



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**The Village at Curtis Corner**

**Major Subdivision/Comprehensive Permit – Conceptual Master Plan Review**

Project Type:	Major Subdivision/Comprehensive Permit		
Review Stage:	Conceptual Master Plan		
Address:	Curtis Corner Road (~700 west of Kingstown Road [Rt. 108])		
Plat:	40-4	Lot:	55
Parcel Size:	28.06 Acres	Zoning District:	R20
Applicant:	5A Builders, LLC 15 Robertson Road Narragansett, RI 02882	Owner:	5A Builders, LLC 15 Robertson Road Narragansett, RI 02882
Current Plan Set:	'Master Plan Submission – The Village at Curtis Corner', Curtis Corner Road, South Kingstown, Rhode Island, Assessor's Plat 40-4, Lot 55, Sheets 1 through 5, dated June 6, 2019 with revisions through <u>January 3, 2020</u> , prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920.		

**Property Characteristics**

The subject property is an undeveloped parcel in an R20 zoning district that is approximately 28.06 acres in total area with frontage along Curtis Corner Road to the south. The Site contains a sizable amount of wetland area (~20.7 acres) that has been delineated and verified by RIDEM, and is also located within a Natural Heritage Area as defined by RIDEM. Groundwater table depths across the Site range from 4' to 8' below grade.

Total Parcel Area	~28.1 acres
Total Wetland Area	~20.7 acres
Total Land Suitable for Development	~7.4 acres

**Project Description**

The applicant is proposing to subdivide the existing parcel into twenty-four (24) parcels containing thirty-two (32) dwelling units. Of these, sixteen (16) lots are proposed for single-family development and the remaining eight (8) lots are proposed for duplex (two-household detached structure) development. The majority of these parcels will be accessed from a road to be constructed within the development except for two lots that will have frontage and access from Curtis Corner Road directly. Stormwater will be managed through several stormwater BMPs located at the entrance to the development off Curtis Corner and at the terminus of the proposed roadway. The Site is proposed to be serviced by public water and sewer and to be built in one (1) phase.

With approximately 7.4 acres of developable land, current conventional zoning requirements would allow for up ~~to eleven twelve (11-12)~~ lots and ~~fourteensixteen (164)~~ dwelling units. The applicant is

proposing this project as a Comprehensive Permit and requesting a density bonus of an additional ~~eighteen~~sixteen (18~~16~~) units for a total of thirty-two (32).

	<i>Lots</i>	<i>Dwelling Units</i>	<i>Average Proposed Parcel Size</i>	<i>R20 Allowed Density</i>	<i>Average Proposed Density</i>
Single-family	16	16	6,618 SF	2.18 DU/Acre	6.58 DU/Acre
Duplex	8	16	10,983 SF	2.90 DU/Acre	7.93 DU/Acre

### Decision Deadline

This application was Certified Complete on January 10, 2020. The Planning Board has until **May 9, 2020** (120 days from date of completion) to render a decision.

### Regulatory Considerations

This project has been submitted as a Comprehensive Permit application. RIGL § 45-53-4 allows applicants proposing at least 25% of the housing as low- or moderate-income housing to submit a single application to the review board (for South Kingstown, this is the Planning Board), in lieu of separate applications to the applicable Boards. The procedure for application and review, and the required findings, are outlined in RIGL § 45-53-4. The Planning Board is required to hold a public hearing for Comprehensive Permit applications at the Conceptual Master Plan stage.

The Planning Board has the authority to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including but not limited to, the power to attach conditions and requirements with respect to height, site plan, size or shape, or building materials.

