



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

DePaola

**Comprehensive Permit, Major Land Development
Pre-Application Concept Review**

April 27, 2021

Project Type:	Comprehensive Permit, Major Land Development		
Review Stage:	Pre-Application Concept Plan		
Address:	10 Oak Dell Street		
Plat:	48-3	Lot:	111
Parcel Size:	9,982 square feet	Zoning District:	R-10
Applicant:	Christopher R. DePaola & Lindsey E. Crowninshield 135 North Road Peace Dale, RI 02883	Owner:	Same

Property Characteristics

The subject property is a developed parcel approximately 9,982 square feet in size and supports an existing 2-family dwelling and a detached garage located on the rear portion of the parcel and located in an R-10 Zoning District. The parcel is located on the corner of High Street and Oak Dell Street and surrounding properties are predominantly comprised of residential dwellings.

Project Description

The applicant is proposing to demolish the existing 803 square foot garage and construct a 672 square foot 1-bedroom single-family dwelling with an 8' x 12' porch. The existing asphalt driveway will be expanded and supplemental landscaping in various locations on the eastern portion of the lot will be improved. The proposed dwelling will be deed restricted for deed restricted for low- to moderate-income occupants.

Access to both the existing and the proposed dwelling will continue to be from the rear of the property off Oak Dell Street. The new structure will be serviced by public water and sewer.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Project Review Memo

DePaola

April 27, 2021

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

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

Section 401 (Zoning – Dimensional Regulations)

As this project is not specifically allowed per the Zoning Ordinance, specific lot area/frontage and density requirements are not specifically outlined in the regulations. For the purposes of this Comprehensive Permit application, the logical approach to the lot area/frontage and density requirements would be to consider the standards for both single-family and two-household detached structures collectively.

	Lot Area (square feet)	Frontage (feet)
Single Family	10,000	80
Two-Household Detached	15,000	80
Total Required	25,000	80
Existing/Proposed	9,981.9	167.57
Waivers Required	15,018.1	--

In regard to setbacks, both single-family and two-household detached structures share the same setback requirements, however the only requirements associated with this proposal would be those related to the new single-family structure as outlined below:

Single Family		Front-yard (feet)	Corner Side (feet)	Side (feet)	Rear (feet)
Required		25	20	10	30
Proposed		107	27	22.3	6
Waivers Required		--	--	--	24

Section 501 (Zoning – Supplementary Use Regulations)

Section 501 (Supplementary use regulations) prohibits *no more than one (1) principal residential structure on a lot except for land development projects, bed and breakfasts, hotels, and motels, as further provided* in the zoning ordinance.

The applicant is proposing two (2) principal residential structures on one lot for which a waiver request is being requested with this Comprehensive Permit application.

Required Findings

In approving a Comprehensive Permit application, the Board must make the following 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”:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (5) 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;
- (6) 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
- (7) 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.

Reasons for Denial

- (1) 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;
- (2) 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;
- (3) The proposal is not in conformance with the comprehensive plan;
- (4) 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
- (5) Concerns for the environment and the health and safety of current residents have not been adequately addressed.