



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT

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ATTACHMENT A

DRAFT Motion: "The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to the Matunuck Beach Road Condominium Project, a proposed twelve (12) unit residential condominium complex, submitted as a Comprehensive Permit, to contain six (6) duplex structures for a total of twelve (12) with three (3) units being deed-restricted low and moderate-income housing units, located on Matunuck Beach Road, Steve DeSimone, applicant, Eileen R. Biancuzzo, owner. This approval is based upon plan set entitled: "*Master Plan Submission, Matunuck Beach Road Condominiums, Matunuck Beach Road, South Kingstown, Rhode Island, Assessor's Plat 92-2 Lot 56, prepared by DiPrete Engineering (DP), Two Stafford Court, Cranston, RI 02920.*"

<u>Sheet</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision Date</u>
1 of 6	DP	March 27, 2020	February 8, 2021
2 of 6	DP	March 27, 2020	February 8, 2021
1 of 1	DP	October 23, 2019	
5 of 6	DP	March 27, 2020	February 8, 2021
6 of 6	DP	March 27, 2020	February 8, 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 three (3) low and moderate - income (LMI) housing units are: integrated throughout the development, compatible in scale and architectural style to the market rate units within the project and with all required Conditions of Approval, and will be built and occupied prior to, or simultaneous with, the construction and occupancy of market rate units;
4. The proposed land development project is 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 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. Based on the baseline technical analysis conducted at this Conceptual Master Plan stage of review, it appears there will be no significant negative environmental impacts from the proposed development as shown on the plans;
6. Based on the baseline technical analysis conducted at this Conceptual Master Plan stage of review, it appears there will be no significant negative impacts on the health and safety of

current or future residents of the community, or 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 property has adequate and permanent physical access to a public street, namely Matunuck Beach Road, assuming that the information associated with the application and representation made by their traffic consultant that they have proper sightline and stopping distances is actually contained within their property lines and/or that the land area necessary to accommodate the stated sightlines and safe stopping distances are controlled by the applicant ; and
8. The development project, 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 general assumption/conclusion that the development plan **will be revised by the applicant at the future Preliminary 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 LMI housing. In view of the state and local need for LMI housing the following waivers, variances and exceptions are hereby granted:
 - a. **Zoning Ordinance - Section 301 – Schedule of Use Regulations Table, Use Code 12.1 – Multi-Household Land Development Project.** A Multi-Household Land Development Project is not an allowed use within the R20 Zoning District. In addition, it should be noted that a single multi-family (3 or more units) structure is also not allowed within the R20 District.
 - b. **Zoning Ordinance - Section 401 – Schedule of Dimensional Regulations, Density.** The Yield Plan shows the maximum yield of the subject parcel under conventional zoning requirements is six (6) units; the applicant is proposing twelve (12) units.
 - c. **Subdivision & Land Development Regulations - Article IV, Section H(9), Multi Household Dwellings, Supplementary Standards.** Distances between structures is required to be 50’; the applicant is proposing a separation of 25’.
2. Because multi-family housing is not allowed in the R-20 district, there are no specific setbacks associated with this proposed use. However, yard setbacks for single-family housing in the R-20 District are as follows:

Front	35 ft.
Corner	25 ft.
Side	15 ft.
Rear	35 ft.
3. No other relief is granted and all local ordinances and regulations not specifically mentioned herein 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 South 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 outweigh the potential benefits of the affordable units that have been proposed and that said conditions are 'consistent with local needs' as follows:

