



**Kelley Morris Salvatore, Esq.**  
**ksalvatore@darroverett.com**

January 16, 2025

The Honorable South Kingstown Planning Board  
c/o James D. Rabbitt, Planning Director  
South Kingstown Town Hall  
180 High Street  
Wakefield, RI 02879

Re: The Lofts at Fairgrounds  
132 Fairgrounds Road, AP 21-3, Lot 9  
Comprehensive Permit – Master Plan

Dear Madam Chair and Honorable Members of the Planning Board:

This letter is intended to address comments at your last meeting and to summarize the evidence presented to you that supports approval of our development proposal. The following discussion incorporates and responds to issues raised during Planning Board meetings on October 28, 2025 and November 25, 2025. The content herein is a compilation of reports and testimony presented during the public hearing, as well as follow-up commentary from experts on the Applicant's team.

As your Solicitor states in his memorandum dated November 26, 2025, it is the Board's duty to apply the evidence presented by the Applicant and others to the required findings for approval. The law specifically directs that any matters that are premature and relate to preliminary plan stage of review, shall be deferred to preliminary plan stage of review.

### **Required Findings for Approval**

The following are the statutorily-required findings for approval, with a summary of evidence presented to support each finding presented in *italics*.

- (I) Whether the proposed development is consistent with local needs as identified in the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies. If the local board finds that the proposed development is inconsistent with the community's affordable housing plan, it must also find that the municipality has made significant progress in implementing its housing plan.

*The Housing Element of the Comprehensive Plan (2021) serves as the Town's update to the original South Kingstown Affordable Housing Production Plan (2005), and therefore this Element serves as the principal document that must be*



*reviewed to determine whether this Application is consistent with local housing needs.<sup>1</sup> Additionally, the applicant is relying upon the 2025 FactBook published by HousingWorks RI as further evidence of how this proposal addresses local housing need based on contemporary data.*

*The South Kingstown Housing Element of the Comprehensive Plan states “[t]he Town of South Kingstown views the provision of high quality and diverse housing as one of the most important ongoing issues within the community.” Comprehensive Plan, p. 67. The Comprehensive Plan notes that the Town will “include a range of housing options for its diverse populations, including families, young adults, senior and single-person households” and “will strive to retain the diversity of its residents.” Id.*

*The Housing Element also includes Goals and Guiding Principles that support the proposed development. The following relevant Goals support approval of the project:*

Goal 2: Low and Moderate - Income Housing (LMI Housing) development will occur throughout the community in a manner that is reflective of South Kingstown residents’ physical, social, and financial limitations and resources, with the goal of achieving 10% of the year-round housing stock as deed restricted for low- and moderate-income households.

*At present, Housing Works RI reports that South Kingstown has met only 5.72% of its 10% goal for low- and moderate-income housing, which presently requires another 497 LMI units to achieve the goal.<sup>2</sup> See HousingWorks RI FactBook 2025, p. 18. The FactBook also reports that 79% of the housing stock are single-family detached dwelling units, with only 21% being two-family or greater. Id., see also Comprehensive Plan, Housing Element, p. 71. Fifty percent (50%) of renters in South Kingstown are considered cost-burdened, supporting the need for additional LMI units. Id. This development proposes another 78 LMI units, which is obviously a considerable impact on moving towards the 10% goal. In that the Town’s LMI percentage has not budged above five+ percent (and generally teeters between 5 and 5.5 percent), the Town requires an influx of units to make strides towards the goal of 10%.*

---

<sup>1</sup> The Comprehensive Plan Housing Element “[builds] upon the established recommendations carried forward from the 2005 Affordable Housing Production Plan,” which “specifically target[s] the development and maintenance of subsidized affordable housing . . .” See Comprehensive Plan at p. 70.

<sup>2</sup> Any new development that does not include LMI units effectively reduces the LMI percentage and increases the number of units required to reach the 10% goal.



Goal 3: A wide range of affordable and LMI Housing options will exist, developed through a combination of innovative regulatory mechanisms, public and private initiatives, and joint public and private partnerships to maintain residential diversity and to assure that local shops and offices will have a sufficient employment pool.

