

TO: Coastal Resources Management Council
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370 / Fax: (401) 783-2069



FROM: Building Official

DATE: 8/19/2022

SUBJ: Application of: MATUNUCK BCH RD PARTNERS LLC

Location: SOUTH KINGSTOWN

Address: N/A

Plat(s): 92-2 Lot(s): 56

To Construct: A TWELVE (12) UNIT MULTIHOUSEHOLD LAND DEVELOPMENT PROJECT, OWNS, AND ASSOCIATED SITE IMPROVEMENTS.

I hereby certify that I have reviewed foundation plan(s).
 plan(s) for entire structure
 site plans

Titled: MATUNUCK BEACH CONDOS, MATUNUCK BEACH ROAD, SOUTH KINGSTOWN, RI, AP 92-2, LOT 56, SHEETS 1 THROUGH 14, DATED 7/1/2021 WITH REVISIONS THROUGH MAY 11, 2022 PREPARED BY DIPRETE ENGINEERING.

Date of Plan (last revision): 5/11/2022

N/A and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC, and all other local, state and federal regulations are met.

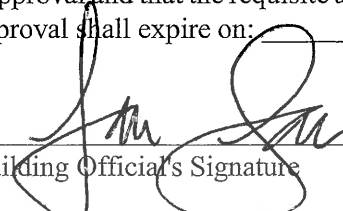
N/A and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

N/A and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

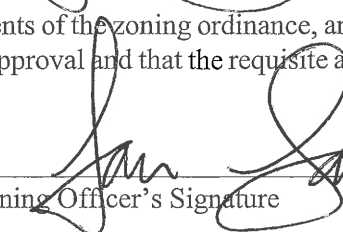
N/A and find NO structural or non-structural fill is proposed in a FEMA-designated V-Zone or Coastal A-zone.

N/A and find that the proposed fill is considered non-structural fill and meets FEMA NFIP guidelines.

N/A and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on: _____.


Building Official's Signature Date 8/19/2022

and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.


Zoning Officer's Signature Date 8/19/2022

rev /ajt 07-2020
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AUG 19 2022
COASTAL RESOURCES MANAGEMENT COUNCIL



Town of South Kingstown, Rhode Island

PLANNING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1244
Fax (401) 789-9792

June 17, 2022

Matunuck Beach Road Partners, LLC
c/o Stephen R. DeSimone
P.O. Box 385
Wakefield, RI 02880



RECORDED 06/21/2022 09:39:42 AM
B/P:1883/Pgs 443 - 447; (5 pgs)
INST# 23271
TOWN OF SOUTH KINGSTOWN, RI

RE: Matunuck Beach Road Condominiums
Major Land Development Project – Comprehensive Permit
Preliminary Plan Approval
Matunuck Beach Road
South Kingstown Tax Assessor's Plat 92-2, Lot 56

Dear Mr. DeSimone:

At the meeting of the South Kingstown Planning Board held on June 14, 2021 the Board voted as follows:

Motion: "The South Kingstown Planning Board hereby grants Preliminary Plan approval to Matunuck Beach Road Condominiums, a twelve (12) unit major multi-household land development project, submitted as a Comprehensive Permit, containing twelve (12) single-family dwelling units, with nine (9) of these units being market-rate housing units and three (3) dwelling units being deed-restricted for low- and moderate-income occupancy, located on Matunuck Beach Road, Matunuck Beach Road Partners, LLC, owner/applicant.

This approval is based upon plan set entitled "*Permitting Submission – Matunuck Beach Condos, Matunuck Beach Road, South Kingstown, Rhode Island, Assessor's Plat 92-2 Lot 56, Sheets 1 through 14, dated July 1, 2021 with revisions through February 17, 2022 and May 11, 2022 (Sheets 11 & 12), prepared by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920. This approval is also based on the landscaping plans entitled "*Landscape Plans, Matunuck Beach Condominium, located at Piping Plover Drive, Assessor's Plat 92-2, Lots 56, South Kingstown, Rhode Island, dated August 11, 2021 with revisions through May 11, 2022, prepared by John C. Carter & Co., Inc., 960 Boston Neck Road, Narragansett, RI.**

