



## **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>
<b>April 15, 2020</b>	N/A	N/A	N/A	N/A	<b>N/A</b>

#### **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
<b>Number of events</b>	The TRC recommends that the number of events per year be restricted to what is allowed at other similar venues in town.
<b>Parking</b>	<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"> <li>• The applicant must amend the plan to propose an acceptable porous paving material in its parking areas; or</li> <li>• The applicant must obtain a variance to the above referenced paving requirements from the Zoning Board; or</li> <li>• The Planning Board must make a finding that unimproved grass/dirt areas constitute an acceptable “porous paving material” per Article 7.</li> </ul>
<b>Circulation</b>	The terms of the ROW easement should be provided to confirm that the ROW can be used for commercial events.
<b>Noise</b>	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.
<b>Event Operations</b>	<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.

**June 23, 2020 – Planning Board Regular Session Meeting**

Application was continued to the July 28, 2020 Planning Board Regular Session at the request of applicant.

**July 28, 2020 – Planning Board Regular Session Meeting**

John Kenyon, attorney for the applicant, appeared to present the application and proposed changes made. Discussion ensued. Mr. Riendeau referenced letters received by the Planning Department from abutters and neighbors. Mr. Riendeau also inquired about the location’s right of way. Mr. Kenyon explained the frontage of the property and described the entire parcel. Discussion ensued regarding access road, traffic, the original purpose of “accessory use”, parking, geographic location of event, impact on neighbors. Mr. Parker read the list of abutters and neighbors who have written to the Planning Board, to date.

PUBLIC COMMENT:

Marieka Moosbrugger expressed concerns with traffic, proximity of tent to her property, and noise.

Carl Shieldrop expressed concerns with access road being a “private” road for residents only.

Elizabeth Angier expressed concerns with noise, light pollution, and traffic.

Mr. Kenyon was requested to research the access road documentation, one tent area and not two, and the tents being closer to abutters than the applicant.

The following motion made by Mr. DiMasi, duly seconded by Ms. Mack, passed by unanimous poll vote (Aye –M. Mack; S. DiMasi; P. DiStefano; S. Axelrod; J. Murphy; J. Riendeau; P. Rubinoff).

**Motion:** “The South Kingstown Planning Board hereby continues the Development Plan Review, Farm Events – Lavender Waves Farm the August 25, 2020 regular session”.