



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**TOWER HILL LANDINGS ANNEX**

**Major Land Development – Conceptual Master Plan Review**

Project Type:	<b>Major Land Development</b>		
Review Stage:	<b>Conceptual Master Plan Review</b>		
Address:	<b>2095 Kingstown Road</b>		
Plat:	<b>32-4</b>	Lot:	<b>32</b>
Parcel Size:	<b>~ 1.23 acres</b>	Zoning District:	<b>CN &amp; R10 (split zoned)</b>
Applicant:	Tower Hill Landings Annex, LLC	Owner:	DCH 1 Realty Holding South, LLC
Current Plan Set:	<i>CONCEPTUAL MASTER PLAN FOR PROPOSED 11 UNIT RESIDENTIAL DEVELOPMENT, TOWER HILL LANDINGS ANNEX, LLC, Plat 32-4, Lot 32, Zoning Districts: CN and R-10, Commercial Neighborhood and Medium High Density Residential District and Kingstown Road Special Management District, 2095 Kingstown Road (Route 108), South Kingstown, R.I., Sheets 1 through 7, dated May 1, 2020, by Crossman Engineering, 151 Centerville Road, Warwick, RI 02886.</i>		

**Property Characteristics**

The property is approximately 1.23 acres, is currently vacant, and located on Kingstown Road within the Kingstown Road Special Management District. The parcel is adjacent to the existing Tower Hill Landings Apartment complex and the proposed development will be an extension to this multi-household residential development. The parcel does not appear to contain any suspect wetland or perimeter buffer areas, and is serviced by municipal water and sanitary sewer services.

**Project Description**

The applicant is proposing to construct an eleven (11) unit multi-family residential development on this property that will operate as part of the larger Tower Hill Landings complex. The unit mix is proposed to have nine (9) four-bedroom and two 2-bedroom units and two (2) two bedroom and one bath units. One four-bedroom and one two-bedroom unit will be designated affordable and rented at 80% of AMI and one of the two bedrooms will be handicap adaptable.

The property will be serviced by public water and sewer. The proposed eleven units will be housed in 2 buildings with footprints of 5,633 and 5,023 square feet. Building 1 will contain four (4) 1,322 square foot four-bedroom units and two (2) 940 square foot two-bedroom units. Building 2 will contain five (5) 1,322 square foot four-bedroom units. Both buildings will be set back twenty-five (25) feet from Kingstown Road (Route 108) and will be constructed within the required setbacks with a 10-foot separation between the two buildings. The building placement will allow for the installation of a sidewalk to connect the property to the bus stop located at the entrance of Tower Hill Landings. The Lot coverage for the proposed buildings is 20.1% (30% allowed).

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The development will provide forty-four (44) parking spaces where forty (40) are required by the Zoning Ordinance for household occupancy for three (3) or more unrelated individuals. These parking spaces are located in the rear of the buildings and are proposed to accommodate this development, as well as provide several “overflow” spaces from the existing apartment complex that currently experiences a lack of parking spaces. The parking lot is proposed to be designed and constructed with pervious pavement that includes subsurface stormwater storage with overflow to a stormwater management area designed and constructed as a sand filter.

The access to the proposed development will be through the existing Tower Hill Landings Apartments entrance without the need for a new separate access drive from Kingstown Road (Route 108). The elimination of access onto Route 108 will eliminate any potential traffic issues from another entrance in close proximity to the existing Tower Hill Landings entrance.

The plan also includes 5,300 square feet of open space to meet the 10% of developable land area required for multi-household land development projects per the Subdivision and Land Development Regulations. Landscaping buffers on the north side of the property and along the Route 108 streetscape, as well as lighting improvements are proposed to enhance the overall appearance of the site while providing a safe and inviting environment for residents.