*The large majority of dwellings in South Kingstown are single-family detached homes, with multifamily units lacking as options. This Application for 311 multifamily units will significantly add to the availability and diversity of housing in Town, including the 78 affordable units, and the 233 market rate units. This proposal will provide valuable rental units for local employers, including Norpak (the industrial user of this property), the University of Rhode Island, South County Hospital, and other surrounding businesses.*

*The following relevant Guiding Principles support approval of the proposal:*

- Appropriately scaled housing, in a variety of types and sizes and serving households with a variety of income levels, is critical to the long-term sustainability of South Kingstown.

*We have shown that the proposal is appropriately scaled with the use of staggered heights and visual buffers from taller buildings and that this project will provide much-needed variety of housing (multifamily/rentals) that is lacking in South Kingstown.*

- Under-utilized mill complexes present an opportunity for development of additional housing units. Appropriate siting, scale, and design of such units can complement the historic legacy of these complexes and not detract from the economic development potential of these buildings.

*The existing industrial property is under-utilized as is. The industrial structure will remain as an industrial use, and we are proposing to use the “under-utilized” parking areas to provide much-needed infill housing.*

*The Applicant presented land use expert, Doug McLean, AICP, who offered a report and testimony that supports approval of the proposal, including discussion on the above Goals and Principals. Mr. McLean cited several portions of the Town’s Comprehensive Plan, including sections from the Land Use Element that prioritizes a “village-centric” approach. In fact, the Land Use Element specifically states that “residential development is appropriate within the existing village areas,” and that “additional density in the villages will support the Town’s long-term economic growth.” The Land Use Element supports “concentrating growth where infrastructure exists, helping to support local businesses and ensur[ing] long-term economic resilience through redevelopment of existing greyfields.” See*



*McLean Report at p. 9. The subject property is clearly appropriate for concentrating multifamily development.*

*Most importantly, the Housing Element of the Comprehensive Plan supports this proposal, as it is “consistent with the Town’s preferred spatial growth strategy.” McLean Report, p. 14. The project “exemplifies South Kingstown’s commitment to the ‘Village Model’” and “supports the Town’s goal of concentrating infill and redevelopment in appropriate areas while meeting the communities pressing housing needs.” Id. The Housing Element projects LMI housing production, which has had limited success. “This project is both timely and essential in helping the Town meet its long-term affordability targets and the State’s 10% threshold.” Id.*

- (II) Whether the proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, whether local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.

*Mr. McLean testified at the conclusion of his presentation that “[t] here is an acute and urgent need for affordable housing across the state and within the town, and this particular proposal is putting specific emphasis on those local needs for rental housing for the different types of units being provided separate from single family, and I do believe that meeting the needs as this proposal is outweighs the adjustments that are requested.” Planning Board Meeting video, YouTube, October 28, 2025, at 2:53. We also refer you to the discussion addressing the first standard above and specifically regarding the Town’s lack of multifamily housing in comparison to single family housing, as well as the general lack of affordable housing in South Kingstown.*

*Mr. McLean has determined that impacts stemming from the proposed project density - such as community character impacts, town services, and traffic - have been adequately addressed by the applicant and do not outweigh the state and local need for affordable housing. The local need for affordable units such as being proposed is well-documented and not in dispute. The Application is delivering 78 affordable rental units and 233 market rate rental units through a greyfield development within a village area that has adequate public infrastructure, and also allows for the reinvestment into an underutilized property with excellent public transit access. The project is aligned with the Town’s local policies for such growth and the local need for affordable housing.*



*The traffic engineer has opined that traffic impacts are minimal. Furthermore, the architect, land use planner and real estate expert have determined that there will not be a negative visual impact based on the design of the project. Finally, the Applicant has shown that - compared to by-right industrial uses - the project will result in less traffic and reduced visual impacts to neighbors. Sewer and water services have been satisfactorily address at the Master Plan stage of review.*

- (III) Whether the low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale, meaning that: (1) The size of the low- and moderate-income units shall not be less than seventy-five percent (75%) of the size of the market rate units, unless otherwise allowed by the local board; (2) The affordable units are of similar architectural style to the market rate units within the project so that the exterior of the units look like an integrated neighborhood with similar rooflines, window patterns, materials and colors; and (3) The affordable units will be built and occupied in a proportional manner with the construction and occupancy of the market rate units.

*This standard is intended to be met and will be specifically addressed at preliminary plan stage. The units will be integrated throughout the development as shown on preliminary plans and will meet the standard for compatibility of scale.*

- (IV) Whether there will be 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 of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water runoff, and the preservation of natural, historical, or cultural features.