Findings of Fact

- A. The applicant qualifies as an eligible entity and the project is an eligible project pursuant to R.I.G.L. § 45-53-4, as a for profit developer dedicating at least 25% of the units to be developed as low and moderate income housing units;
- B. The proposed development is consistent with local needs as identified in the local comprehensive community plan, and will address the need for affordable housing development within the community;
- C. The three (3) low and moderate income (LMI) housing units are integrated throughout the development, are compatible in scale and architectural style to the market rate units within the project, and will be built and occupied prior to, or simultaneous with, the construction and occupancy of market rate units;
- D. The proposed land development project is in compliance with the standards and provision of the South Kingstown Zoning Ordinance and Subdivision and Land Development Regulations, where varied the local concerns that have been affected by the relief granted do not outweigh the state and local need for LMI housing;

- E. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required Conditions of Approval;
- F. There will be no 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 or pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community;
- G. The proposed land development project has adequate and permanent physical access to a public street, namely Matunuck Beach Road; and
- H. The land development project, 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.

Findings of Fact, Requested Relief

The following Findings of Fact and Requested Relief were approved and incorporated in the Conceptual Master Plan decision dated March 24, 2021. No additional waivers or relief has been requested.

- I. The proposed development will be in compliance with the standards and provisions of the South Kingstown Zoning Ordinance and Subdivision and Land Development Regulations and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for LMI housing. In view of the state and local need for LMI housing the following waivers, variances and exceptions are hereby granted:
 - i. **Zoning Ordinance - Section 301 – Schedule of Use Regulations Table, Use Code 12.1 – Multi-Household Land Development Project.** A Multi-Household Land Development Project is not an allowed use within the R20 Zoning District. In addition, it should be noted that a single multi-family (3 or more units) structure is also not allowed within the R20 District.
 - ii. **Zoning Ordinance - Section 401 – Schedule of Dimensional Regulations, Density.** The Yield Plan shows the maximum yield of the subject parcel under conventional zoning requirements is six (6) units; the applicant is proposing twelve (12) units.
 - iii. **Subdivision & Land Development Regulations - Article IV, Section H(9), Multi Household Dwellings, Supplementary Standards.** Distances between structures is required to be 50'; the applicant is proposing a separation of 25'.
- J. Because multi-family housing is not allowed in the R-20 district, there are no specific setbacks associated with this proposed use. However, yard setbacks for single-family housing in the R-20 District are as follows:

Front	35 ft.
Corner	25 ft.
Side	15 ft.
Rear	35 ft.
- K. No other relief is granted and all local ordinances and regulations not specifically mentioned herein shall be enforced in their entirety. Any subsequent revision to the plans that require additional or more expansive relief must be approved by the Planning Board in accordance with state law and Section 509 of the South Kingstown Zoning Ordinance as amended.



Conditions of Approval

In attaching these conditions, the Planning Board recognizes that there are a myriad of policy documents, research and scientific studies that exist at the local level (i.e., South Kingstown's Hazardous Mitigation Plan, South Kingstown's Comprehensive Plan), state, and federal level (i.e., Climate Change, Sea Level Rise) which attempt to address climate change along with sea level rise as it relates to new and existing development along and near our shore lines. As a Planning Board we also recognize that the majority of these policies and studies have not resulted in any significant regulatory changes at the local and/or state level and that as a Planning Board we are bound to review an application under the regulatory framework that exists within the Town of South Kingstown and the State of Rhode Island. Although we are concerned about the total cumulative environmental impacts that this type of development may have on the community as a whole, we fully understand the permitting parameters that must be weighed under the State of Rhode Island Comprehensive Permit application process associated with affordable housing and the parameters associated with the design of the development's storm water systems.

