



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

OWL ACRE SUBDIVISION

Major Subdivision – Combined Conceptual Master & Preliminary Plan
September 28, 2021

Project Type:	Major Subdivision (Minor Subdivision with Flexible Frontage)		
Review Stage:	Combined Conceptual Master & Preliminary Plan		
Address:	1243 Saugatucket Road		
Plat:	40-2	Lot:	19
Parcel Size:	~ 1.86 acres (80,946 sf)	Zoning District:	R30
Applicant:	Bowse Builders, LLC c/o Charles Bowse 130 Kersey Road Wakefield, RI 02879	Owner:	Same
Current Plan Set:	<i>Schematic Layout Showing a Flexible Design Layout for a (2) Lot Major Subdivision, of Land Belonging to Charles Bowse, Land Known as Assessor's Plat 40-2, Lot 19, situated in the Town of South Kingstown, Rhode Island, dated May 28, 2021, prepared by Easterbrooks & Associates, LLC</i>		

Property Characteristics

The property is approximately 1.86 acres in total area and is currently vacant and wooded with an existing driveway bisecting the parcel. This property has frontage on Saugatucket Road (135') and Kingstown Road (20.05') and is located within the Kingstown Road Special Management District. This parcel was created via Minor Subdivision (*Hyland Minor Subdivision*) which received Planning Board approval in November 1993. As conditioned in said approval, a land dedication in the form of a *20' natural buffer strip* was conveyed to the Town of South Kingstown and formalized in a recorded *Open Space Covenant* when the Final Plan was recorded on November 24, 1993.

Project Description

The applicant is proposing to utilize the flexible frontage provision of the Zoning Ordinance (Sec. 502.2 - *Lot frontage and width, flexible provisions*) to create a 2-lot subdivision being named Owl Acre. The applicant has provided a conceptual *Yield Plan* depicting a 2-lot conventional subdivision with the construction of a private roadway which confirms the ability of the parcel to utilize the flexible frontage provision. As a 2-lot residential subdivision, this project would generally be considered a Minor Subdivision, however, waivers are required when proposing to utilize the flexible frontage provision of the Zoning Ordinance and is thereby considered a Major Subdivision.

The total area and frontage of the proposed lots to be created are as follows:

	Area (square feet)	Frontage (feet)
Parcel A	30,375	110.6'

Parcel B	33,750	25' (Saugatucket Road) 20.05' (Kingstown Road)
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Parcels A and B will be accessed via an existing shared common driveway from Saugatucket Road on the southern portion of the Site. The parcels are proposed to be serviced by public water and sewer.

Waivers Required

The applicant proposes to utilize the flexible frontage provision of the Zoning Ordinance to provide less than the required lot frontage in the R-30 zoning district. Section 401 (Dimensional Regulations – Schedule of dimensional regulations) of the Zoning Ordinance requires parcels to contain 125' of frontage. As proposed, Parcel A will contain 110.60' of frontage and Parcel B will contain 25'.

Decision Deadline

This application was Certified Complete on September 3, 2021. The Planning Board has until **December 2, 2021** (90 days from date of completion) to render a decision. **There are two (2) additional regular meetings of the Planning Board currently scheduled between now and the deadline.**

Regulatory Considerations

Zoning Ordinance – Article 5, Sec. 502.2: Supplemental dimensional regulations.

Section 502.2 of the Zoning Ordinance outlines the flexible frontage provision in creating lots with less than the frontage required per the Dimensional Regulations.

502.2 Lot frontage and width, flexible provisions. Upon approval by the Planning Board, through a request for waiver pursuant to the Town's Subdivision and Land Development Regulations, the following lot frontage and lot width variations may be permitted:

- A. In residential zones R-10 to R-200, the Planning Board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision on any public or approved private street to a minimum of 20 feet.
- B. The Planning Board must, before approving such flexible lot frontage and lot width, make findings of fact that:**
 - (1) Using flexible zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,**
 - (2) Would result in a better use of the land than permitted under conventional zoning.**
- C. Open space lots, within an approved cluster subdivision, may have zero frontage on a street, as long as the Planning Board approves private access to the open space by easement.
- D. As part of the application to the Planning Board for flexible lot frontage and width, a "yield plan", as defined in Article 12 shall be required. No more buildable lots shall be allowed using flexible frontage and width provisions than are allowed by using the conventional frontage and width provisions.

Zoning Ordinance – Article 6, Sec. 604: Kingstown Road Special Management District

Section 604 of the Zoning Ordinance outlines the subdivision and development of parcels located within the Kingstown Road Special Management District.

