



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1244
Fax (401) 789-9792

ATTACHMENT A

DRAFT Motion: “The South Kingstown Planning Board hereby grants Preliminary 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) of the sixteen (16) duplex dwelling units being deed-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 “Preliminary Plan Submission – The Village at Curtis Corner”, Curtis Corner Road, South Kingstown, Rhode Island, Assessor’s Plat 40-4, Lot 55, this approval is based on the following Findings of Fact and Conditions of Approval and plans prepared by DiPrete Engineering (list below); Landscape Plan – The Village at Curtis Corner; and Architectural Renderings prepared by FKA (Frank Karpowicz Architects Inc.,).

DiPrete Engineering (DPE), Two Stafford Court, Cranston, RI 02920

<u>Sheet</u>	<u>Prepared by</u>	<u>Date</u>	<u>Revision Date</u>
1 of 17	DPE	7/30/2020	12/30/2020
2 of 17	DPE	7/30/2020	12/30/2020
3 of 17	DPE	7/30/2020	12/30/2020
4 of 17	DPE	01/09/2020	none
5 of 17	DPE	7/30/2020	12/30/2020
6 of 17	DPE	7/30/2020	12/30/2020
7 of 17	DPE	7/30/2020	12/30/2020
8 of 17	DPE	7/30/2020	12/30/2020
9 of 17	DPE	7/30/2020	12/30/2020
10 of 17	DPE	7/30/2020	12/30/2020
11 of 17	DPE	7/30/2020	12/30/2020
12 of 17	DPE	7/30/2020	12/30/2020
13 of 17	DPE	7/30/2020	12/30/2020
14 of 17	DPE	7/30/2020	12/30/2020
15 of 17	DPE	7/30/2020	12/30/2020
16 of 17	DPE	8/4/20	none
17 of 17	DPE	8/4/20	none

John C. Carter & Company, Inc., Landscape Architecture (JC), 960 Boston Neck road, Narragansett, RI 02882

<u>Sheet</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision Date</u>
1 of 2	JC	August 20, 2020	12/31/20
2 of 2	JC	6/6/2019	00/00/00

Architectural Renderings prepared by FKA (Frank Karpowicz Architects Inc.,) 26 South County Commons Way, Unit A5, Wakefield, RI 02879

<u>Sheet</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision Date</u>
A2	KWA	1/13/2021	--

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 (LMI) duplex housing units are integrated throughout the development, will be shown to be compatible in scale and architectural style to the market rate units within the project prior to final plan approval and 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 LMI 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.
9. The “Findings of Fact” above are based on the conclusion that the development plan **will be revised by the applicant at the Final Plan stage to incorporate the conditions of the approval listed as part of this motion.**

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 (18 units):** The applicant’s request to develop thirty-two (32) units on this parcel for which fourteen (14) units could be supported per conventional zoning requirements as shown on the Yield Plan translates to a density bonus of eighteen (18) 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

Standards	Required	Proposed
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'
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'

- 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' and 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 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 approval is based on the development of the proposed subdivision in a single phase.
3. 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) with one housing unit in each duplex dwelling deed-restricted for rental as an LMI Housing unit.
4. Approval is based upon the provision of 25% subsidized housing units available for LMI residents. The LMI dwelling units will be sold or leased to a person or family with an income at or below 100% of the Area Median Income and be deed restricted for a period of 99 years.
5. Proposed LMI Housing units shall be integrated throughout the development as depicted on the referenced site plan. The applicant shall submit final architectural design (including floorplans/square footage) for the proposed single family units and duplex units to the Planning Board for review and approval at final plan in order to determine compliance with the square footages permitted below;
 - The average size of the LMI duplex units shall be within five percent (5%) of the size of the market rate duplex unit. The market rate duplex unit shall be minimum square footage of 1,000 and a maximum square footage of 1,200 square feet.
 - The market rate single-family units shall have an average size of no less than 1,600 square feet and no more than of 1,800 square feet.