Therefore the Planning Board finds that the conditions imposed in the section are necessary in order to properly address local concerns as previously stated herein. The Board finds that such conditions will not render it impossible to proceed with the proposed project without financial loss, within any limitations that may be set by a subsidizing agency of the government. The Board finds that the local concerns in imposing the same outweighs the potential benefits of the affordable units that have been proposed and that said conditions are 'consistent with local needs' and said conditions are not designed or intended to exclude low and moderate income residents from the community or to discourage or frustrate the likelihood of success of the project as further described below and thus are reasonable in view of the state need for low and moderate income housing; and similar conditions are applied on a case by case basis and as equally as possible to both subsidized and unsubsidized housing as further described below.

1. This approval is limited to twelve (12) units.
2. The approval is based on the development of the proposed land development project in a single phase.
3. Approval is based upon the provision of 25% or three (3) subsidized housing units available for LMI residents. The LMI dwelling units will be sold to households earning a maximum of 100% of the Area Median Income (AMI) and be deed restricted for a period of thirty (30) years.
4. The three (3) required LMI Housing units have been designated in Building 1, Unit 2; Building 2, Unit 4; and Building 6, Unit 12 and will have identical exterior construction to all units within the development and will contain exactly the same square footage as the market rate units.
5. The construction sequence of the LMI units shall not exceed the construction of three (3) market-rate units for every one (1) LMI Housing unit.
6. The LMI units must meet the criteria for subsidy and deed restrictions such that the units meet all state requirements to be counted toward the LMI housing stock within the Town.
7. As part of the final submittal, the applicant shall submit additional final legal documents including, but not limited to, a final 'Monitoring Agreement' or 'Memorandum of Understanding' from a certified Monitoring Agent, a final draft 'Deed Restriction' and draft lease agreements for any rental units, that will insure that affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Administrative Officer.
8. The monitoring agent for the project shall be certified and qualified by the Rhode Island Housing and Mortgage Finance Corporation.
9. Fair Share Development Fees for both open space and school facilities 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.



Matunuck Beach Road Condominiums
June 17, 2022

Major Land Development Project – Comprehensive Permit
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10. 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.
11. The final plan shall clearly identify the proposed limits of disturbance and incorporate best management practices as outlined in the Rhode Island Soil Erosion and Sedimentation Control Handbook. Particular attention should be directed to the limits of disturbance in the vicinity of the level spreader to the south of the driveway.
12. All utilities (*i.e.*, electric, telephone and cable services) shall be installed underground.
13. The applicant shall be required to install low flow fixtures within the proposed units.
14. 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 Matunuck Beach Road.
15. The development's HOA shall incorporate maintenance and inspection provisions associated with sites porous pavement, concrete and storm water management structures and/or 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 Town's Legal Counsel, Town Engineer and Director of Public Service.
16. The developer shall create a document that clearly details the maintenance and financial responsibilities associated with the sites storm water structures/system (*i.e.*, detention basins, catch basins, pipe runs, rain gardens, infiltration systems). The document may take the form of a HOA (Home Owners Association) and shall incorporate language that include a maintenance and inspection schedule 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. The document shall also include a detailed monitoring and reporting program. The monitoring and reporting program shall occur for a period of five (5) years post construction [issuance of final CO for unit(s)] including but not limited to evaluating the functionality of the storm water improvements specifically the level spreader elevation and its effectiveness. South Kingstown's Director of Public Services shall review post construction monitoring report findings and submit written comments to the Planning Board on any action needed.

Prior to recording the document shall be reviewed and approved by the Planning Board's Administrative Officer in consultation with the Town's Legal Counsel, Director of Public Services and Town Engineer.

17. The applicant shall be required to have the site's design engineer present during construction as determined by the Director of Public Services in consultation with the Town's Administrative Officer of the proposed storm water infrastructure in order to perform periodic inspections sufficient to determine compliance with approved plans. Once the improvements have been completed, the design engineer shall verify in writing that the storm water infrastructure was installed as designed (this includes the proposed pervious pavement/material). The applicant shall be required to submit an AS-built of the site post construction (*i.e.*, grading, building elevations, storm-water structures/elevations limited to existing grading and elevations of buildings).