Proposed building footprint sizes and residential unit details are as follows:

	Building Footprint (square feet)	Number of Units	Number of Bedrooms	Unit Size (square feet)
Building 1	5,633	2	2	940
		4	4	1,322
Building 2	5,023	5	4	1,322

**Waivers Requested**

Waivers anticipated to be requested for this Major Land Development include:

<b>Article IV – Special Requirements: (G) Landscaping</b>	
<i>(G.3) Perimeter Landscaping – Parking Lots and Loading Facilities: No less than ten (10) feet in width where the parking area contains five (5) spaces or more or which exceeds 2500 sq. ft. of paved area.</i>	
Required:	10' (minimum)
<b>Proposed:</b>	<b>0'</b>
<b>Article IV – Special Requirements: (H) Multi Household Dwellings</b>	
<i>(H.7) Front Yard Setbacks for Multi-Household Land Development Projects: Multi-Household Land Development Projects (Use Code 12.1 and 12.3), when located along any public street, shall provide a minimum front yard setback of 100 feet along said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of 50-foot width, shall be maintained along said public street and may be used for any required yard, open space or recreation space, for access driveways (no parking allowed) or for other necessary entrance and exit facilities.</i>	
Required:	100' front yard setback 50' landscaped buffer zone
<b>Proposed:</b>	<b>25' front yard setback 25' landscaped buffer</b>
<i>(H.9) Distance between Buildings on Same Lot: In any Multi-Household Land Development Project, the minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends</i>	

<i>of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.</i>	
<b>Required:</b>	50' (minimum)
<b>Proposed:</b>	<b>10'</b>

**Decision Deadline**

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This application was certified complete on May 29, 2020, therefore the Planning Board has until August 27, 2020 to render a decision on this application (90 days). There are two (2) regular Planning Board meetings after the June 23, 2020 meeting prior to the deadline.

**Regulatory Considerations**

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***Conceptual Master Plan Definition***

Per the Regulations, the Conceptual Master Plan provides an overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. It is required for review of major land development projects and major subdivisions.

***Section 401 (Zoning – Dimensional Requirements)***

Section 401 (Schedule of dimensional regulations) provides the maximum density allowed for multi-household land development projects. The allowed density for the subject property is:

*15,000 for first two (2) dwelling units plus 5,000 square feet per each additional dwelling unit.*

At 53,579 square feet, the maximum density for the subject property is 9.72 dwelling units.<sup>1</sup>

Section 401 requires a 25' front-yard setback which may be reduced to zero (with justification) by the Planning Board. Section 402.9(B) also requires that transition yard landscaping be provided along the north-northwestern property boundary where the development abuts a nearby residential use.

***Section 604 (Zoning – Kingstown Road Special Management District)***

Section 604(B) requires a no-access easement (along Kingstown Road frontage) in favor of the Town of South Kingstown. Section 604(E) also requires a landscaped street yard between the building and the street.

***Article IV, Section H – Multi-Household Land Development Project***

Section H(6) requires screening along the northern boundary. Section H(9) requires that the parking lot be set back from the wall of any building, that 10% of the developable area (~5,358 square feet) must be dedicated as open space, type dictated by occupants and approved by the Planning Board, and that the minimum distance between buildings shall be 50'.

***Inclusionary Zoning***

Section 502.6 (Inclusionary Zoning) of the Zoning Ordinance outlines the Inclusionary Zoning requirements and procedures for major subdivisions or land development projects that consist of six (6) or more parcels or units. Those requirements are listed, in part, below:

- E. *Base density calculation, inclusionary requirements and targeted populations. ...A minimum of 20 percent of the basic maximum number of lots/units must be affordable to low and/or moderate income households as defined under G.L. 1956, §45-53, Low and*

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<sup>1</sup> Article IV, Section H(8) – Density Requirements of the Subdivision and Land Development Regulations specifies a allowable density that is more restrictive than that which is prescribed within the Zoning Ordinance. When regulatory conflicts such as this exist, the Zoning Ordinance takes precedent over other conflicting standards.

Moderate Income Housing Act. To facilitate such targeting and ensure that inclusionary units are well integrated into the subdivision or land development project, the planning board shall have the authority to specify the type and location of unit(s) to be constructed, the size and scale of these units or lots in relation to the market rate units or lots in the development, establish general design parameters for the inclusionary units and determine a construction time table for construction.

