



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO  
Matunuck Beach Road Condominiums  
Major Land Development/Comprehensive Permit  
Preliminary Plan Review**

March 24, 2022

Project Type:	<b>Major Land Development - Comprehensive Permit</b>		
Review Stage:	<b>Preliminary Plan</b>		
Address:	<b>Matunuck Beach Road</b>		
Plat:	<b>92-2</b>	Lot:	<b>56</b>
Parcel Size:	<b>4.77 acres</b>	Zoning District:	<b>CN &amp; R20</b>
Applicant:	Matunuck Beach Road Partners, LLC c/o Stephen DeSimone PO Box 385 Wakefield, RI 02880	Owner:	Same

**Property Characteristics**

The subject property is an undeveloped parcel approximately 4.77 acres in size and is split-zoned with the western-most portion of the site located in the Commercial Neighborhood (CN) Zoning District and the remainder located in the Medium High Density Residential District (R20). The area surrounding the Site is comprised of developed residential lots with other vacant and open space parcels scattered within the R200, R20, CN and OS Zoning Districts.

Topography of this vacant Site gently slopes up towards the middle of the property from both the east and west with slopes ranging from 1% to 20%. A salt marsh encumbers the eastern portion of the site and the wetland edge, located due south of the terminus of Holden Road to the north, has been flagged and delineated on the Site Plan. Wetland area located on this property has been approximated on the Site Plan totaling ~1.87 acres in size. FEMA Special Flood Hazard Areas (flood zones, specifically AE zones) are also located on the eastern and western portions of the property, however the central portion of the property is not located within a Flood Zone (Zone X).

<b>Parcel Area and Land Suitable For Development</b>	
Total Parcel Area	~207,780 sq. ft. (~4.77 acres)
Total Wetland Area	~81,460 sq. ft. (~1.87 acres)
Total Land Suitable for Development	~126,320 sq. ft. (~2.9 acres)

The subject property is located within the RI Coastal Resources Management Council (CRMC) Salt Pond Region Special Area Management Plan (SAMP), as well as the National Register's Potter Pond Archeological District and CRMC Salt Pond Region Special Area Management Plan (SAMP). The subject property is also located within the Town of South Kingstown's Carrying Capacity Overlay District, and portions of the lot are located in the Special Flood Hazard Area Overlay District and Coastal Resiliency Overlay District.

### **Project Description**

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The applicant is proposing to construct a twelve (12) unit residential condominium complex in the form of six (6) duplex structures as depicted on their site plan. Access is proposed to be provided via a private driveway extending from the parcel's lot frontage located on Matunuck Beach Road. The applicant has proposed to manage stormwater through the installation of several features located on the eastern and western portions of the site. The development is proposed to be serviced by public water and Onsite Wastewater Treatment Systems (OWTS) proposed to service each individual duplex structure. As a Comprehensive Permit application, 25% (3 units – Unit 1, Unit 5, and Unit 9) will be deed restricted as low-to-moderate-income housing.

### **Decision Deadline**

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This application was Certified Complete on October 9, 2020. The Planning Board had until **February 6, 2021** (120 days from date this application was certified as complete) to render a decision. In an email to Planning Staff on January 31, 2022 the applicant agreed to an extension of this deadline to **March 31, 2022**.

### **Regulatory Considerations**

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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 Preliminary 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**

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The applicant has requested waivers from the following requirements:

#### **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.

**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.

#### **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'.

### **Review to Date**

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#### *Pre-Application Concept Review*

#### May 30, 2019 - Planning Board Review of Pre-Application Concept Plan

*The application reviewed at the Pre-Application stage of review consisted of a twenty (20) unit condominium complex consisting of five (5) structure to contain four (4) units each, as well as site improvements and associated waivers.*

August 27, 2019 - Planning Board Review of Pre-Application Concept Plan

*The initial application was modified and reduced into a twelve (12) unit condominium complex consisting of six (6) structures containing two (2) units each with site improvements and associated waivers.*

*Conceptual Master Plan Review*

July 8, 2020 - TRC Review of the Conceptual Master Plan

*The project was reviewed by the Technical Review Committee.*

March 11, 2021 – Planning Board Review of the Conceptual Master Plan

*The project was reviewed and conditionally approved by the Planning Board.*

***Preliminary Plan Review***

October 13, 2021; November 10, 2021; December 8, 2021; January 12, 2022; February 9, 2022; and March 9, 2022 - TRC Review of the Conceptual Master Plan

*The project was reviewed by the Technical Review Committee.*

**Required Findings for Approval/Denial**

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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**

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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 directive is received from the Planning Board to do so. 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.