



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
Saugatucket Acres
Major Subdivision, Flexible Frontage
June 11, 2024

Project Type:	Major Subdivision, Flexible Frontage		
Review Stage:	Conceptual Master Plan		
Address:	176 Saugatucket Road		
Plat:	42	Lot:	9
Parcel Size:	9.44 acres	Zoning District:	R40
Applicant:	Anna Szeto 90 Madison Street, Suite 610 Worcester, MA 01608	Owner:	Same

Property Characteristics

The subject site currently has a residential use (single family residential structure and outbuildings) and is located at 176 Saugatucket Road, accessed from the east via Tower Hill Road and from the west via Broad Rock Road. The Indian Run Brook crosses the southeast corner of the site. The Indian Run Brook is located in the river protection Region 2 and has a 150' buffer zone.

Project Description

The applicant is proposing raze (demo) the existing 1,962 square foot residential building and to subdivide the parcel using the Flexible Frontage regulation to create a total of five (5) residential lots with associated utilities and stormwater drainage systems. See Sheet 4 for the required Yield plan and Sheet 5 for the proposed Flexible Frontage Plan.

Waivers Required

The applicant is requesting the following waivers:

- A. A waiver of the Subdivision Regulations, Article 5 – Supplementary Regulations – Section 502 Supplementary dimensional regulations – 2 Lot Frontage and Width, Flexible Provisions is being requested. 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 twenty (20) feet. The project is located in zone R-40 with a minimum frontage and lot width of 150'. Due to site constraints (existing wetlands on site), three out of the five proposed lots would require a reduction of frontage to 30', with another requiring under 150' feet.
- B. A waiver of the Conceptual Master Plan Checklist Major Subdivision – (G) Supporting Materials – 2 Narrative report or written statement including a general viewshed analysis, showing the location and extent of significant views both from and within the proposed development parcel, as well as anticipated views into the property from adjacent public or private streets and properties. The project is still in conceptual design, and a waiver is requested to provide the general viewshed analysis during a future phase of the project.

Review to Date

The Pre-Application Concept Plan was reviewed by the Planning Board on February 7, 2024.

The Conceptual Master Plan was reviewed by the Technical Review Committee (TRC) on April 10, 2024 where the TRC granted conditional approval of the application with the following conditions, provided the conditions are addressed and the application is determined complete before scheduling with the Planning Board:

1. That the applicant shall complete a Fire hydrant/flow analysis.
2. That the applicant shall clearly show how Fire apparatus will access the site.
3. That the applicant will evaluate effect of seasonal high ground water on any proposed storm water improvements.
4. Development plans need to include any road infrastructure phasing including underground utilities.
5. That all proposed grading necessary to fully develop the site is clearly shown on development plans.

Decision Deadline

The Conceptual Master Plan application was certified complete by the Administrative Officer on April 25, 2024. The Planning board has ninety (90) days from the date of the Certification of Completeness to render a decision, such deadline is Wednesday, July 24, 2024.

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.

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:

- A. The proposed development is consistent with the comprehensive community 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;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. 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
- E. 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:

- i. The waiver or modification is reasonable and within the general purposes and intents of the Regulations; and,
- ii. 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:

- iii. 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,
- iv. Would result in a better use of the land than permitted under conventional zoning.

Draft Motion for Consideration

“The South Kingstown Planning Board hereby grants Conceptual Master Plan approval to Saugatucket Acres, a five (5) lot major flexible frontage subdivision for single-family development located at 176 Saugatucket Road, Anna Szeto, *applicant*, Joseph Charpentier, *owner*. This approval is based on the plan titled “*Flexible Frontage Plan, Saugatucket Acres, Assessor’s Plat 42 Lot 9, South Kingstown, Rhode Island, Sheet 6 of 6, with revisions through March 28, 2024, prepared by DiPrete Engineering, Inc., Two Stafford Court, Cranston, RI 02920.*”

This approval is also 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. There will be no significant negative environmental impacts from the subdivision as depicted on the above referenced plans, with the required Conditions of Approval.
- D. 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.
- E. The subdivision has adequate and permanent physical access to a public street, namely, Saugatucket Road.
- F. A thorough technical review of the subdivision has been conducted by the South Kingstown Technical Review Committee.

Findings of Fact in regard to Waivers

- G. The use of flexible frontage in the context of this application is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,
- H. The use of flexible frontage in the context of this application results in a better use of the land than currently permitted under conventional zoning regulations.

Conditions of Approval

- 1. This approval is limited to five (5) lots in total.
- 2. All lots shall be serviced by public water and onsite wastewater treatment systems (OWTS).
- 3. Access to the five (5) lots, as depicted on the plan, shall be provided by a shared access driveway utilizing the existing driveway and curb cut on Saugatucket Road. No other curb cuts shall be permitted. In support of this condition the applicant shall record a restrictive easement prohibiting additional driveway cuts on lots 1 and 5. The easement language shall be reviewed and approved by the AO in consultation with legal counsel. Any required access

easement areas, along with associated draft easement language, shall be delineated on the plans and included with the future Preliminary Plan application submission.

4. All conditions and recommendations made by the TRC shall be incorporated in the plans and information to be submitted with the future Preliminary Plan application submission. The applicant shall be allowed to provide a fire apparatus turnaround area within lots 2, 3, and 4 utilizing loadbearing structure such as Grasspave II.
5. Survey monumentation shall be shown on the Site Plan for each parcel intersection along the street and at any intersection or directional change of parcel boundaries to the satisfaction of the Administrative Officer. Said monumentation shall be (1) shown on the Plan to be submitted with the Preliminary Plan application, and (2) shall be installed in the field and identified on the Plan to be submitted with the Final Plan application. The type, number and location of monumentation shall be subject to the approval of the Administrative Officer as part of the Preliminary Plan approval.