*The Applicant presented testimony of experts that support there will be no significant negative impacts on the health and safety of current or future residents of the community. Specifically, the Applicant presented the following testimony:*

*Safe circulations of pedestrian and vehicular traffic. Traffic engineer, Paul Bannon, Traffic Engineering expert, testified that the site design of the project provides safe circulation of pedestrians and vehicles within the residential complex, including proposed sidewalks and interconnections between buildings for pedestrian-related traffic. Regarding vehicular safety, Mr. Bannon testified that there is safe and sufficient sight distances according to the American Association of State Highway Transportation Officials (AASHTO) design guidelines for vehicles entering and exiting the residential site driveway, with a separate entrance and exit dedicated for the industrial use to the northern end of the site. At the*



*intersection of Fairgrounds and Rte. 138, which is the major junction that will provide local access to the site and would be affected by the development project, the current operating Level of Service is “B” during both AM and PM hours. Under future build conditions, Mr. Bannon testified that the RIDOT is proposing infrastructure improvements to Rte. 138 between Rte. 2 and Rte. 108 beginning in 2026, with upgrades to signalization and should coincide with construction of this project.<sup>3</sup> Additionally, under this future build condition with the addition of site related traffic, the intersection operation will result in an overall Level of Service C, with a minor delay increase of less than five seconds overall<sup>4</sup>. See Bannon report at p. 16 and testimony from Planning Board Meeting video, YouTube, October 28, 2025, at 2:56. Mr. Bannon testified that this constitutes a negligible difference in operations from existing conditions.*

*Provision of emergency services. The Applicant acknowledges the concerns of Board members regarding the height of buildings and the capacity of the local fire district to reach such heights in the event of a fire. Importantly, the University of Rhode Island, located in a mutual aid fire district that is located less than 3 miles from the property, includes buildings exceeding the height of the Applicant’s proposed development. The Applicant has worked with the fire marshal of Union Fire District (UFD) to confirm that Kingston Fire District (KFD) has a ladder truck that is sufficient to reach the proposed building heights. Additionally, KFD representatives have indicated that they are well-situated to respond to emergency calls and have mutual aid agreements in place with other local fire districts in the event additional response is required. The fire marshal has confirmed that he is comfortable with the building design understanding that fire sprinkler systems will be incorporated within buildings in order to immediately address a fire and to ensure occupants can exit the building(s) safely and as soon as necessary.*

*Sewerage disposal. At master plan stage of review, Town officials have confirmed that there is adequate sewer capacity to service this development. Additional testing and design will be presented at preliminary plan stage of review, where the Planning Board may revisit this finding to ensure that the design is adequate. The Applicant understands that a Sewer Feasibility Study will be required at the Preliminary Plan stage. The Director of Public Services has confirmed there is adequate capacity at the wastewater treatment plant and requested that future study includes a review of each of the pump stations between the proposed*

---

<sup>3</sup> The roadway will be reconstructed with new curbing, sidewalks, pavement structure, traffic signals and bridges. Other public infrastructure construction in the immediate area includes the expansion of the Kingston Train Station parking facility adjacent to the station.

<sup>4</sup> The longest delay increase is Fairgrounds Road SB at fifteen seconds.



*development and the treatment plant including the Fairgrounds Road pump station and the Kingston Pump Station.*

*Availability of potable water. Similarly to the sewer availability, we have confirmed with Kingston Water District Superintendent that there is adequate water supply for this project. Additional hydraulic modeling by their third-party engineering consultant must be completed at preliminary plan stage of review, where the Planning Board may revisit this finding to ensure that the design is adequate.*

*Adequate surface water runoff. At master plan stage of review, our civil engineer, Eric Prive, P.E. has testified that the existing property is primarily impervious surface with a combination of the industrial building and the expansive paved parking lots. The proposed project will provide water quality improvements and stormwater mitigation measures adhering to the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM), which is industry practice. The post-development stormwater runoff will be mitigated to pre-development levels for the 2- through 100-year frequency storm events ensuring there will be no increase in runoff rate nor volume from the property. Additional detailed stormwater calculations will be provided at the Preliminary Plan stage for review by the town.*

*Preservation of natural, historical or cultural features. The existing conditions of the site do not include natural, historical or cultural features; however, we have acknowledged and addressed historical and cultural features throughout the Town as discussed in “massing, height of buildings” below. We are incorporating natural features with our proposed outdoor active and passive recreational areas as a key focus of the development, with proposed uses including walking paths, pet area, seating/meeting areas with firepits, swimming pool and hot tub, and bike racks.*

