



Town of South Kingstown, Rhode Island

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05-15-2009 @ 02:44

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Witness: South Kingstown Town Clerk
[Signature]

N O T
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Grossi Estates, LLC
16 Janet Drive
Cranston, Rhode Island 02921

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May 13, 2009

Re: Request to Amend the Conceptual Master Plan and Preliminary Plan Approvals, Heritage Estates, AP 13-1, Lot 36, Located off Sand Turn Road, Grossi Estates, LLC, Owner/Applicant

Dear Mr. Grossi:

At the meeting of the South Kingstown Planning Board held on Tuesday, May 12, 2009, the Board voted as follows:

MOTION I: "The South Kingstown Planning Board hereby closes the Public Hearing on the request to amend the Conceptual Master Plan and Preliminary Plan Approvals for the Heritage Estates Major Land Development Project."

MOTION II: "The South Kingstown Planning Board hereby amends the Preliminary Plan Approval originally granted on January 27, 2009 to Grossi Estates, LLC to construct a ten-lot Flexible Design Residential Project as depicted on plans entitled: 'Heritage Estates, A Major Subdivision, Map 13-1, Lot 36 on Sand Turn Road in South Kingstown, RI for Preliminary Plan, Zone R-80. Plans by Environmental Planning & Surveying, Inc., Sheets 1 through 11 dated March 2008 with revisions through 12/08, scales as noted.' This amended approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the requirements of the Comprehensive Plan.
2. The subdivision conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
3. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required Conditions of Approval.
5. The subdivision, as proposed, will not result in the creation of building sites with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. The subdivision has adequate and permanent physical access to a public street, namely Sand Turn Road.

7. With the required Conditions of Approval the subdivision will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
8. The design and location of building sites, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion.
9. The Flexible Design Plan presented for consideration better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and Design Manual than would a conventional development after considering all of the criteria set forth in Article III, Section A of the Regulations. **C O P Y**
10. The proposed subdivision shall be recorded and developed in two (2) separate phases. Phase I shall include Lots 6, 7, 8, 9 and 10 as shown on Sheet 9 of the approved plans. Phase II shall include Lots 1, 2, 4 and 5 as shown on Sheet 10 of the approved plans. **C O P Y**
11. The Planning Board is not requiring a minimum period of elapsed time between the recordings of the two separate phases. **A N N O U N C E M E N T**
12. The Planning Board finds that the unique family-centered nature of the proposed development sets it apart from typical subdivisions and because of this unique characteristic allows the Administrative Officer to grant Final Approval prior to the submittal of a signed Monitoring Agreement governing the sale and transfer of the two affordable lots. **C O P Y**

Findings of Fact, Inclusionary Zoning Incentive

1. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the yield plan presented by the applicant which demonstrates the ability of the development parcel to support a basic maximum number of eight (8) lots. Pursuant to Section 502.6.E. and F. of the Zoning Ordinance, a zoning incentive increasing the basic maximum number of lots by a factor of 1.2 is required. Incentive lots must be affordable to low and/or moderate income households as defined under Rhode Island General Laws §45-53, the Rhode Island Low and Moderate Income Housing Act.
2. Based on the applicant's yield plan of eight (8) lots, a zoning incentive of two (2) lots, increasing the basic maximum number of lots to ten (10), is required (i.e. 8 x 1.2 = 9.6 lots, rounded up to 10 lots). Required incentive lots must be affordable to 'low and/or moderate income households' and shall constitute a 'municipal government subsidy' as both terms are defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
3. The incentive lots are identified as Lot 7 and Lot 10 on the approved plans. The Planning Board finds that the proposed incentive lots are integrated within the development and that the design of the units will be consistent with the design of the market rate units within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I. of the Town's Subdivision and Land Development Regulations.
4. The incentive lots (Lot 7 and Lot 10) shall be recorded and developed as part of Phase I of the development and shall be built and available for occupancy simultaneously with the construction and occupancy of the market rate units in Phase I.
5. Consistent with Section 502.6.J. of the Zoning Ordinance, the incentive lots (Lot 7 and Lot 10) shall be exempt from the Town's Pacing and Phasing requirements.
6. The incentive lots (Lot 7 and Lot 10) shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1. of the Zoning Ordinance and Section II, Element 5, III. of the Town's Capital Improvement Program. **Such exemptions shall be granted only to persons or households that earn no more than eighty percent (80%) of the area median income.**