Construction of any new use, or significant expansion of any existing use having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special

Management District shall be subject to development plan review, and shall also conform to the following standards:

- A. *Frontage lots.* Creation of new lots having frontage and vehicular access on Kingstown Road, Saugatucket Road or Curtis Corner Road shall be avoided. If possible, new lots shall front on internal streets. The use of common or shared driveways among adjacent lots or access through parcels abutting the frontage lot to the side or rear, and/or construction of private or public access roads shall be employed.
- B. *No-access easement.* Where permanent vehicular access to the lot is provided from an internal circulation road, through adjacent land, or from any point other than from the roads listed above, the lot shall be restricted by means of an easement granted to the town prohibiting any future driveway or other vehicular access from the roads listed above.
- C. *Common driveways.* Where alternative access as provided in subsection A., above, is not possible, adjacent lots of record in the same ownership shall be required to share a common driveway so as to limit the total number of driveways with direct access to the roads listed above to the smallest possible number. Standards for common driveways shall be as provided in the subdivision and land development regulations of the Town of South Kingstown.
- D. *Parking.* Parking lots shall be located to the side or rear of the building away from major streets whenever possible. The area between the building and the street shall be devoted to a landscaped street yard.
- E. *Landscaped street yards.* Within any zoning district within the Kingstown Road Special Management District any lot having direct frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road shall provide landscaping within the area between the street right-of-way line and the principal building. Landscaped street yards may contain only the following features:
 1. Landscaping, as provided in the subdivision and land development regulations;
 2. Driveways, not to exceed twenty (20) feet in width for single-household and two-household residential uses, or thirty-five (35) feet in width for any other uses, with no parking permitted;
 3. Pedestrian walkways or bicycle paths;
 4. Permitted freestanding signs;
 5. Mailboxes customarily accessory to residential uses;
 6. Street signs or traffic control signs;
 7. Underground utilities.

The delineation of the landscaped street yard is illustrated by the landscape diagrams in the subdivision and land development regulations. This requirement shall not apply to use code 45, Automotive or Gasoline Service Stations.

- F. *Location of buildings.* In order to allow parking in the rear of the building in the Kingstown Road Special Management District, the front yard and corner side yard setbacks may be reduced to zero (0) by the planning board as a condition of approval of development plan review.
- G. *Residential uses.* Single-household and two-household detached structures having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special Management District shall be subject to development plan review, and shall also conform to the following standards:
 1. Common driveways shall be employed for adjacent lots wherever possible;
 2. A landscaped street yard shall be required;
 3. Any garages shall have doors facing to the side or rear of the house and away from the roads listed above;

4. Any off-street parking facility located on the side of the house or in any side yard shall be screened from the roads listed above.
- H. *Drive-through-windows.* Notwithstanding the provisions of section 220, no drive-through window service of any kind accessed by motor vehicles for any use shall be permitted within the Kingstown Road Special Management District.
- I. *Maximum building size.* Within the Kingstown Road Special Management District, no structure containing any use shall exceed seven thousand five hundred (7,500) square feet of gross leasable floor area (GLFA). The GLFA of a shopping center shall not exceed ten thousand (10,000) square feet. No single use within a shopping center, however, shall exceed seven thousand five hundred (7,500) square feet GLFA.
- J. *Driveway openings.* The width of driveway openings (curb cuts) on Kingstown Road shall be no more than twenty-four (24) feet for any use, other than Automotive or Gasoline Service Stations (use code 45) and Public Safety Facilities (use code 25.2).
- K. *Prohibited uses.* Any use in Use Code Category 10 - Marijuana-Related Uses shall be prohibited within the Kingstown Road Special Management District.

Review to Date

This application was reviewed with the applicant at the Technical Review Committee meeting on September 8, 2021. Upon review and discussion with the applicant's project team the TRC granted **conditional approval** of the application with the following conditions subject to confirmation by the Planning Board:

1. The repair of the wall is to match pre-construction conditions with regard to the opening;
The applicant has added a notation on the Plan to reflect this requirement.
2. The driveway would be modified in consultation with the UFD with 16' minimum width and 2' load bearing shoulders each side for a minimum total travel-way width of 20';
The applicant has revised the Plan to provide this modification and has added a note on the Plan reflecting the same.
3. The orientation of the garage on Lot B would need to be modified or a variance from the Zoning Board of Review would be required based on current configuration;
The applicant has modified the Plan and reoriented the garage locations to comply with Section 604 of the Zoning Ordinance.
4. The separation of underground utilities (sewer & water) will need to be increased to the satisfaction of the Department of Development Services and will most likely require the curb-to-curb replacement of the Saugatucket Road surface.
The applicant has added a notation on the Plan to reflect this requirement.

