



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

123 Main Properties

**Major Multi-Household Land Development – Comprehensive Permit
Pre-Application Concept Review**

July 27, 2021

Project Type:	Major Land Development - Comprehensive Permit		
Review Stage:	Pre-Application Concept Plan		
Address:	123 & 127 Main Street		
Plat:	57-1	Lots:	132, 140 & 228
Parcel Size:	~39,203 (0.9 acres)	Zoning District:	CD & R10
Applicant:	Jane LeBlanc 113 Rocky Brook Way Wakefield, RI 02879	Owner:	Caleb Manchester Scot Hallberg Kenneth Munroe

Property Characteristics

The subject properties include Lot 132 (127 Main Street) which is currently vacant lot and has frontage on the northern side of Main Street, as well as Lot 140 (123 Main Street) which contains a 3-bedroom single family dwelling. A third parcel (Lot 228 – 119 Main Street) is secondarily involved in this application as the applicant proposes to utilize a portion of this parcel for access to the proposed development. These parcels are split zoned in the CD (Commercial Downtown) and R10 (Residential) Zoning Districts, however the proposed development appears to be located entirely within the CD Zoning District. Surrounding properties consist of a mix of residential and commercial uses. A wetland area is located on the northern portion (rear) of Lot 140 and there appears to be existing encroachment into the requisite RIDEM wetland buffer.

Project Description

The applicant is proposing to demolish the existing single-family residence on Lot 140 (123 Main Street) and construct a 12-unit multi-household detached structure (two [2] bedrooms each unit) with parking and common areas. Public sewer and water is proposed to service the development and access is proposed off Main Street along the eastern portion of the property via a driveway that extends partially onto the neighboring lot (Lot 228 – 119 Main Street). All twelve (12) units within this development are proposed to be deed restricted for low- to moderate-income occupants.

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.

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

At this time the applicant has not identified or requested any waivers as part of their submission. Without more detailed plans Staff cannot confirm the exact waivers requested, however, based on the information provided this project may need to seek relief from the following:

Zoning Ordinance

- Section 402 – Notes to Schedule of Dimensional Regulations for ***No dwelling units shall be allowed on the first floor.***

Subdivision & Land Development Regulations

- Article IV, Section H – Multi-Household Dwellings:
 - Item 6 - Required screening along property boundaries and off-street parking areas.
 - Item 7 - Required 100' Front Yard Setback along public street.
 - Item 9 – Supplementary Standards
 - Screening of rubbish disposal
 - 10% dedicated open space

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.