- F. *Zoning Incentive.* For all subdivisions, flexible design land development projects and land development projects that are subject to the provisions of this section, a zoning incentive increasing the basic maximum number of lots or dwelling units by a factor of 1.2 shall be required. Units required under the zoning incentive provisions of this section shall count toward the maximum zoning incentive permitted under subsection 502.5.E of this ordinance. The requirement for such inclusionary units shall constitute a municipal government subsidy as defined under the RI Low and Moderate Income Housing Act and this ordinance.
- G. *Inclusionary units, deed restriction requirements.* All inclusionary units required under this section shall meet the definition of "low and moderate income housing" as defined in G.L. 1956, § 45-53-3; provided however that units and/or lots generated under these inclusionary provisions shall remain affordable for a minimum period of 99 years. Further provided that any for-sale lots or units shall be sold or conveyed to persons or households earning up to 80 percent of the area median income (AMI) for South Kingstown as defined by the U.S. Department of Housing and Urban Development.

The developer of inclusionary units must contract with a monitoring agency that will qualify home buyers and/or renters for initial occupancy, determine pricing and resale or transfer of dwelling units in accordance with RI Housing and Mortgage Finance Corporation regulations and standards. Rhode Island Housing and the Town of South Kingstown shall be a party to any such monitoring agreement. Long-term affordability shall be guaranteed through the recording of restrictions on the sale, transfer and ownership of the unit through the appropriate legal documents and monitoring agreement.

- I. *Modification of lot requirements for inclusionary units.* To encourage good design and to reduce construction, land and infrastructure costs the planning board shall have the discretion to modify (or require the modification of) minimum dimensional standards for inclusionary dwelling units/lots. Such modifications shall be in accord with the standards and requirements set forth in subsection 502.5.F of this ordinance.

The zoning incentives within the Inclusionary Zoning provisions of the Ordinance allow for a total of twelve (12) units with two (2) being deed restricted affordable units. The applicant is proposing a total of eleven (11) units with two (2) deed restricted affordable units.

## **Review to Date**

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### ***Pre-Application Review***

*Technical Review Committee Meeting – March 11, 2020*

*Planning Board Meeting – April 30, 2020*

### ***Conceptual Master Plan Review***

*Technical Review Committee Meeting – May 13, 2020*

The following items/issues were discussed with the applicant at the TRC meeting:

Item/Issue Discussed	Recommendation	Item/Issue Discussed
<b>Parking</b>	Parking necessary to accommodate requirements for unrelated residents living in a single dwelling unit. Total parking for adjacent multi-unit projects is less than required by zoning ordinance. Use of porous paving materials requires Planning Board approval per § 703 of Zoning Ordinance.	<b>To be addressed with the Planning Board.</b> <b>Parking satisfies requirements of the Zoning Ordinance while providing several overflow spaces for the adjacent apartment complex.</b>
<b>Landscaping</b>	A formal landscape plan will be required for Preliminary Plan. Plan must address “full landscape screen” requirements along zone boundary.	<b>Satisfied with a condition of approval as a requirement for Preliminary Plan submittal.</b>
<b>Sewer</b>	Flow analysis required for connection to 6” laterals in Kingstown Road.	<b>Satisfied with a condition of approval as a requirement for Preliminary Plan submittal.</b>

*Conservation Commission Meeting – June 4, 2020*

The Conservation Commission provided an advisory opinion suggesting that the Planning Board consider a number of concerns and conditions related to drainage (construction, maintenance, and use of the permeable pavement parking area) and landscaping. Please refer the Conservation Commission’s Advisory Opinion dated June 12, 2020 for additional details.

**Required Findings**

In approving this major land development application, the Board 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 development, 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:

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- (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 waivers or modifications are 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.