- a. Said conditions are not designed or intended to exclude LMI 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 LMI 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 a maximum of twelve (12) total units, which could be reduced if the applicant fails to satisfy said conditions, and provided that the applicant:
- a. Modifies the site plan in a manner that allows the Town's fire-fighting apparatus to turn around within the site, as evidenced by the approval of the Chief of the Union Fire District.
 - b. Modifies the site plan to accommodate trash removal vehicles and clearly depicts where trash receptacles will be located on the property and how they will be properly screened from view by abutting properties.
 - c. Modifies the grading for proposed parking spaces so that the cross slopes do not exceed three (3) percent.
 - d. Submits a proposed site design with storm water calculations that clearly indicates that pre-and post-development drainage patterns remain the same or are reduced as it relates to peak flow and volume for up to a 100 year storm/rainfall event, except that storm water may be discharged to the east in a manner that adheres to Rhode Island Coastal Resource Management Council (CRMC) and/or RIDEM stormwater management requirements and is confirmed by the Town Engineer. Drainage patterns/sub-region(s) may not be diverted to another region within the site.
 - e. Modifies the proposed drainage infrastructure in a manner that utilizes a combination of infiltration under portions of the proposed common driveway and/or storm water tree pits/tree wells and/or hardened structures (i.e. Storm Tech Chamber Systems - ASTM standards) and designed to meet all the AASHTO requirements for live load and earth load design.
 - f. Designs all storm water systems in a manner to minimize mosquito breeding.
 - g. Modifies the proposed building footprints to reduce the overall width of the residential structures to allow increased setbacks between buildings and to accommodate the placement of structure/enclosures for storage and/or refuse containers. By reducing the width of the building footprints the applicant may move the proposed buildings no more than 4' to the north (reducing the proposed distance

between the front of the buildings and the road from 18' to 14').

- h. The applicant shall submit:
- Architectural renderings of the proposed duplex units that are generally consistent with Exhibit A and incorporate design features such as porches, columns and beams, trim and embellishments, varied wall and roof planes, eaves and rakes, and appropriately scaled repetitive elements (i.e., dormers) in order to break up the scale of the individual buildings and massing of the six buildings;
 - Floor plans for the duplex units. The LMI Housing Units shall be within 5% of the total square footage of the proposed market rate units;
 - Elevations showing building height are limited to two and ½ stories with pitched roof(s) - minimum roof pitch 6/12 – primary roof.
 - All architectural submissions shall be subject to professional peer review as it relates to the above items.
- i. Modifies the proposed parking layout/site plan to clearly articulate that the proposed additional guest parking (western portion of site) will utilize pervious pavements (i.e. Grass Pave 2 – Invisible Structures) and be limited to 18 spaces.
- j. Modifies the most northwesterly proposed 90 degree impervious parking spaces by eliminating four (4) spaces south of Lot 60/AP 92-2 and the 4 spaces south of Lot 61/AP 92-2 and creating four (4) parking spaces positioned between the eliminated spaces. The modification to this parking area will allow the applicant to construct up to a total of 36 spaces on impervious surfaces and eighteen (18) spaces on pervious spaces. This area shall be landscaped in a manner to visually screen parked cars from the two abutting northerly properties.
- k. The applicant shall modify the design of the site to incorporate features (i.e., fencing/grading/landscaping) that discourage cut-through pedestrian movements from Holden Road through the site. A plan depicting all fence types including materials and style shall be submitted by the applicant at the Preliminary Plan Phase. The final type (material and style) and location of all fences (solid types, maximum 6 ft. high) versus non-solid types - (e.g., split rail) shall be approved by the Board. All fencing shall be designed to not impede surface water drainage patterns. The plans shall provide a detail/cut sheet for proposed fencing types.
- l. With the preliminary plan application, submit a concise development phasing/sequencing plan, to include but not limited to: road construction, storm drainage installation, utility installation, erosion and sediment control, unit development, etc.
- m. Additional items TBD.
2. Approval is based upon the provision of 25% subsidized housing units available for LMI residents. The LMI 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 not less than thirty (30) years.
3. 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.

4. 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.

Said motion, made by xx and duly seconded by xx. XX voted in favor of motion, xx voted against the motion. Abstentions xx. Motion passed xx to xx or Motion failed xx to xx.

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

EXHIBIT A

