Development Plan Review

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
April 15, 2020	N/A	N/A	N/A	N/A	N/A

May 13, 2020 - Technical Review Committee Meeting

John Kenyon, Esq. and Mike Fontaine, PLS appeared on behalf of the applicant.

The applicant noted that the proposal is simply one to make the farm field available for accessory events. The project narrative proposes a maximum of 15 events per year limited to 150 people per event. The project plan depicts two event spaces south of the lavender field at the back of the property with 150 unmarked, grass parking spaces. All equipment (tents, tables & chairs, port-a-johns, cooking, lights, sound equipment ... etc.) would be provided by the parties renting the location.

Discussion proceeded regarding the number of proposed events (15 per year) and how that number compared to other similar venues in town such as Farmer’s Daughter. Attorney Kenyon said that the number of events was flexible, and that 15 was simply the maximum number the applicant anticipated.

Mr. Flanders inquired about noise considerations, particularly given the close proximity of residential properties and the open nature of the land. Mr. Flanders indicated that noise has been an issue at other similar locations. Ms. Gray stated that other locations have active noise monitoring and abatement protocols that involve staff performing real-time noise monitoring at property lines to regulate noise volumes.

In terms of parking, Ms. Gray noted that on-grass parking required special approval from the Planning Board and she was unsure if it was suitable for 15 large events. Questions were also raised about the terms of the off-site right-of-way (ROW) that provided access to the back of the property and whether the terms of the easement permitted this kind of event activity. Attorney Kenyon said that the terms of the ROW easement did not speak to the issue of events – either allowing them or disallowing them. Mr. Kenyon also noted that the plan shows much more parking than is necessary and that the number of parking spaces can be reduced. Assuming an event capacity of 150 people (as proposed by the applicant) at 3 people per vehicle, the minimum parking requirement would be 50 spaces. If parking is going to be reduced it was suggested that parking adjacent to the wetlands at the rear of the property be removed to protect the wetlands from vehicular impacts.

Ms. Rubinoff requested more detail on the plans regarding the proposed location/layout of tents, food service, sanitary facilities ... etc. and Mr. Flanders asked for the plans to show the actual square-footage of the event areas. Ms. Gray requested that the applicant include the layout and orientation of sound equipment and event hours. Ms. Rubinoff stressed that the hours of operation should give adequate consideration the time required to set up the event, for guests to depart and breaking down event equipment.

Finally, the applicant was asked if there had been any efforts made to communicate with neighbors about the plan to run event activities at this location. Attorney Kenyon said that efforts had been made, but that he was unaware whether any feedback had been received or what it might be.

Item/Issue Discussed	Recommendation
Number of events	The TRC recommends that the number of events per year be restricted to what is allowed at other similar venues in town.
Parking	<p>The TRC recommends a reduction in parking. 150 parking spaces are proposed, but only 50 spaces are required by ordinance. The applicant should consider removing parking spaces from the areas adjacent to the wetlands.</p> <p>The application proposes that most event parking – up to 150 guest vehicles – will be on grass. Per Article 7, § 703 and Article 5, § 503.7(F and G) of the Zoning Ordinance parking for farm enterprise uses and events must be provided on an impervious surface, <i>unless</i> the Planning Board approves the use of a “porous paving material” during Development Plan Review per § 703(1). Thus, in order for the plan to be approved:</p> <ul style="list-style-type: none"> • The applicant must amend the plan to propose an acceptable porous paving material in its parking areas; or • The applicant must obtain a variance to the above referenced paving requirements from the Zoning Board; or • The Planning Board must make a finding that unimproved grass/dirt areas constitute an acceptable “porous paving material” per Article 7.
Circulation	The terms of the ROW easement should be provided to confirm that the ROW can be used for commercial events.
Noise	The applicant should provide a plan for monitoring and managing noise levels at the property boundaries. Noise management should include details on the layout and orientation of amplified sound equipment.
Event Operations	<p>More detail needs to be provided on the size/area and layout of the event spaces for guest-tent, food-prep and sanitary facilities.</p> <p>Applicant must provide proposed hours of operation that detail event hours and set-up/break-down times.</p>

TRC Action: A motion was made by Mr. Schock, to forward to the matter to the Planning Board with conditional approval subject to updated plans addressing the issues discussed above and favorable recommendation subject to review of the revised plans by staff. Mr. Bourbonnais duly seconded the motion. The motion passed unanimously.