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JULY 15, 2022

COASTAL RESOURCES
MANAGEMENT COUNCIL

Matunuck Beach Road Condominiums
June 17, 2022

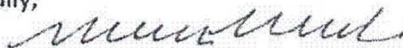
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18. The applicant shall be required to have the project's Landscape Architect present during installation of the plant material in order to perform periodic inspections. Once the installation of the plant material (including turf) has been completed, the design architect shall verify in writing that the material was installed as designed and approved by the Planning Board.
19. The applicant shall post financial security in the amount of \$ 500,000 for all public improvements and erosion and sediment control as prescribed by Town Regulations. The applicant shall have been evaluated and includes sufficient financial surety to insure the proper installation of all drainage and landscape features, as well as, sufficient funds to insure stabilization of the site in the advent that any one component (i.e. grading, drainage, soil stabilization, turf establishment) of the project is left unfinished by the developer. The type of financial security shall be reviewed and approved by special legal counsel in consultation with the Director of Finance. In association with the posting the financial surety the applicant shall post sufficient inspection fees associated with installation of the projects infrastructure (i.e., drainage, landscaping, soil and erosion control, roads/driveways etc.). Prior to the initiation of site disturbance activities, the applicant shall attend a pre-construction conference and shall pay a project inspection fee as determined by the Planning Board.
20. If the occupancy of the units is proposed to be phased, the applicant shall submit a plan to the Planning Board for approval as it relates to the completion of all proposed improvements (landscaping, storm drainage, sidewalks/walkways, rain gardens, landscaping, fencing etc.). Under a phasing scenario, the applicant shall provide financial security for any unfinished improvements, as mentioned above, prior to the issuance of any certificate of occupancy. Under no circumstance shall a Certificate of occupancy be issued for any unit until all of the projects drainage improvements and the proposed roads/driveways binder course have been installed, inspected and approved by the town in consultation with the Town Engineer and Administrative Officer.
21. Prior to the issuance of any certificates of occupancy, the applicant shall submit an as-built for all improvements to the site. The as-built shall show building locations, sidewalks/walkways, parking areas, pavement edges/layout, drainage structures including inverts, location of underground utilities and on site waste-water treatment systems (OWTS). In addition to providing an as-built for the projects improvements the applicant shall also provide an as-built survey to demonstrate that the applicant/developer has achieved the proposed and approved sightlines/stopping distances associated with the project curb cut and that the necessary tree/brush removal and grading has been completed per plans.
22. As part of the Final submittal, the applicant shall submit final legal documents in support of the development for review and approval by the Administrative Officer and the Town's Special Legal Counsel. The documents shall address the use, restrictions on use, ownership, maintenance and replacement of commonly owned infrastructure components including driveways, underground utilities, above ground utility structures and open space as well as the specific deed restriction language required as conditions of this approval.

Said motion, made by Mr. Murphy and duly seconded by Mr. Jordan, passed by unanimous poll vote, 5-0 (S. Axelrod; P. Jordan; M. Mack; J. Murphy; R. Pothier).

This decision may be appealed in accordance with RIGL § 45-53-4 and 45-53-5 of the Low and Moderate Income Housing Act.

Respectfully,



Maria H. Mack, Chair
Planning Board





STATE OF RHODE ISLAND

HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House 150 Benefit Street Providence, RI 02903

Telephone 401-222-2678
TTY 401-222-3700

Fax 401-222-2968
www.preservation.ri.gov

24 January, 2022

Raymond Coia, Chair
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879

Re: CRMC File No. 2021-11-002
Matunuck Beach Road Partners, LLC
South Kingstown

Dear Mr. Coia:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the above-referenced application for land development.

It is our conclusion that this modification will have no adverse effect on the Potter Pond Archaeological District, nor will it affect any other significant cultural resources.

These comments are provided in accordance with 650-RICR-20-00-1.2.3 *Areas of Historic and Archaeological Significance* of the Coastal Resources Management Council. If you have any questions, please contact Elizabeth Totten, Project Review Coordinator, or Charlotte Taylor, Staff Archaeologist of this office.

Sincerely,

Jeffrey Emidy
Interim Executive Director
Interim State Historic Preservation Officer

210124.01

