



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

362 Matunuck Beach Road

Major Subdivision

January 28, 2025

Project Type:	Major Subdivision		
Review Stage:	Conceptual Pre-Application		
Address:	362 Matunuck Beach Road		
Plat:	86-2 87-1	Lot:	19 & 33 17
Parcel Size:	4.58 acres	Zoning District:	R200
Applicant:	Stephen Quigley & Alicia M. Cooney 12 Chestnut Street Boston, MA 02108	Owner:	Stephen Quigley Revocable Trust and Alicia M. Cooney Revocable Trust

Property Characteristics

Existing conditions for these properties currently consists of two (2) parcels that are currently vacant (AP 86-2, Lot 19; AP 87-1, Lot 17) and one (1) parcel (AP 86-2, Lot 33) with existing single-family residential development.

Project Description

The applicant is requesting to legalize the existing non-conforming parcel (AP 87-1, Lot 17) that was created by deed conveyance. This request is described in the Cover Letter dated November 12, 2024, that was included with the application, which states, in part:

As you may know, the South Kingstown Zoning Officer, James Gorman issued a zoning certificate for Lot 17 on February 15, 2022 (enclosed). Mr. Gorman identified Lot 17 as "legally non-conforming", suggesting the lot purportedly failed to meet the applicable zoning regulations at the time it was created (by deed conveyance).

However, the Town of South Kingstown has classified Lot 17, as well as the adjacent lots (Lots 19 & 33), as separate and individual tax lots for decades while subsequent conveyances for each lot have followed suit. For instance, Lot 19 is subject to a conservation easement in favor of the South Kingstown Land Trust, Lot 33 contains a single-family residence and Lot 17 contains an accessory boathouse structure.

The Applicant would like to open a dialogue, with staff and schedule a pre-application hearing before the Planning Board to evaluate, what permits and/or waivers may be required to formally adopt the existing lot configurations - as they have been identified for decades – and clarify the record as may be necessary.

Waivers Required

The applicant did not indicate specifically if waivers will be required. However, the subject parcel (AP 87-1, Lot 33) is nonconforming to the dimensional requirements for parcels located within the R200 Zoning District. While the lot area of the parcel complies (4.73 acres or ~206,000 square feet) with the R200 Zoning District (200,000 square feet required), the existing frontage of 50.01' is 149.99' short of the 200' required in the R200 Zoning District.

Decision Deadline

In accordance with RIGLS §45-23-35(e):

(e) Provided that at least one pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with § 45-23-36.

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.

Section 401 (Zoning – Dimensional Requirements)

Section 401 (Schedule of dimensional regulations) provides the minimum area and frontage requirements for parcels being created within the R200 Zoning District. The required dimensional requirements for this zoning district are as follows

Use	Min. Lot Size and Max. Density	
	Area S.F.	Frontage & Width in Ft.
Zoning District R200	200,000	200

Required Findings

In approving this land development request at the next formal stage of review, the Board will need to make positive findings on the following standard provisions of RIGL:

§ 45-23-60. Procedure — Required findings.

- (a) All local regulations shall require that for all administrative, minor, and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in

§ 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

- (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.
- (b) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

§ 45-23-30. General purposes of land development and subdivision review ordinances, regulations and rules.

Land development and subdivision review ordinances, regulations and rules shall be developed and maintained in accordance with this chapter and with a comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which complies with § 45-24-27 et seq. Local regulations shall address the following purposes:

- (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.