



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

82 Main Street

**Minor Land Development Project with Unified Development Review
January 13, 2026**

Project Type:	Minor Land Development Project		
Review Stage:	Preliminary Plan		
Address:	82 Main Street		
Plat:	57-1	Lot:	73
Parcel Size:	6,534 sq. ft.	Zoning District:	CD
Applicant:	Keystone, LLC c/o Zachary Neill	Owner:	Same
Decision Deadline:	January 13, 2026		

Property Characteristics

The Subject Site is currently vacant and contains no existing structures.

Revised Project Description

The original project proposed to construct a new, 46.5' x 50', 3-story mixed-use structure with office space and storage on the first floor, two (2) residential units on the second floor, and unfinished attic space on the third floor with associated site improvements.

The revised project proposes to construct a new, 44.5' x 48', 3-story mixed-use structure with office space and storage on the first floor, one (1) four-bedroom apartment on the second floor and one (1) two-bedroom apartment on the third floor with associated site improvements. In addition to the reduction in the building footprint, the porch depth has been reduced by 1' and the roof pitch has been reduced from a 12 pitch to a 10 pitch.

Relief Requested

The applicant is requesting the following dimensional zoning relief via Unified Development Review:

Lot Area Variance – The proposed use requires 10,000 ft² of land area to support the density, however the current lot area consists of 6,534 ft² and subsequently requires a 3,466 ft² lot-area variance from Section 401 – Schedule of Dimensional Regulations.

Decision Deadline

Pursuant to RIGL § 45-23-38(a)(d), a decision on application for Preliminary Plan approval for a Minor Land Development Project with Unified Development Review must be rendered within 95 days of the issuance of the Certificate of Completeness.

The Certificate of Completeness was issued on October 2, 2025, and the original decision-deadline for this application was Monday, January 5, 2026.

An initial hearing on this matter was conducted on November 25, 2025. At the conclusion of that hearing the applicant's attorney agreed to extend the decision-deadline to allow for a continuance of the hearing to **Tuesday, January 13, 2026.**

In the absence of a further continuance of the decision-deadline by the applicant, the Planning Board must render a decision at this meeting.

Regulatory Considerations

Section 401 (Zoning – Dimensional Requirements)

Within the CD Zoning District, a mixed-use detached structure requires 5,000 ft² of lot area for the first two (2) dwelling units and 1,200 ft² per each additional dwelling unit, plus a minimum of 5,000 ft² for each commercial use. The Property consists of 6,534 ft² where the uses in the proposed structure require 10,000 ft² (5,000 ft² for 1 commercial unit + 5,000 ft² for 2 residential units). Accordingly the proposed structure and uses require a dimensional variance of 3,466 ft².

RIGL § 45-23-50.1 – Unified Development Review

A public hearing on the application, including any variance ... shall be held *prior* to consideration of the preliminary plan by the planning board or commission. The planning board or commission shall conditionally approve or deny the request(s) for the variance(s) ... *before* considering the preliminary plan application for the minor ... land development project. Approval of the variance(s) ... shall be conditioned on approval of the final plan of the minor ... land development project.

Required Findings

In approving the requested dimensional variance under Unified Development Review the planning board shall find that evidence to the satisfaction of the following standards has been entered in the record (*RIGL § 45-24-41(d) and (e)*):

- (1) That 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, excepting those physical disabilities addressed in § 45-24-30(a)(16);
- (2) That the hardship is not the result of any prior action of the applicant;
- (3) That the granting of the requested 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 upon which the ordinance is based.
- (4) That the hardship suffered by the owner of the subject property if the dimensional 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. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.

In approving this land development request, the Board must make positive findings on the following standard provisions of planning (*RIGL §45-23-60*):

- (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 development, 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 the following general purposes of land development and subdivision review (*RIGL § 45-23-30*):

- (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.

Revised Draft Motion

“The South Kingstown Planning Board hereby approves the application for a lot area Variance and grants Preliminary Plan approval for the 82 Main Street Minor Land Development application proposing to construct a new, mixed use structure, including two (2) residential dwelling units, and associated site improvements on property located at 82 Main Street, Wakefield, R.I., also identified as Assessor’s Plat 57-1, Lot 73. *Keystone, LLC owner/applicant*.

This approval is based upon the plan set entitled, “*Preliminary Plan Set for Keystone, LLC,*” dated 10/20/2025, as revised through 12/22/2025, sheets 1 – 5, plus a revised sheet 3, prepared by American Engineering, Inc., 400 South County Trail, Suite A201, Exeter, RI 02822, as well as the following materials:

- Preliminary Landscape Plan, dated 5/28/2025, as revised through 10/20/2025, prepared by Neill Brothers, 82 Main Street, South Kingstown, RI 02879.
- **Architectural Plans entitled, "Neill Brothers, 82 Main St., South Kingstown, RI 02879, 'Construction Set,'" sheets A000, A001, A111, A121, A131, A141, A201, A211, A311, A312, A313, A314, B111, B121, B131, B201, B211, dated 12/2/2024 and received 12/24/2025 prepared by Herk Works Architecture.**
- Long-Term Operation and Maintenance Plan & Long Term Pollution Prevention Plan for Keystone, LLC, dated 9/25/2025 as revised through 10/16/2025, prepared by American Engineering, Inc.

Findings of Fact – Dimensional Lot Area Variance

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.
2. The hardship is not the result of any prior action of the applicant.
3. Granting the requested lot area 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.
4. The hardship that would be suffered by the owner of the property if the lot area variance were to be denied would amount to more than a mere inconvenience.

Findings of Fact – Minor Land Development

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
2. With the required Conditions of Approval, this approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
3. With the required Conditions of Approval, the plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for the project are consistent with the Comprehensive Community Plan.
5. Any conditions or restrictions that are necessary to ensure that these findings have been met are incorporated into this approval.

Conditions of Approval

- A. Development of the site shall be in strict conformance with the approved site plan unless amended by these Conditions of Approval.
- B. Development of the site shall be in substantial conformance with the approved architectural plan prepared by Herk Works Architecture and the landscape plan prepared by Neill Brothers, as referenced above, unless amended by these Conditions of Approval.
- C. Prior to Final Plan approval, the applicant shall submit a draft Storm Water Facility Maintenance Agreement similar in form to Appendix B of the Long-Term Operation and Maintenance Plan, referenced above, for review and approval. The approved Storm Water Facility Maintenance Plan shall be recorded in the town's land evidence records with a copy of the Long-Term Operation and Maintenance Plan attached as an exhibit.
- D. The applicant shall obtain all required local and State permits prior to commencing construction and/or installation of site improvements.
- E. Prior to any request for a Certificate of Occupancy, a RI registered Professional Engineer shall inspect the installation of all site improvements and shall submit certification to the

Administrative Officer of the Planning Board that the construction conforms to the approved plans.

- F. Prior to any request for a Certificate of Occupancy, a RI licensed Landscape Architect shall inspect the installation of the landscape improvements and submit certification to the Administrative Officer of the Planning Board that the installation conforms to the approved plan and the planting standards of the South Kingstown Subdivision and Land Development Regulations.
- G. The applicant shall guarantee all landscape materials depicted on the approved plan set for a period of one (1) year from the date of planting.
- H. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**