**Draft Motions for Consideration**

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“The South Kingstown Planning Board hereby grants Conceptual master Plan approval to Tower Hill Landings Annex, an eleven (11) unit multi-family residential development located on AP 32-4, Lot 32 with a physical address of 2095 Kingstown Road, Tower Hill Landings Annex, LLC, *applicant*, DCH 1 Realty Holding South, Inc., *owner*. This approval is based upon plan set entitled: *CONCEPTUAL MASTER PLAN FOR PROPOSED 11 UNIT RESIDENTIAL DEVELOPMENT, TOWER HILL LANDINGS ANNEX, LLC*, Plat 32-4, Lot 32, Zoning Districts: CN and R-10, Commercial Neighborhood and Medium High Density Residential District and Kingstown Road Special Management District, 2095 Kingstown Road (Route 108), South Kingstown, R.I., Sheets 1 through 7, dated May 1, 2020, by Crossman Engineering, 151 Centerville Road, Warwick, RI 02886. This approval is based on the following Findings of Fact and Conditions of Approval:

***Findings of Fact***

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

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- B. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The development, 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
- E. 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.
- F. Thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

***Findings of Fact, Inclusionary Zoning & Affordable Units***

- G. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicant which demonstrates the ability of the development parcel to support a 'basic maximum number' of nineteen (19) lots.
- H. The applicant has proposed that three (3) of the sixteen (16) lots (Lots 15 and 16, respectively) will be deed restricted affordable to 'low and/or moderate income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
- I. The Planning Board finds that the proposed affordable units (on Lots 15 and 16) are integrated within the development and that the design of the lots is consistent with the design of the market rate lots within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I of the Town's Subdivision and Land Development Regulations.
- J. These affordable units (on Lots 15 and 16) shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.
- K. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units (on Lots 15 and 16) shall be exempt from the Town's Pacing and Phasing requirements.
- L. The affordable units (on Lots 15 and 16) shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1 of the Zoning Ordinance and Section II, Element 5, III of the Town's Capital Improvement Program.

***Findings of Fact, Requested Relief***

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the waivers proposed:

<b>Article IV – Special Requirements: (G) Landscaping</b>	
<i>(G.3) Perimeter Landscaping – Parking Lots and Loading Facilities: No less than ten (10) feet in width where the parking area contains five (5) spaces or more or which exceeds 2500 sq. ft. of paved area.</i>	
Required:	10' (minimum)
Proposed:	0'
<b>Article IV – Special Requirements: (H) Multi Household Dwellings</b>	

<p>(H.7) Front Yard Setbacks for Multi-Household Land Development Projects: <i>Multi-Household Land Development Projects (Use Code 12.1 and 12.3), when located along any public street, shall provide a minimum front yard setback of 100 feet along said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of 50-foot width, shall be maintained along said public street and may be used for any required yard, open space or recreation space, for access driveways (no parking allowed) or for other necessary entrance and exit facilities.</i></p>	
Required:	100' front yard setback 50' landscaped buffer zone
<b>Proposed:</b>	<b>25' front yard setback</b> <b>25' landscaped buffer</b>
<p>(H.9) Distance between Buildings on Same Lot: <i>In any Multi-Household Land Development Project, the minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.</i></p>	
Required:	50' (minimum)
<b>Proposed:</b>	<b>10'</b>

In doing so, the Planning Board finds that:

- M. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations; and that
- N. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

**Conditions of Approval**

1. The use of the property shall be limited to Use Code 12 (Multi-household Detached Structure up to 12 units) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.
2. This approval is limited to eleven (11) residential units in total.
3. This approval is further limited to nine (9) market rate units and two (2) affordable units for a total of eleven (11) units.
4. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the nine (9) market rate units.
5. The applicant shall obtain a Special Use Permit from the Zoning Board of Review in accordance with Section 504.14 (Household occupancy by more than three unrelated individuals) of the Zoning Ordinance for the proposed use prior to submittal of the Preliminary Plan application for this project.
6. As part of the Preliminary submittal, the applicant shall provide a traffic report detailing the anticipated traffic impacts from the proposed development and the adequacy of the existing and proposed roadways to safely accommodate existing and projected traffic.
7. The parking lot shall be designed and installed with pervious pavement to minimize potential water quality impacts from stormwater.