*Impact to properties to south on Shickasheen. There was testimony by land use expert Doug McLean and real estate expert Thomas Sweeney, where they indicated that they reviewed plans, building distance from property lines, and zoning regulations relating to the I-1 zoning designation. They both opined, from a real estate value and planning perspective, that the proposal for multifamily housing will not negatively impact the adjacent neighborhood, with residential buildings sited at least 140 feet from the lot line and with proposed additional landscaping to further screen neighboring properties. With an allowed 30 ft. setback, an industrial building would be more of a negative impact and less desirable use than the proposed use.*

- (V) Whether the proposed land developments or subdivisions lots will have adequate and permanent physical access to a public street, or the local review board has approved other access, such as a private road.



*The Applicant's civil engineer and traffic engineer testified that there will be adequate and permanent physical access to Fairgrounds Road, with separate entrances and exits for the industrial and residential uses.*

(VI) Whether the proposed development will 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.

*At preliminary plan, the Applicant will propose a minor subdivision to separate the existing industrial use from the proposed residential development. There will not be any constraints to development upon either lot.*

### **Feasibility**

As advised by Peter Skwirz, Esquire, if the Board were to approve this application, it could do so with conditions that address the density of the project, see RIGL 45-53-(e)(8), so long as the condition does not decrease the density below the minimum allowed of 5 DU/A. *However, the Board cannot impose any conditions, including conditions addressed to density, that would "make the construction or operation of the housing infeasible."* See Skwirz Memorandum and RIGL 45-53-5.1(f). RIGL 45-53-3(6) provides that a condition makes project "infeasible" if "it makes it financially or logistically impracticable for any applicant to proceed in building or operating low- or moderate-income housing within the" conditions imposed.

*Thomas O. Sweeney, Licensed Real Estate Broker (RI), Certified General Real Estate Appraiser (RI), submitted a report dated November 20, 2025 and testified before the Board on November 25, 2025. Mr. Sweeney testified that any reduction in density would result in a project that is financially infeasible. The Applicant is in a unique position because they do not require typical returns necessary for a typical developer; rather, this is a long-term investment and an opportunity to monetize underutilized land.*

The Applicant is entitled to approval because it meets the required findings of approval discussed above and any reduction of units would make the project infeasible.

### **Other Issues**

The following discussion addresses the issues and concerns raised by members of the Planning Board. Importantly, the issues below are not subject to the standards for approval; however, the Applicant is responding respectfully and in good faith.

#### **Industrial land within the Town.**



The Application before the Planning Board is a Comprehensive Permit, which permits by-right housing development notwithstanding zoning designations; *i.e.*, multifamily use is permitted by right when the above-discussed standards for approval are met. Additionally, recent changes in state law permit conversion of non-residential structures including industrial structures, to multifamily use through “adaptive reuse,” further supporting the appropriateness of residential development on the property. There is no support for denying this proposal simply because it is zoned industrial; there is no standard for such rejection and residential use on this property is contemplated by law.

Based on analysis of industrially-zoned land throughout South Kingstown, there are a number of vacant or underutilized industrial properties in Town, and a handful are specifically in the Village of West Kingston. The market demand for new industrial uses in South Kingstown does not appear to be strong enough to indicate that the development of such land for residential or mixed-use purposes would disrupt the future industrial needs of the community.

Finally, Mr. Sweeney has opined that it would not make sense to increase industrial uses on the property, as it is very expensive to develop industrial uses with continually rising costs of construction.

School-Aged Children. As stated during Planning Board meetings, denial of the subject proposal based on a perceived impact on the school district would be a violation of the Federal Fair Housing Act. The cost of educating students is not a reason for denying a comprehensive permit application. However, in order to address some of the comments and concerns, we provide the following responses:

- It is impossible to accurately predict how many children – or school-aged children (“SAC”) – will reside within the units. However, our fiscal impact expert, Joseph Lombardo, used data from several different sources to provide an opinion on the number of school-aged children predicted for this development, including North Kingstown (Reynolds Farm), East Providence (Kettle Point), Highland Hills (Cumberland), and Dowling Village (North Smithfield/Woonsocket), yielding an average of about 8.8% SAC per dwelling unit. Another study of the several apartment and condominium developments located in Smithfield yield 6.9% SAC per dwelling unit. Moreover, Mr. Lombardo cited a report entitled “The Waning Influence of Housing Production on the Public School Enrollment in Massachusetts,” which stated “[o]ver the past 15 years, however, multiple studies have examined the enrollment and fiscal impacts of individual housing developments and found that concerns about those impacts are commonly overstated.” The report concluded:

“At the district level, we observe no meaningful correlation between housing production rates and enrollment growth over a six-year period. While it is true that schoolchildren occupying new housing units may cause a marginal change in enrollment, they are one small factor among many. In cities and town with the most rapid housing production, enrollment barely budged; and most districts with the largest student increases saw very little housing unit change. The rate of housing unit growth is not a useful predictor of



overall enrollment change, nor is rapid housing development a precondition to sudden enrollment increases. It appears that broad demographic trends, parental preferences, and housing availability now play a much larger role in enrollment growth and decline.”

Supporting this study, Mr. Lombardo also cited data from South Kingstown’s School Department, which reveals there has been a steady decline in enrollment in South Kingstown from 2015-2024 at nearly 1,000 less students. This declining trend is expected to continue for the next ten years. See Lombardo Report, page 6. The Planning Board is encouraged to review Mr. Lombardo’s complete report and specifically the Addendum beginning on page 12 of his report regarding the reasons supporting the minimal likelihood of many children in this development.

Melina Lodge presented a slide that showed the number of children in the 131 LMI units she monitors in Rhode Island that presented a concern to some members. The data presented included no distinction between school-aged children and younger children, meaning some of the children would necessarily not be enrolled in the school district. Moreover, as presented by Mr. Lombardo, school enrollment in South Kingstown has significantly declined over the last ten years by an average of 100 students per year, and expected to continue to decline. Mr. Lombardo has opined that there will be approximately only 9 additional SAC added to the School District based on substantial data collected from many sources, including because of the mix of units with an emphasis on studios and one bedrooms. There is no support for the likelihood that this proposal would generate an impact on the school district based on the data and research presented.

Massing, height of buildings. The Applicant’s architect, David Berryman, AIA, presented videos that show the “Norpak” building will completely screen the 4-story buildings behind it. Buildings to the south of the property are gradually stepped up from 2-story, 3-story and with the first 4-story building 240 feet from the front lot line. Flat roofs would put the heights of the 4-story buildings at about 45 feet, only 5 feet higher than dimensional regulations permit. Architectural roofs are important to building design and to screen mechanicals in a “well” behind rooflines. Mr. Berryman also presented massing plans that shows the proposed buildings’ collective footprints are about half of the existing “Norpak” building, as well as plans showing an industrial building comporting to all dimensional requirements that is similar to the massing of one of the residential buildings.

For the overall design the architects drew inspiration from local landmarks like the West Kingston Station, Town Hall, Peace Dale Public Library as well as various mill complexes, incorporating elements into a design that is cohesive with the Town's character. They developed a thoughtful blend of details and materials, keeping it appealing and fitting for the area. Architectural roofs are important to building design and this proposal utilizes traditional pitched roofs which will be used to screen the rooftop mechanical units. If the design were developed with flat roofs, then that would put the heights of the 4-story buildings at about 45 feet, only 5 feet higher than dimensional regulations permit. Mr. Berryman also presented massing plans that shows the proposed buildings’ collective footprints are about half of the existing “Norpak” building, as well as visuals showing an industrial building comporting to all dimensional



requirements that is similar to the massing of one of the residential buildings. Also provided are simulated street views from Shickasheen showing the closest proposed 4-story building in relation to the adjacent residences. The massing studies are attached.

**Conclusion**

We have collected and summarized herein the substantial evidence presented through reports and testimony of our expert witnesses that clearly support approval of the Application. We are prepared to address any outstanding questions and concerns at the continued public hearing scheduled on January 27, 2026. We respectfully request your support for approval of this important proposal to add much-needed housing to the Town of South Kingstown.

Very truly yours,

A handwritten signature in blue ink that reads "Kelley Morris Salvatore". The signature is fluid and cursive, with a long horizontal flourish at the end.

Kelley Morris Salvatore

cc: 132 Fairgrounds, LLC  
DiPrete Engineering.  
Newbury Design Associates, Inc.  
Crossman Engineering  
Doug McLean, AICP  
JDL Enterprises  
Diane C. Soule & Associates  
The Community Housing Land Trust of Rhode Island