Required Findings

As a reminder, State law requires **for all administrative, minor, and major subdivision and land development applications**, approving authorities must make positive findings on the following standard provisions:

- (1) The proposed development is consistent with the comprehensive community 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;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

- (4) 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. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

The approving authority must also address each of the following general purposes of zoning:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waiver or modification is reasonable and within the general purposes and intents of the Regulations; and,
- b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Additionally, with regard to the flexible frontage provision of the Zoning Ordinance (Article 5, Sec. 502.2), the Planning Board must make positive findings that:

- (1) Using *flexible* zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,
- (2) Would result in a better use of the land than permitted under conventional zoning.

Draft Motions for Consideration

Closure of Public Hearing

“The South Kingstown Planning Board hereby closes the public hearing on the combined Conceptual Master and Preliminary Plan application of the Owl Acres Major Subdivision.”

Decision

“The South Kingstown Planning Board hereby grants Combined Conceptual Master and Preliminary Plan approval to the Owl Acres Subdivision, a two (2) lot major subdivision for single-family development located at the intersection of Kingstown and Saugatucket Roads, Chuck Bowse of Bowse Builders, *applicant/owner*. This approval is based upon plan entitled *Combined Master & Preliminary Plan for Owl Acre, a (2) Lot Major Subdivision of land belonging to Charles Bowse, A.P. 40-2 Lot 19*, situated in the Town of South Kingstown, Rhode Island, dated July 30, 2021 with revisions through September 8, 2021, completed by Easterbrooks & Associates, LLC, 2497 Boston Neck Road, Saunderstown, RI 02874. This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. The subdivision is consistent with the requirements of the South Kingstown Comprehensive Community Plan.
- B. The subdivision conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. 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.
- D. There will be no significant negative environmental impacts from the subdivision as depicted on the above referenced plans, with the required Conditions of Approval.
- E. The subdivision, as proposed will not result in the creation of building sites with such physical constraints to development that building on the lots according to pertinent regulations and building standards would be impracticable.
- F. The subdivision has adequate and permanent physical access to a public street, namely, Saugatucket Road.
- G. With the required Conditions of Approval, the subdivision promotes high quality and appropriate design and construction.
- H. With the required Conditions of Approval, the supports the protection of the existing natural and built environment, and the mitigation of all significant negative impacts on the existing environment.
- I. The subdivision is well-integrated with the surrounding neighborhood with regard to natural and built features, and concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- J. Thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

Findings of Fact - Flexible Frontage Waiver Requested

- K. The subdivision, with waivers to reduce the lot frontage, is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.
- L. The subdivision will result in a better use of the land than permitted under conventional zoning by reducing the volume of impervious surface on the subdivision site by avoiding construction of individual driveways and utilizing an existing curb cut on Saugatucket Road.

Conditions of Approval

1. This approval is limited to two (2) lots in total.
2. All lots shall be serviced by public water and shall be connected to the Town sanitary sewer system.
3. Access to Parcel A and Parcel B, as depicted on the plan, shall be serviced by a shared access.
4. The repair of the stone wall along Saugatucket Road shall match pre-construction conditions with regard to the opening as it relates to material, style and height;
5. The shared portion of the driveway shall be modified in consultation with the UFD with 16' minimum width and 2' load bearing shoulders each side for a minimum total travel-way width of 20';
6. The orientation of the garages on both parcels shall be modified to comply with Section 604 of the Zoning Ordinance or a variance from the Zoning Board of Review would be required;
7. The separation of underground utilities (sewer & water) shall be increased to the satisfaction of the Department of Development Services which will most likely require the curb-to-curb replacement of the Saugatucket Road surface.
8. The applicant shall submit a Final Plan that meets the requirements of the 'Final Plan Checklist, Major Subdivision,' as found in the Regulations. The Final Plan shall contain a draft Record Plan as required by the Checklist. The draft Record Plan shall include notation of Conditions of Approval numbered one (#1) through seven (#7) above. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of any applicable Conditions contained within the Final Plan approval, the applicant shall submit the Record Plan on polyester film to the Administrative Officer for endorsement by the Planning Board Chair, and shall record the same in the Town of South Kingstown Land Evidence Records.
9. Survey monumentation shall be installed for each new parcel boundary at any intersection or directional change. Said monumentation shall be shown on the draft Record Plan and installed in the field prior to recording. The type, number and location of the monuments shall be subject to the approval of the Administrative Officer as part of the Final Plan approval.
10. Physical Alteration Permits from the Town of South Kingstown must be received for any modified curb cuts prior to installation.
11. Soil Erosion, Run Off and Sedimentation Control (SERSC) Permit's must be issued from the Town's Department of Public Services prior to applying for any building permits on the lots.
12. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**