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8. The applicant shall utilize low impact drainage methodologies in conformance with the Rhode Island Stormwater Design and Installation Standards Manual or other best management practices.
9. The applicant shall submit a downstream carrying capacity analysis to the Department of Public Services for review and approval prior to submittal of the Preliminary Plan application. Approval of the sewer connection from the Department of Public Services shall be included with the Preliminary Plan at the time of application submittal.
10. The preliminary project design shall include a detailed erosion and sedimentation control plan including any proposed stockpile containment. The plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and Sedimentation Control Handbook.
11. A 'No Access Easement' shall be granted to the Town of South Kingstown (as a grantee) prohibiting any future driveway or other vehicular access from Kingstown road.
12. An 'Open Space Easement' shall be granted to the Town of South Kingstown (as a grantee) for the purposes of enforcing the covenants of the easement.
13. The development shall satisfy its affordable housing component requirement with the dedication of two (2) units restricted for ownership/occupancy by 'low/moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. The lease, sale or transfer of these affordable units shall remain affordable to low or moderate income households earning a maximum of eighty percent area-median income (80% AMI) for a period of ninety-nine (99) years.
14. The affordable units must meet the criteria for subsidy and deed restrictions such that the units count toward the low and moderate income housing stock within the Town.
15. As part of the Preliminary Plan submittal, the applicant shall indicate which specific 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.
16. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
17. 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.
18. 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.
19. **And any other conditions deemed necessary by the Planning Board in consideration of this application...**



# **Tower Hill Landings Annex**

**Major Land Development – Multi-household Development Project  
2095 Kingstown Road**

## **Pre-Application Concept Plan**

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
February 21, 2020	N/A	N/A	N/A	N/A	N/A	N/A

## **Technical Review Committee Meeting - March 11, 2020**

*The applicant, Christopher Bicho, and other members of the team including Russ Johnson, David Wolfe, Steve Cabral, and John F. Kenyon discussed this application with the TRC.*

Mr. Cabral described the property and the overall project which includes a total of eleven (11) units, of which two (2) would be affordable. With regard to Section 401 (Zoning – Dimensional Requirements), Mr. Parker indicated that within the Kingstown Road Special Management District the front-yard setback *could* be reduced to zero *by* the Planning Board, however, it was NOT automatic and was intended to allow for required parking to be situated in the rear of the building. Mr. Parker also

pointed out that transition yard landscaping would be required along the property line to the northwest in accordance with the Zoning Ordinance.

With regard to Section 604 (Zoning – Kingstown Road Special Management District), Mr. Parker indicated that a no-access easement in favor of the Town of South Kingstown would be required, that a landscaped street yard between the building and the street is required, and that all structures located within the Kingstown Road Special Management District are limited to 7,500 square feet of gross leasable floor area (GLFA).

Mr. Parker also outlined that the Subdivision and Land Development Regulations requires that the parking lot be setback from the wall of the building, that there be screening from the abutting residential property to the northwest, that accessory uses shall not exceed 800 square feet and that 10% of the developable area (5,358 square feet for this property) must be dedicated as open space, of which the type shall be dictated by the type of occupants and approved by the Planning Board.

The applicant expressed concern with the size of the proposed structure (~16,000 GLFA) and it’s relation to the 7,500 square foot restriction outlined within the Kingstown Road Special Management District. The applicant inquired if there were a benefit to splitting the project into two (2) structures instead to abide by the 7,500 square foot limitation. Mr. Parker advised that it would change the use from Multi-household Detached Structure (Use Code 12) to Multi-Household Land Development Project (Use Code 12.1) and there were different standards that would be applicable.

Mr. Schock indicated that he would like to see sidewalk along the length of the property and Mr. Bourbonnais requested that a Physical Alteration Permit (PAP) be completed to permanently close the existing curb cut on Kingstown Road. Mr. Parker indicated that he would put a comparison of regulatory requirements together for the project as Use Code 12 or Use Code 12.1 and send to the applicant for their use and consideration.

