

Town of North Kingstown, Rhode Island



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TO: Michael Embury, Town Manager

FROM: Jonathan J. Reiner, Director of Planning 

DATE: May 2, 2012

RE: Rhode Island Statewide Planning Denial of Comprehensive Plan Amendment for Bald Hill Nursery at the Route 102/2 Intersection

cc: Planning Commission
Jeannette Alyward, Town Clerk

On March 26, 2012 Rhode Island Statewide Planning (SWP) denied the comprehensive plan amendment to Bald Hill Nursery from high density residential to commercial, specifically stating that the change was inconsistent with Land Use 2025 because the land was located outside of the Urban Services Boundary (USB). Please see the attached letter.

SWP requested there be a plan in place for the entire intersection (more than the singular 14-acre piece of property) in order for a map amendment to be changed from residential to commercial outside of the USB. Listed below are a number of different options for moving forward with addressing this inconsistency. Once the issue is discussed with the Town Council, Planning Commission, and the applicant, more options may arise. Prior to going through any planning exercise or application for the intersection, a review and analysis of the existing land use allowances at the intersection and the proposed uses under current zoning should be explored in more detail. The appropriate scale and type of development that happens at this intersection is a town issue. The state does not want to tell the town what type of development should occur here; instead, the state requires that development is properly planned and coordinated.

No matter what North Kingstown decides through this process, the denial of this comprehensive plan amendment will have to be reconciled prior to the town sending the rewrite of the North Kingstown Comprehensive Plan to SWP in 2013. In the mean time, because

a portion of our comprehensive plan is not in conformance with the State Guide Plan, *there will be a disadvantage for state grant programs or state actions if the comprehensive plan designation of this area is not approved.* State funding for other North Kingstown improvements and programs that require comprehensive plan and State Guide Plan consistency may no longer be a priority or eligible for this type of funding.

Future possibilities:

- The town can change the comprehensive plan for the Schartner Bald Hill Nursery land back to high density residential on the future land use map in the comprehensive plan, and change the zoning of the property back to village residential. Both of these actions would require public hearings at the Planning Commission and Town Council. This course of action would most likely be challenged by Mr. Schartner. The current future land use map designation of high density residential allows for .5 to 1 acre lots along the length of South County Trail – a move that could drastically change the entire “character” of the area, except for the fact that this area is located within the groundwater overlay district and requires 2 acre lots. The entirety of South County Trail could be subject to the development of 2-acre house lots if the farming industry fails.
- The town can ask SWP for its position on the boundary of the USB and whether or not SWP thinks that it should be modified. An applicant cannot ask the SWP to modify the USB. An applicant can ask the town to request that SWP modify the USB.
- The town can request SWP to modify the USB based upon the existing infrastructure in the roadway including a water main and 3-phase power, the existing RIPTA bus routes, as well as the fact that this roadway is a major transportation corridor through Washington County, especially to the University of Rhode Island. The town originally asked SWP to exclude much of this area from the USB due to the groundwater overlay district and the proximity to our existing wells in the area. There is a lengthy process for the state to amend the State Guide Plan, of which Land Use 2025 is an element.
- The town can begin a planning process to determine the municipal direction for the development of this intersection. This study could indicate the area as a growth center, at whatever density scale is deemed appropriate, allowing for some commercial but also maintenance of rural character through lower densities.
- The town can request that the owners of land at the intersection, or the applicant(s), pay to have an independent study such as the one mentioned above completed to analyze the best use of the land.

- Some or all of the parties that own land in that intersection can submit a joint application for a comprehensive plan amendment to the town to change the land use designation to a mixed use village. The applicants can include any of the following: the owners of Rolling Greens, the Corner Tavern, or the Bald Hill Garden Center, or Richard Schartner. If this was passed by the town and is developed in a manner consistent with state policies, it is most likely that it would be deemed consistent with Land Use 2025.
- The applicant can apply for a comprehensive plan amendment for multiple pieces of property but not the entire intersection. This scenario may not be considered full planning for the entire intersection as requested by SWP, and it may tell the town to reevaluate the intersection and plan for the future use of all the land at the intersection.
- An applicant can develop the properties to high density residential and commercial uses (Corner Tavern, Bald Hill Garden Center, and Oatley's) without any changes to the current zoning or comprehensive plan.

It is important that North Kingstown decide the best course of action moving forward soon, as the Planning Department just received a revised application from Rolling Greens for a compact village development (CVD). At the next level of review, the Rolling Greens application will need to include a comprehensive plan amendment and a zoning ordinance amendment.

If you should have any questions or require additional information, please feel free to contact me at jreiner@northkingstown.org or 268-1570.