Conditions of Approval

1. Approval is limited to ten (10) lots in total.
2. The use of the property shall be strictly limited to Use Code 10, Single Household Detached Structure residential development.
3. The proposed subdivision shall be recorded in two (2) phases. Phase I shall consist of Lots 3, 6, 7, 8, 9 and 10. Phase II shall consist of Lots 1, 2, 4 and 5.
4. Final Plans for Phase I of the development shall provide revised limits of disturbance (LOD's) that will restrict the LOD's to only those areas necessary for the development/support of the Phase I lots.
5. The subdivision shall satisfy its affordable housing component requirement with the dedication of Lot 7 and Lot 10 as units available for ownership/occupancy by low/moderate-income individuals/households as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
6. The lease, sale or transfer of Lot 7 and/or Lot 10 shall remain affordable to low or moderate income individuals/households for a period of ninety-nine (99) years.
7. The affordable units must meet the criteria for subsidy and deed restrictions such that the units count toward the low and moderate income housing stock within the Town.
8. Fair Share Development Fees for both school facilities and open space and recreational purposes, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program, shall be required for each of the ten new lots except as provided under Section 1101.D.1. of the Zoning Ordinance and Section II, Element 5, III of the Town's Capital Improvement Program.
9. A 20,000 gallon underground fire suppression tank shall be installed as required by the Union Fire District.
10. The rain garden and the underground fire suppression structure located outside the limits of the right-of-way of the proposed public street shall be privately owned and maintained.
11. Final design of the cul-de-sac shall be subject to the review and approval of the Department of Public Services.
12. In lieu of street tree plantings, the applicant shall dedicate a ten (10) foot strip along the side lot lines of each lot as a no-cut buffer. Said dedication/restriction shall be memorialized in the deeds of each of the ten lots. This restrictive covenant shall be repeated in all future deeds.
13. The applicant shall install permanent markers to clearly establish the limits of the no-cut buffers on each lot. The design, number and location of such markers shall be shown on the Final Plan and shall be subject to the approval of the Administrative Officer.
14. In lieu of street tree plantings, the applicant shall also retain existing trees within the front yards of each lot at least equal to the size and number of trees that would otherwise be required as street tree plantings.
15. The applicant shall retain the services of a Registered Landscape Architect to assist in the selection of the trees to be retained along the lot frontages and to provide guidance regarding tree protection during construction.
16. At a minimum, trees to be retained within the project limits-of-disturbance shall be protected according to the International Society of Arboriculture standards including the erection of snow fencing around the perimeter of a tree's drip-line or the placement of a ten-inch (10") layer of wood chips extending beyond the drip-line. The selected method shall be detailed in the Final Plan set.
17. 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, underground utilities, above ground utility structures and open space as well as the specific deed restriction language required as Conditions of this Approval.

18. As part of the Final submittal, the applicant shall provide final Deed Restriction documents that will insure that affordability guidelines as outlined in these Conditions of Approval will be met with respect to the sale or transfer of Lot 7 and Lot 10. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Administrative Officer. The deed restrictions shall be recorded contemporaneously with the Record Plans in the Town's Land Evidence Records.
19. The monitoring Agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation. L O F F I C I A L
20. 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 affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.
21. The Open Space Easement shall name the Town of South Kingstown as a grantee for the purposes of enforcing the covenants of the easement. O F F I C I A L
22. The applicant shall secure a Physical Alteration Permit and if necessary, a tree permit, from the Department of Public Services to establish the new road cut on Sand Turn Road.
23. The applicant, its engineer and its site contractor shall participate in a Pre-Construction meeting with the Department of Public Services prior to the commencement of any construction activities.
24. Final Plans shall incorporate storm water infiltration measures on individual lots.
25. Landscape materials shall be warranted for a minimum period of two years.
26. 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.
27. Prior to land clearing activities on the proposed lots, the applicant shall direct the project surveyor to lay out the right-of-way of the proposed road and to stake the corners of all ten proposed lots. If in the opinion of the Administrative Officer, the number and size of existing trees located within ten (10) feet of the right-of-way and falling within the no-cut buffers separating the proposed lots, meet the spirit and intent of the Town's Subdivision Regulations pertaining to street trees, then the Administrative Officer may deem that the requirements set forth in the above Conditions of Approval #'s 14, 15 and 16 have been met."

Respectfully,



Maria H. Mack, Chair
Planning Board

MHM: mft

- cc: Margaret Laurence, Esquire
Director of Public Services
Building Official
Director of Finance
Town Clerk