<b>Item/Issue Discussed</b>	<b>Recommendation</b>
<b>Front-yard Setback</b>	Provide justification for the reduced front-yard setback for consideration by the Planning Board.

<b>Landscaping</b>	Transition yard landscaping will be required along the property line to the northwest in accordance with Section 402.9(B) of the Zoning Ordinance.
	A landscaped street-yard is required between the building and the street in accordance with Section 604(D) & 604(E) of the Zoning Ordinance.
	Landscape screening is required abutting the residential property to the northwest per Subdivision & Land Development Regulations.
<b>Structures</b>	Structures within the Kingstown Road Special Management District are limited to 7,500 square feet of gross leasable floor area (GLFA) per Section 604(I) of the Zoning Ordinance.
<b>Access</b>	A Physical Alteration Permit (PAP) was requested to permanently close the existing curb cut on Kingstown Road.
	A no access easement in favor of the Town is required per Section 604(B) of the Zoning Ordinance.
	Consider installation of a sidewalk along the length of the property.
<b>Parking</b>	The parking lot must be setback from the wall of the building in accordance with the Subdivision and Land Development Regulations.
<b>Accessory Uses</b>	The floor area of accessory uses shall not exceed 800 square feet in size in accordance with the Subdivision and Land Development Regulations.
<b>Open Space</b>	At least 10% of the developable area of the parcel must be dedicated as open space in accordance with the Subdivision and Land Development Regulations.

**Planning Board Meeting - April 30, 2020**

John Kenyon, attorney for the applicant; Steve Cabral, Crossman Engineering; and applicants Chris Bicho and Russ Johnson all participated in this meeting to represent this application. Discussion ensued with Planning Board members asking questions in regard to the number of parking spaces proposed, spaces required per unit, number of occupants per unit, etc. Ms. Goins reminded applicant that more than three unrelated occupants per dwelling requires a special use permit.

PUBLIC COMMENT: None

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**Conceptual Master Plan**

<u>Received</u>	<u>Review Time</u>	<u>Deadline</u>	<u>Incomplete</u>	<u>Complete</u>	<u>Decision Time</u>	<u>Decision Deadline</u>
May 5, 2020	25	May 30, 2020	May 15, 2020	--	--	--
May 28, 2020	10	June 7, 2020	--	May 29, 2020	90	<b>August 27, 2020</b>

**Technical Review Committee Meeting - May 13, 2020**

Appearing on behalf of the applicant were: Chris Bicho, Russ Johnson, Stephen Cabral (Crossman Engineering), and Attorney John Kenyon.

Note: TRC member Pam Rubinoff left the meeting at 12:26 PM and did not participate in this matter.

The applicants noted that they had revised their plans per the comments of the Planning Board at the pre-application hearing and that they are seeking the same waivers discussed at that hearing. To comply with the Subdivision and Land Development Regulations, the original plan for a single-building was split into two buildings with the same total number of units.

The Planning Board’s parking questions were reviewed. Given the parking requirements for units with unrelated occupants, the proposed 44 spaces will be slightly over the 40-space minimum requirement. Also, even with the 44 new spaces, the combined parking for the adjacent multi-unit housing uses will still be 50 spaces fewer than would be required under the Zoning Ordinance.

The parking lot will use porous pavement to reduce runoff. Rooftop runoff will be directed to an underground storage and sand filter system to comply with TMDL requirements.

Staff noted that the zoning requirement for a 100’ setback and 50’ landscape buffer from Kingstown Road are superseded by the Kingstown Road Special Management District overlay, which permits a zero-foot (0’) setback with the approval of the Planning Board. In the present case the applicant is proposing a landscaped 25’ setback along Kingstown Road with a sidewalk to connect the units in the two structures to the bus stop area.

A waiver is required from the requirement for a 50’ separation between the buildings. It was not possible to separate the buildings further to meet the 50’ separation requirement as designed. Instead, the applicant proposes to separate the buildings by a 10’ landscaped walkway.

