



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT
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INST# 32954
TOWN OF SOUTH KINGSTOWN, RI

March 4, 2024

Harrison Bell
Bell Capital, LLC
10 High Street
Wakefield, RI 02879

RE: 485 High Street
Combined Conceptual Master & Preliminary Plan Review Major Land Development
South Kingstown Tax Assessor's Plat 48-3, Lot 147

Dear Mr. Bell:

At the meeting of the South Kingstown Planning Board held on February 27, 2024, the following motion, *as amended*, passed by unanimous vote:

Motion: "The South Kingstown Planning Board hereby grants Combined Conceptual Master & Preliminary Plan approval to the 485 High Street Major Land Development application, an eight (8) unit major multi-household land development project consisting of two (2) existing structures with five (5) existing units in each, and three (3) new units being created in the existing garage with two (2) of these units being restricted low- and moderate-income housing units, located at 485 High Street, Bell Capital, LLC, *owner/applicant*. This approval is based upon plan set entitled: *Proposed Conditions Plan* for Eric Bell, located at Assessor's Plat 48-3, Lot 147, 485 High Street, South Kingstown, R.I., Sheet 2 of 3, dated December 20, 2023, completed by American Engineering, Inc, as well as the plan titled *Landscape Plan*, High St. Gardens, 485 High Street, Peace Dale, RI 02874, Sheet P1.0, dated December 13, 2023 completed by Mather & Page Landscape Architects.

This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. This development is consistent with the requirements of the Comprehensive Plan.
- B. This development conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
- D. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
- E. This development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- F. All proposed units have adequate and permanent physical access to a public street, namely High Street.

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- G. With the required conditions of approval, this development will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
- H. The design and location of building lots, utilities, drainage improvements, and other improvements in this development minimize flooding and soil erosion.
- I. The applicant has included two (2) deed restricted affordable units as required in accordance with Section 502.6 (Inclusionary Zoning) and proposes to deed restrict one (1) unit on the first floor of the existing 4-unit apartment building and one (1) unit located on the first floor of the new units to be constructed in the converted garage.

Findings of Fact, Waivers

- J. The waivers or modifications are reasonable and within the general purposes and intents of these regulations *including the waiver request for setbacks associated with parking spaces and building locations.*
- K. 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.

Findings of Fact, Inclusionary Zoning & Affordable Units

- L. Pursuant to Article 5, Section 502.6 E. of the Zoning Ordinance, the Planning Board hereby accepts the plan presented by the applicant which demonstrates the ability of the development parcel to support a 'basic maximum number' of ten (10) units. Two (2) additional units are being proposed as the inclusionary (incentive) units in compliance with Section 502.6.E of the Zoning Ordinance.
- M. The applicant has proposed that two (2) of the eight (8) units will be deed restricted affordable to 'low and/or moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance.
- N. The Planning Board finds that the proposed affordable units (located in the existing 4-unit building and in the renovated garage) are integrated within the development and that the design of these units is consistent with the design of the market rate lots within the development. Based on this finding, the Planning Board has determined that the overall project design meets the intent of Article IV.I of the Town's Subdivision and Land Development Regulations.
- O. These affordable units shall be built and available for occupancy simultaneously with the construction and availability for occupancy of the market rate units in each of any separate phases of development.
- P. Consistent with Section 502.6.J. of the Zoning Ordinance, the affordable units shall be exempt from the Town's Pacing and Phasing requirements.
- Q. The affordable units shall be eligible for an exemption from the payment of Fair Share Development Fees pursuant to Section 1101.D.1 of the Zoning Ordinance and Section II, Element 5, III of the Town's Capital Improvement Program.

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Conditions of Approval

1. This approval is limited to eight (8) residential dwelling units in total, five (5) of which are existing and three (3) to be constructed in the former garage.
2. This approval is further limited to six (6) market rate units and two (2) affordable units for a total of eight (8) units which shall be deed restricted in accordance with Section 502.6.G (Inclusionary Zoning – Inclusionary units, deed restriction requirements) of the South Kingstown Zoning Ordinance.
3. The proposed residential structures shall be constructed in substantial conformance with the digitally created architectural image submitted as part of this application and labeled as south-west-rendering.

This condition is being imposed as the renderings/elevations demonstrate conformity with Article IV. H (7) and (9) of the South Kingstown Subdivision and Land Development Regulations and support the applicant's assertion that the development equates to good planning in justification in the granting of the waivers previously requested and approved by the Planning Board.

4. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the nine (9) market rate units.
5. This residential land development project shall satisfy its affordable housing component requirement with the dedication of units (within the existing 4-unit structure and renovated garage) available for ownership/occupancy by 'low/moderate-income households' as defined under Rhode Island General Laws §45-53 and the South Kingstown Zoning Ordinance. The lease, sale or transfer of the two (2) deed-restricted units shall remain affordable to low- or moderate-income households whose household incomes do not exceed 80% (eighty percent) of the median income, adjusted for household size for the Providence Metropolitan Statistical Area, for a period of ninety-nine (99) years.
6. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' and 'Deed Restrictions' that will ensure that affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
7. As part of the Final Plan submittal, the applicant shall propose a specific construction schedule in which the LMI Housing units will be constructed. *The applicant shall record a deed restriction associated with the ami unit in the existing southerly building and upon recording, may proceed with the proportional construction of the market rate and ami units in the newly renovated building and the proportionate release of Certificate of Occupancies. Said schedule shall not exceed the construction of three (3) market-rate units for each (1) LMI Housing unit required.*
8. Electric, telephone and cable services shall be installed underground.

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9. The applicant shall secure a Soil Erosion, Run Off and Sedimentation Control Permit from the Town's Department of Public Services encompassing the overall limits of construction prior to commencing construction and/or grading activities.
10. The applicant shall secure a Physical Alteration Permit, and if necessary, a Tree Permit from the Department of Public Services prior to the commencement of work within the public right-of-way of High Street.
11. The applicant shall provide a detailed construction cost estimate on forms provided by the Department of Public Services. The purpose of the estimate is to allow the Town to establish a project inspection fee and any required performance bond.
12. Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay the project inspection fee as determined by the Planning Board.
13. The development's HOA shall incorporate maintenance and inspection provisions associated with sites porous pavement and storm water management structures/infrastructure. The documents shall also clearly state the HOA's responsibilities to maintain all drainage infrastructure including any porous and/or pervious structures. The maintenance and inspection schedule shall be incorporated into documents to be recorded on the Land Records of the Town of South Kingstown. The maintenance and inspection schedule shall be prepared by a Rhode Island registered engineer and shall be signed and sealed. Prior to recording the proposed schedule shall be reviewed and approved by the Administrative Officer (Planning Director) in consultation with the Director of Public Service.
14. *The applicant shall submit a revised landscape plan to the Administrative Officer for an alternative layout for the area in front of the existing single-family home adjacent to High Street, for review and approval.*

Said motion, made by Mr. Murphy and duly seconded by Mr. DiStefano, passed unanimously 6-0 (M. Mack – aye; J. Murphy – aye; S. Axelrod – aye; P. DiStefano – aye; R. Pothier – aye; E. Karp - aye).

In accordance with Section 505.1.D.3 of the Town of South Kingstown Zoning Ordinance, any party aggrieved by this decision shall have the right to appeal this decision to the Planning Board of Appeals in accordance with the procedure set forth in Article XII of the Subdivision and Land Development Regulations. The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.

Respectfully,



Maria H. Mack, Chair
 Planning Board

Cc: James Gorman