



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

The Village at Curtis Corner

Major Subdivision/Comprehensive Permit – Preliminary Plan Review

December 1, 2020

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:	<i>'Preliminary Plan Submission – The Village at Curtis Corner'</i> , Curtis Corner Road, South Kingstown, Rhode Island, Assessor's Plat 40-4, Lot 55, Sheets 1 through 17, with revisions through <u>October 28, 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 (11) lots and fourteen (14) dwelling units. The applicant is proposing this project

as a Comprehensive Permit and requesting a density bonus of an additional eighteen (18) 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 November 9, 2020. The Planning Board has until **March 9, 2021** (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	14	32	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

Type	Lot #	Proposed Lot Size (sq. ft.)	Relief Requested (sq. ft.)	Proposed Frontage (ft.)	Relief Requested (ft.)
SFR	1	6,104	13,896	60	40
SFR	2	6,093	13,907	60	40
SFR	3	6,135	13,865	61	39
Duplex	4	6,240	23,760	29	71
Duplex	5	8,876	21,124	20	80
Duplex	6	22,261	7,739	20	80
SFR	7	9,998	10,002	20	80

SFR	8	9,679	10,321	41	59
Duplex	9	8,970	21,030	60	40
Duplex	10	8,501	21,499	60	40
SFR	11	7,525	12,475	70	30
SFR	12	7,263	12,737	45	55
SFR	13	7,132	12,868	40	60
Duplex	14	7,119	22,881	33	67
SFR	15	10,318	9,682	33	67
SFR	16	6,465	13,535	66	34
SFR	17	8,688	11,312	66	34
SFR	18	5,169	14,831	60	40
SFR	19	6,514	13,486	158	None
Duplex	20	7,295	22,705	60	40
Duplex	21	8,915	21,085	60	40
SFR	22	6,586	13,414	89	11
SFR	23	5,656	14,344	60	40
SFR	24	9,278	10,722	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.

2/4/2020 – Conservation Commission Advisory Opinion

This project was presented to the Conservation Commission whom advised that they did not have enough information to issue an advisory opinion. Conservation Commission members did, however, indicate general concern with the density of the project as it relates to traffic, the traffic study, runoff, and wetlands

2/13/2020 – Affordable Housing Collaborative Advisory Review

This project was presented to the Affordable Housing Collaborative (AHC) and received a positive advisory in support of the development as proposed.

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2/25/2020 – Planning Board Review

The Conceptual Master Plan was approved by the Planning Board with the following conditions:

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 or leased 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. *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 applicant shall research walking path(s) connecting the proposed development to Route 108 and present findings in at the Preliminary stage of review.*
11. *Exhibit A shall be corrected and submitted at preliminary (first page & paragraph) to indicate that the R20 zoning district requirements would permit 14 dwelling units (not 16.11) in accordance with the yield plan provided with the application and that the applicant should clarify what the requested modification of the dimensional requirements from 100' to 20' of frontage applies to.*

Preliminary Plan Review

9/9/2020 - TRC Review of the Preliminary Plan

Item Discussed & Recommendation	Status
<i>Utilities</i>	
<ul style="list-style-type: none"> • Plans must be amended to show all utilities in the right-of-way and all service connections to each individual lot. • Utilities in the right-of-way must be spaced with adequate room -way for repair access. • Storm sewers must be installed with RCP piping, not HDPE. 	To be discussed with the Planning Board.
<i>Sidewalks</i>	
<ul style="list-style-type: none"> • Plans must be amended to show the sidewalks running through the driveways. 	To be discussed with the Planning Board.
<i>Grading</i>	
<ul style="list-style-type: none"> • The applicant must provide cut-and-fill calculations and provide a visual depiction of final grading elevations. 	To be discussed with the Planning Board.
<i>Architecture</i>	
<ul style="list-style-type: none"> • Architectural elevations of the proposed houses must be submitted. 	To be discussed with the Planning Board.
<i>Comprehensive Permit</i>	
<ul style="list-style-type: none"> • The plans should specify the location of each affordable housing unit and the timetable for the construction of all of the affordable units relative to the construction of the market rate units. 	To be discussed with the Planning Board.

Required Findings for Approval/Denial

Per [RIGL § 45-53-4](#):

In approving a Comprehensive Permit application, the Board shall make 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, on each of the following standard provisions:

- (A) 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;
- (B) 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;
- (C) 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;
- (D) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (E) 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;
- (F) 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
- (G) 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.

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

- (A) 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;
- (B) 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;
- (C) The proposal is not in conformance with the comprehensive plan;
- (D) 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
- (E) Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Draft Motion

For some conventional subdivision/land development applications, where there is potentially less room for disagreement on whether the applications meet the applicable standards for approval, staff has previously provided draft motions for the Board's consideration so that, if the Board finds the application acceptable, the application can be approved with minimal delay. However, for comprehensive permit applications, going forward, staff will not be providing draft motions for the Board's consideration until at least the second meeting at which the project is discussed. This is because proposed comprehensive permit developments often contain significant departures from what is permitted under the Zoning Ordinance/Regulations, and, therefore, it may take the Board some time to determine whether the proposed comprehensive permit development meets the special standards for approval (or, conversely, for denial) set forth above. Based on the Board's discussion and direction at this first meeting, staff will be prepared to offer a draft motion at the next meeting.