The applicant shall maintain a spreadsheet depicting the square footage of each unit as they are permitted and built in order to determine compliance with requirements above. For the purposes of calculating square footage, garages, unconditioned space and un-enclosed porches shall not be counted towards the overall square footage of the residential unit.

6. As part of the Final Plan submittal, the applicant shall indicate which specific lots and/or units will contain the LMI Housing units (as referenced above) 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.

7. The LMI units must meet the criteria for subsidy and deed restrictions such that the units meet all state requirements to be counted toward the LMI housing stock within the Town.
8. As part of the final submittal, the applicant shall submit additional final legal documents including a final 'Monitoring Agreement' or 'Memorandum of Understanding' from a certified Monitoring Agent, a final draft 'Deed Restriction' and draft lease agreements for any rental units, that will insure 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 Administrative Officer.
9. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
10. Any monitoring agreement between the developer/association and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of LMI housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.
11. Fair Share Development Fees for both open space and school facilities as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the twenty-four (24) market rate units.
12. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services encompassing the overall limits of construction prior to commencing construction and/or grading activities.
13. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services for each individual home site prior to applying for individual building permits.
14. The final 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. Particular attention should be directed to the limits of disturbance in the vicinity of basin located west of the proposed cul-de-sac to protect the existing vegetated habitat. The landscaped island shall be identified as part of the Open Space component of the development and maintenance responsibilities shall be assigned to the Homeowner's Association.
15. The applicant shall modify the landscape plan on proposed lots 22, 23 and 24 by replacing the proposed Thuja Plicata (Green Giant Arborvitae) with a more suitable native conifer white spruce (Picea Glauca).
16. Electric, telephone and cable services shall be installed underground.
17. Open space areas within the development shall be marked in the field with 'witness posts' or similar monumentation to establish these buffer areas and help prevent encroachment on or within these areas. Specifications for these markers and their proposed locations shall be depicted on the final plans for the development. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement.
18. The applicant shall place a restrictive conservation easement on Lots 7, 8, 9, 10, 11, 12 and 13 incorporating the 50-foot wetlands buffer as a no-cut/non-disturbance area to be left in its natural state, except for the removal of deadfall and invasive species. The HOA for the development shall also reference the restrictive conservation easement.

19. The applicant shall install granite monuments/blocks on the side property lines for lots 7, 8, 9, 10, 11, 12 and 13, fifty feet (50') from the edge of the delineated wetlands to mark the edge of the regulated wetland buffer. Each granite monument shall have minimum dimensions of 2'x2'x3'; shall be referenced in any restrictive easements placed on the lots and shall be marked with a wetlands buffer placard. The final plans shall incorporate the placement/location of the required granite monument/blocks.
20. The applicant will reduce the width of the driveway apron to 10' for proposed lots 7, 8, 11, 17, 18
21. Any existing stone walls that are disturbed shall be reconstructed or the stones shall be used to construct or repair other stone walls within the project limits. Stones from existing stone walls shall not be removed from the development parcel.
22. The applicant shall secure a Physical Alteration Permit, and if necessary, a Tree Permit from the Department of Public Services prior to the commencement of work within the public right-of-way of South Road.
23. The applicant shall post financial security in the amount of [REDACTED] for all public improvements, landscaping and drainage features as prescribed by Town Regulations. The type of financial security shall be reviewed and approved by special legal counsel in consultation with the Director of Finance.
24. Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay a project inspection fee as determined by the Planning Board.
25. The developer shall record a new deed for each lot at the time of the recording of the subdivision.
26. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement', 'Deed Restrictions', and leases for the LMI units that will ensure that all state 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.
27. 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.
28. As part of the Final submittal, the applicant shall submit final legal documents in support of the development for review and approval by the Administrative Officer and the Town's Special Legal Counsel. The documents shall address the use, restrictions on use, ownership, maintenance and replacement of commonly owned infrastructure components including driveways, underground utilities, above ground utility structures and open space as well as the specific deed restriction language required as conditions of this approval.

Said motion, made by _____ and duly seconded by _____, passed/failed _____. (List vote by member)

This decision may be appealed according to § 45-53-4 and 45-53-5 of the Low and Moderate Income Housing Act.