### Waivers Requested

Waivers being requested by the applicant associated with this Comprehensive Permit include the following:

#### Density

	<i>Allowed Density (units)</i>	<i>Proposed Density (units)</i>	<i>Density Bonus Requested (units)</i>
Dwelling Units	<del>11</del> 14	32	<del>21</del> 18

#### Dimensional Requirements

	<i>Required</i>	<i>Proposed</i>
Frontage	100'	20'
Front-yard Setback	35'	20'
Side-yard Setback	15'	10'
Rear-yard Setback	35'	15'

#### Area & Frontage

<i>Lot #</i>	<i>Type</i>	<i>Proposed Lot Area (sq. ft.)</i>	<i>Area Relief Requested (sq. ft.)</i>	<i>Proposed Frontage</i>	<i>Frontage Relief Requested</i>
1	SFR	5,000	15,000	50'	50'
2	SFR	5,000	15,000	50'	50'
3	SFR	5,000	15,000	50'	50'
4	SFR	5,200	14,800	50'	50'
5	DUP	6,500	23,500	36'	64'

6	DUP	11,200	18,800	20'	80'
7	DUP	25,493	4,507	20'	80'
8	SFR	10,131	9,869	36'	64'
9	SFR	9,700	10,300	47'	53'
10	DUP	8,900	21,100	60'	40'
11	DUP	8,400	21,600	60'	40'
12	SFR	7,500	12,500	43'	57'
13	SFR	5,800	14,200	67'	33'
14	DUP	10,594	19,406	54'	46'
15	SFR	6,300	13,700	36'	64'
16	SFR	6,403	13,597	70'	30'
17	SFR	8,756	11,244	61'	39'
18	SFR	5,500	14,500	60'	40'
19	SFR	7,500	12,500	138'	None
20	DUP	7,875	22,125	60'	40'
21	DUP	8,900	21,100	47'	53'
22	SFR	6,500	13,500	98'	2'
23	SFR	5,500	14,500	60'	40'
24	SFR	9,100	10,900	60'	40'

**Roadway Width**

<i>Required Width*</i>	<i>Proposed Width</i>	<i>Relief Requested</i>
50'	40'	10'

\* Roads servicing 10 or more parcels must be 50' in width.

**Review to Date**

*Pre-Application Concept Review*

11/27/18 - Planning Board Review of Pre-Application Concept Plan

*The application reviewed at the Pre-Application stage of review consisted of a fourteen (14) lot subdivision to include three (3) inclusionary zoning units with waivers for frontage on three (3) of the proposed lots.*

6/25/19 - Planning Board Review of Pre-Application Concept Plan

*The initial application was modified into a thirty-one (31) lot subdivision containing thirty-six (36) dwelling units with twenty-six (26) single-family residences and five (5) duplex structures proposed as a Comprehensive Permit with nine (9) low and moderate income dwelling units.*

*Conceptual Master Plan Review*

11/13/19 - TRC Review of the Conceptual Master Plan

*This project presented to the TRC was revised to reflect a twenty-four (24) lot subdivision and thirty-two (32) dwelling units with sixteen (16) single-family dwellings and eight (8) duplex structures, including eight (8) low and moderate income dwelling units.*

<b>Item Discussed &amp; Recommendation</b>	<b>Entity</b>	<b>Status</b>
<i>Integration of Affordable Units</i>		
The integration of the affordable units was questioned and it was suggested to the applicant that they be prepared to discuss with the Planning Board.	PS	To be discussed.

<i>Traffic &amp; Circulation</i>		
Traffic study should be obtained early on in the application process, preferably at the Conceptual Master Plan stage, instead of the Preliminary Plan stage.	DPS	Not yet submitted.
<i>Wastewater</i>		
Downstream carrying capacity analysis should be completed and submitted early on in the application process, preferably at the Conceptual Master Plan stage, instead of the Preliminary Plan stage.	DPS	Not yet submitted.
<i>Stormwater</i>		
Retention ponds should be located on a parcel or lot, not within any right-of-way.	DPS	Appears to have been achieved.
<i>Tree Removal</i>		
Large damaged oak tree hanging over Curtis Corner Road be removed sooner rather than later.	DPS	To be discussed.
<i>Application – Supporting Materials</i>		
<p>The document “Exhibit A” submitted with the application:</p> <ol style="list-style-type: none"> <li>Should be corrected (first page &amp; paragraph) to indicate that the R20 zoning district requirements would permit <del>11-14</del> dwelling units (not 16.11) in accordance with the yield plan provided with the application.</li> <li>The applicant should clarify what the requested modification of the dimensional requirements from 100’ to 20’ of frontage applies to.</li> </ol>	PS	To be discussed.