Mr. Schock asked about the applicant’s plans for dealing with the grade change along the north-south axis and whether there would be much cut and fill or whether there would be a retaining wall. Mr. Cabral said that they did not plan to cut much below grade due to the high water table and that there might be a small 2’ wall near the sand filter system.

Mr. Schock also inquired about where the sewer connection would be. Mr. Cabral said that they planned to connect to the sewers in Kingstown Rd. Mr. Schock replied that those connections were 6-inch laterals and that a flow analysis would be required.

Mr. Parker stated that the landscaping requirement at the zone change along the northern property boundary called for a “full landscape screen” and opined that the landscaping on the plan did not seem to meet that requirement. Mr. Cabral stated that the concept plan was prepared by a design tech and that a final landscape plan would be prepared by a landscape architect to meet the applicable requirements after concept approval.

Item/Issue Discussed	Recommendation
<b>Parking</b>	Parking necessary to accommodate requirements for unrelated residents living in a single dwelling unit. Total parking for adjacent multi-unit projects is less than required by zoning ordinance. Use of porous paving materials requires Planning Board approval per § 703 of Zoning Ordinance.
<b>Landscaping</b>	A formal landscape plan will be required for Preliminary Plan. Plan must address “full landscape screen” requirements along zone boundary.
<b>Sewer</b>	Flow analysis required for connection to 6” laterals in Kingstown Road.

**TRC Action**

A motion was made by Mr. Schock to move the matter on to the Planning Board with a favorable recommendation subject to the above-referenced comments. The motion was duly seconded by Mr.

Bourbonnais and was unanimously approved. (*Ms. Rubinoff did not vote having left the meeting at 12:26 PM.*)

**Conservation Commission Meeting – June 4, 2020**

*Appearing on behalf of the applicant were: Russ Johnson, Stephen Cabral (Crossman Engineering), and Attorney John Kenyon.*

Following review and discussion with the applicant's Attorney, John F. Kenyon, Project Manager, Russ Johnson, and Engineer, Steven Cabral, P.E., the following motion, made by Ms. Joubert and duly seconded by Mr. Wyman, was unanimously approved 6-0 (M. Bradywood; D. Flanders; C. O'Connor; M. Talbot-Rabuano; J.V. Wyman):

**Motion:** "The Conservation Commission recognizes that the shared access from Rolens Drive, the reduced frontage of the buildings, and closer siting of the buildings is one way of reducing impervious cover which is recommended. We are a bit concerned about the depth to the water table and the filling that is going to occur; but without more information, they will need to rely on RIDEM to ensure that all protective measures are taken. The curbing along Route 108 seems to be one way to reduce runoff crossing into the property and down-gradient toward the wetland. We are pleased to see the use of pervious pavement, but are concerned that if RIDEM doesn't approve permeable pavement due to water table depth or any other condition, that the applicant would have to come back to us with other types of stormwater management measures that could be accommodated to reduce runoff to the same extent possible.

In terms of the design and installation of the asphalt for the permeable pavement parking lot, that the plans be reviewed by an outside expert, and there be an onsite inspector when the permeable parking lot is installed to ensure that the asphalt mix and the installation is correct; and that the maintenance contract afterwards be developed that would include no sand application, no salt if possible, vacuuming as needed, and prevention of runoff from polluted areas or potential pollutants, such as from the dumpster, where the dumpster would be on an impervious surface with curbing; and that a maintenance contract would be maintained and reports sent to the Town to keep track of the maintenance occurring. Also, no snow storage on the permeable lot should be allowed, whether that snow is coming from the Rolens Drive area or elsewhere, since that often contains sand. We are also concerned about construction during the wet season and during frozen conditions; so we would like to ensure that the Soil Erosion Sediment Control Plan addresses those issues carefully, and if necessary, provides for a third party inspector that would be there to conduct inspections and send summary reports to the Town. Landscaping plans should include the Town's planting specifications in the subdivision regulations, using native species and low-input grasses without the use of fertilizer or irrigation."