



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
COHEN SUBDIVISION**

Major Subdivision - Pre-Application Concept Review
October 25, 2022

Project Type:	Major Subdivision – Flexible Frontage		
Review Stage:	Pre-Application Concept Review		
Address:	2400 Post Road		
Plat:	79-2	Lot:	5
Parcel Size:	~ 11.7 acres (508,849 sf)	Zoning District:	R-80
Applicant:	Cecile Cohen 2300 Post Road Wakefield, RI 02879	Owner:	Sibley C. Smith, Jr. & Cecile L. Cohen Irrevocable Trust 2300 Post Road Wakefield, RI 02879

Property Characteristics

The property is approximately 11.7 acres in total area and consists of substantial upland area with approximately 1.4 acres of freshwater wetlands located along the southern boundary. This property is located on Post Road, an improved public roadway, approximately ¼ mile west of the intersection of Ministerial Road and Post Road.

Project Description

The applicant is proposing to utilize the flexible frontage provision of the Zoning Ordinance (Sec. 502.2 - *Lot frontage and width, flexible provisions*) to create a 2-lot subdivision. The applicant has provided a conceptual *Yield Plan* depicting a 3-lot conventional subdivision with the construction of a roadway which confirms the ability of the parcel to utilize the flexible frontage provision. As a 2-lot residential subdivision, this project would generally be considered a Minor Subdivision, however, waivers are required when proposing to utilize the flexible frontage provision of the Zoning Ordinance and is thereby considered a Major Subdivision.

The total area and frontage of the proposed lots to be created are as follows:

	Area (square feet)	Frontage (feet)
Lot 5	222,380 suitable (283,116 total)	126.74
New Lot	255,732 (suitable & total)	24.5

Lot 5 will support the existing dwelling, well, onsite wastewater treatment system (OWTS) and existing driveway. The 'New Lot' will be serviced by a proposed well and OWTS, as well as a driveway connecting to a proposed driveway easement out to the existing driveway and curb cut (shared access) on Post Road.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, no decision is required for a Pre-Application Concept Review.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Zoning Ordinance – Article 5, Sec. 502.2: Supplemental dimensional regulations

Section 502.2 of the Zoning Ordinance outlines the flexible frontage provision in creating lots with less than the frontage required per the Dimensional Regulations.

502.2 Lot frontage and width, flexible provisions. Upon approval by the Planning Board, through a request for waiver pursuant to the Town's Subdivision and Land Development Regulations, the following lot frontage and lot width variations may be permitted:

- A. In residential zones R-10 to R-200, the Planning Board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision on any public or approved private street to a minimum of 20 feet.
- B. The Planning Board must, before approving such flexible lot frontage and lot width, make findings of fact that:**
 - (1) Using flexible zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,**
 - (2) Would result in a better use of the land than permitted under conventional zoning.**
- C. Open space lots, within an approved cluster subdivision, may have zero frontage on a street, as long as the Planning Board approves private access to the open space by easement.
- D. As part of the application to the Planning Board for flexible lot frontage and width, a "yield plan", as defined in Article 12 shall be required. No more buildable lots shall be allowed using flexible frontage and width provisions than are allowed by using the conventional frontage and width provisions.

Review to Date

Staff Review of Pre-Application Concept Plan

Staff has reviewed the Pre-Application submittal and provides the following for consideration:

1. This subdivision appears to meet the flexible frontage provision of the Zoning Ordinance (Sec. 502.2).
2. Staff opines that the proposed shared-driveway configuration would be more in keeping with the existing development patterns along Post Road and would eliminate an additional curb-cut along the street.

Required Findings

As a reminder, State law requires **for all administrative, minor, and major subdivision and land development applications**, approving authorities must make positive findings on the following standard provisions:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The subdivision, 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
- (5) 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.

The approving authority must also address each of the following general purposes of zoning:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waiver or modification is reasonable and within the general purposes and intents of the Regulations; and,
- b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Additionally, with regard to the flexible frontage provision of the Zoning Ordinance (Article 5, Sec. 502.2), the Planning Board must make positive findings that:

- (1) Using *flexible* zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,
- (2) Would result in a better use of the land than permitted under conventional zoning.

Request to Combine Conceptual Master Plan & Preliminary Plan Review

In conjunction with this Pre-Application Concept application, the applicant has requested to combine the later Conceptual Master Plan & Preliminary Plan Review stages of review. If deemed appropriate, the following motion could be used in support of said request:

Motion: “The South Kingstown Planning Board hereby grants the request of the applicant, Cecile Cohen, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed major subdivision located at 2400 Post Road, Assessor’s Plat 79-2, Lot 5. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.”