**Required Findings**

In approving a Comprehensive Permit application, the Board must make the following positive findings, “supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted”:

- (1) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community’s affordable housing 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 and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing;
- (3) All low and moderate income housing units proposed are integrated throughout the development, are compatible in scale and architectural style to the market rate units within the project, and will be built and occupied prior to, or simultaneous with, the construction and occupancy of any market rate units;

- (4) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (5) 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 or 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;
- (6) All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of RIGL § 45-23-60(5); and
- (7) The proposed development 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, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

#### *Reasons for Denial*

The Planning Board may deny the request for a Comprehensive Permit for any of the following reasons:

- (1) If the city or town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;
- (2) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
- (3) The proposal is not in conformance with the comprehensive plan;
- (4) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in § 45-53-3(2)(i) being low and moderate income housing;  
or
- (5) Concerns for the environment and the health and safety of current residents have not been adequately addressed.

#### **Draft Motion**

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“The South Kingstown Planning Board hereby grants Conceptual master Plan approval to the Village at Curtis Corner, a twenty-four (24) lot major subdivision, submitted as a Comprehensive Permit, to contain sixteen (16) single-family dwellings and eight (8) duplex structures for a total of thirty-two (32) dwelling units, with twenty-four (24) of these units being market-rate housing units and eight (8) being restricted low- and moderate-income housing units, located on Curtis Corner Road, 5A Builders, LLC, owner/applicant. This approval is based upon plan set entitled: ‘*Master Plan Submission – The Village at Curtis Corner*’, Curtis Corner Road, South Kingstown, Rhode Island, Assessor’s Plat 40-4, Lot 55, Sheets 1 through 5, dated June 6, 2019 with revisions through January 3, 2020, prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920. This approval is based on the following Findings of Fact and Conditions of Approval:

**Findings of Fact**

1. The applicant qualifies as an eligible entity and the project is an eligible project pursuant to R.I.G.L. § 45-53-4, as a for profit developer dedicating at least 25% of the units to be developed as low and moderate income housing units;
2. The proposed development is consistent with local needs as identified in the local comprehensive community plan, and will address the need for affordable housing development within the community;
3. The eight (8) low- and moderate- income housing units are integrated throughout the development, and are compatible in scale and architectural style to the market rate units within the project and with all required Conditions of Approval will be built and occupied prior to, or simultaneous with, the construction and occupancy of market rate units;
4. The proposed subdivision is in compliance with the standards and provision of the South Kingstown Zoning Ordinance and Subdivision and Land Development Regulations, where varied the local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing;
5. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required Conditions of Approval;
6. 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 or 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;
7. The subdivision has adequate and permanent physical access to a public street, namely Curtis Corner Road; and
8. 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.

**Findings of Fact, Requested Relief**

1. The proposed development will be in compliance with the standards and provisions of the South Kingstown Zoning Ordinance and Subdivision and Land Development Regulations and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing. In view of the state and local need for low and moderate income housing the following waivers, variances and exceptions are hereby granted:
  - a. **Density Relief (~~21-18~~ units):** The applicant’s request to develop thirty-two (32) units on this parcel for which ~~eleven-fourteen (14)~~ units could be supported per conventional zoning requirements as shown on the Yield Plan translates to a density bonus of ~~eighteen-twenty-one (1821)~~ units.
  - b. **Dimensional Relief:** The applicant has requested relief from the R20 Zoning District dimensional requirements of Section 401, described in Table A below:

**Table A: Section 401 - Dimensional Requirements**

	<i>Required</i>	<i>Proposed</i>
Frontage	100'	See Table B
Area – SFR	20,000 SF	See Table B
Area – DUP	30,000 SF	See Table B

Front-yard Setback	35'	20'
Side-yard Setback	15'	10'
Rear-yard Setback	35'	15'

The applicant is requesting relief as it relates to area and frontage for each proposed parcel, as described in Table B below:

**Table B: Section 401 – Summary Table of Specific Relief**

Lot #	Type	Proposed Lot Area (sq. ft.)	Area Relief Requested (sq. ft.)	Proposed Frontage	Frontage Relief Requested
1	SFR	5,000	15,000	50'	50'
2	SFR	5,000	15,000	50'	50'
3	SFR	5,000	15,000	50'	50'
4	SFR	5,200	14,800	50'	50'
5	DUP	6,500	23,500	36'	64'
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19	SFR	7,500	12,500	138'	None
20	DUP	7,875	22,125	60'	40'
21	DUP	8,900	21,100	47'	53'
22	SFR	6,500	13,500	98'	2'
23	SFR	5,500	14,500	60'	40'
24	SFR	9,100	10,900	60'	40'

- c. **Roadway Width Relief (10')**: The applicant is also requesting relief from *Article VIII, Design and Public Improvement Standards* section of the *Subdivision and Land Development Regulations*. That section requires that roads servicing subdivisions of more than 10 dwellings have a right-of-way of 50' in width. The applicant is proposing 40' of width for the roads within the development.
2. No other relief is granted and all local ordinances and regulations not specifically mentioned here shall be enforced in their entirety. Any subsequent revision to the plans that require additional or more expansive relief must be approved by the Planning Board in accordance with state law and Section 509 of the Kingstown Zoning Ordinance as amended.

**Conditions of Approval**

The Planning Board finds that the conditions imposed in the section are necessary in order to properly address local concerns as previously stated herein. The Board finds that such conditions will not render it impossible to proceed with the proposed project without financial loss, within any limitations

that may be set by a subsidizing agency of the government. To the extent that such conditions may render the project infeasible, the Board finds that the local concerns in imposing the same outweighs the potential benefits of the affordable unit that has been proposed and that said conditions are 'consistent with local needs' as follows:

- a. Said conditions are not designed or intended to exclude low and moderate income residents from the community or to discourage or frustrate the likelihood of success of the project as further described below and thus are reasonable in view of the state need for low and moderate income housing; and
  - b. Similar conditions are applied on a case by case basis and as equally as possible to both subsidized and unsubsidized housing as further described below.
1. Approval is limited to twenty-four (24) lots containing sixteen (16) single-family homes and eight (8) duplex dwellings and totaling thirty-two (32) dwelling units.
  2. The use of the proposed lots shall be limited as follows:
    - a. Lots 1-4, 8-9, 12-13, 15-19, and 22-24 shall be developable lots each to contain single-family detached structures (Use Code 10).
    - b. Lots 5-7, 10-11, 14, and 20-21 shall be developable lots each to contain a two-household detached structure or duplex (Use Code 11).
  3. Approval is based upon the provision of 25% subsidized housing units available for low and moderate income residents. The low and moderate income dwelling units will be sold to a person or family with an income at or below 80% of the Area Median Income and be deed restricted for a period of 99 years.
  4. 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.
  5. As part of the Preliminary Plan submittal, the applicant shall indicate 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 three (3) market-rate units for every one (1) LMI Housing unit.
  6. As part of the Preliminary Plan submittal, the applicant shall include a Letter of Eligibility from Rhode Island Housing for the project as proposed.
  7. 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.
  8. 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.
  9. **And any other conditions deemed necessary by the Planning Board in consideration of this application...**