



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
Cummiskey Minor Subdivision
Minor Subdivision / Unified Development Review
Pre-Application Concept Review
 June 25, 2024

Project Type:	Minor Subdivision with UDR		
Review Stage:	Pre-Application Concept Plan		
Address:	248 Succotash Road		
Plat:	81-2	Lot:	11
Parcel Size:	1.63 acres / 71,002 sq. ft.	Zoning District:	R40
Applicant:	Charles & Charlotte Cummiskey 248 Succotash Rd. South Kingstown, RI 02879	Owner:	Same

Property Characteristics

The subject site is an irregularly shaped lot located on the east side of Succotash Road at the corner of Silva Street in East Matunuck. The existing lot has 172 feet of frontage on Succotash Road and 640 feet of frontage on Silva Street. The property is improved with an existing, 1,568 sq. ft., 3-bedroom, ranch-style home located near the intersection of Succotash Road and Silva Street. The remainder of the lot extending back along Silva Street is undeveloped. The property is served by public water and an on-site wastewater disposal system (OWTS).

Project Description

The applicant seeks to subdivide the existing parcel into 2 lots, leaving the existing home on one lot on Succotash Road and creating a new lot fronting solely on Silva Street.

Because of the size of the existing parcel, any attempt at subdivision will necessarily result in the creation of at least one lot that is nonconforming for lot area in the R40 zone. Accordingly, this application will require the Planning Board to review the application for dimensional relief from the Zoning Ordinance under Unified Development Review (UDR).

Zoning

	Required R40	Existing	Proposed Lot 1	Proposed Lot 2
Lot Area	40,000 ft ²	71,002 ft ²	24,622.5 ft ²	46,380.3 ft ²
Lot Frontage	150'	172' / 640'	172'	260.73'
Overlay	The lot is located in the town's Carrying Capacity Overlay District (CCOD) (<i>\$606 of the Zon. Ord.</i>). The CCOD reflects lands identified by RI-CRMC as "Developed Beyond Carrying Capacity" in its Salt Ponds Special Area Management Plan (SAMP). The CRMC's recommended development density in the SAMP is one dwelling unit per 80,000 sq. ft.			

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.

Required Findings

Relief from the Literal (Dimensional) Requirements of the Zoning Ordinance

Requests for dimensional relief related to minor subdivisions are now reviewed by the Planning Board under unified development review (UDR) per *RIGL §45-223-50.1*. All UDR proceedings require a public hearing that must be held *prior to* consideration of the preliminary plan. The planning board shall conditionally approve or deny the variance(s) *before* considering the preliminary plan application. Any approval of the variance(s) shall be conditioned on approval of the final plan of the minor subdivision or land development project.

In granting a request for dimensional relief, the Planning Board follows the same analysis used by the Zoning Board of Review under *RIGL §45-24-41*, requiring evidence of record that:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant (*except those disabilities addressed in § 45-24-30(a)(16)*);
2. The hardship is not the result of any prior action of the applicant;
3. Granting the variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan; and that
4. The hardship suffered by the owner of the subject property if the variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

Decision on Minor Subdivision

The Planning Board's decision must address the following:

General Purposes of Subdivision & Land Development

1. Does the project provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;

2. Does the project promote high quality and appropriate design and construction of land developments and subdivisions;
3. Does the project promote 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. Does the project promote 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. Does the project encourage 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. Does the project promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
7. Does the project encourage 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. Does the project encourage the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

Positive Findings Required to Approve

The Planning Board's decision must also make positive findings, supported by legally competent evidence, on the following 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.