



Planning Commission
Regular Meeting Notice & Agenda

Tuesday, November 15, 2016
7:30 P.M.

North Kingstown Municipal Offices
Court Room
100 Fairway Drive
NORTH KINGSTOWN, RI 02852

North Kingstown
Municipal Offices
100 Fairway Drive
North Kingstown, RI 02852
401-294-3331

AGENDA

Planning Commission

Chair

Gardner H. Palmer, Jr.

Michael Annarummo

Paul L. Dion

James R. Grundy

Patricia Nickles

Patrick Roach

Liaison Department Director

Nicole LaFontaine

Liaison Staff

Maura Harrington

Shaun Lacey

Clerk

Beth Gagnon Glasberg

1. **Election**
2. **Development Plan Review (Modification):** Application for The Back 40 (*AMPO, Inc. Justin Dalton-Ameen*) of 42 Cambridge St, Allston, MA 02134 for proposed additions (rear deck and front porch additions), outbuilding removal, parking re-alignment and signage located at 20 South County Trail, AP 102 Lot 7, zoned Compact Village District (CVD) and within the Groundwater Two (GW2) Overlay.
3. **Recommendation to the Zoning Board of Review:** The Back 40 (*AMPO, Inc. Justin Dalton-Ameen*) of 42 Cambridge St, Allston, MA 02134 for zoning relief regarding parking and signage located at 20 South County Trail, AP 102 Lot 7, zoned Compact Village District (CVD) and within the Groundwater Two (GW2) Overlay.
4. **Minor Modification:** Modification of proposed Pleasant Valley Road configuration as depicted on approved plans for automobile dealership located at Quaker Lane and Pleasant Valley Road (AP 129-018, applicant Tarbox_Real Estate LLC, c/o Ed Tarbox) zoned General Business (GB) and located within the Groundwater Two (GW2) Overlay. *Note: this modification is not proposed by applicant, it is a safety modification proposed by the town.*
5. **Minor Modification/Recommendation to Town Council:** Shady Lea Woods for the requirement of utilization of an outside contractor for lawn maintenance. Property formerly known as AP 7 Lot 21, cluster development
6. **Comprehensive Plan:** confirm workshop date(s)
7. **Minutes**
8. **Adjournment**

Documentation (if any) for items listed on this Agenda is available for public inspection, a minimum of 24 hours prior to the Board meeting, at any time during regular business hours at the Department of Planning, 55 Brown Street, North Kingstown, RI 02852. The Town of North Kingstown will provide interpreters for the hearing impaired given three days notice in advance. 294-3331, Ext 120. Pursuant

NORTH KINGSTOWN PLANNING COMMISSION STAFF REPORT

Meeting Date: November 15, 2016

Agenda Topic: 1) Development Plan (Modification) for The Back 40 located at 20 South County Trail, AP 102 Lot 7 & 2) Recommendation to the zoning board of review for parking and signage.

Applicant/Owner	Applicant/Owner: The Back 40 (AMPO, Inc. Justin Dalton- Ameen) 421 Cambridge St. Allston, MA RI 02134
Requested Action	Modification of Development Plan: proposed additions to structure (rear deck and front porch additions), outbuilding removal, parking re-alignment and signage
Location	AP 102 Lot 7 20 South County Trail
Parcel Size	2.54 acres
Existing Land Use	Vacant building previously used as a restaurant
Surrounding Land Use	Commercial/Residential/Agricultural
Existing Zoning	Compact Village District and Groundwater Two Overlay (GW2)
Surrounding Zoning	Compact Village District/Groundwater Two Overlay (GW2)
Comprehensive Plan Consistency	The Comprehensive Plan identifies this area as Rural Gateway

APPLICABLE REGULATIONS:

- Zoning Ordinance
 - Section 21-95 Compact Village Development District
 - Section 21-186 Groundwater recharge districts
 - Section 21-249 Signage: Requirements by zone and types of sign
 - Section 21-284 Development Plan Review
 - Section 21-269: Village character design guidelines

SITE BACKGROUND & PROCEDURE:

The property is within the Compact Village Development (CVD) zone and located within a Groundwater Two (GW2) overlay. The building on AP 102 Lot 7, was most recently Wicked Fish and Kitty Murtagh's and served as a restaurant and bar. Prior to this, the building operated as the Corner Tavern. The restaurant use has pre-dated the CVD zoning, as this parcel was previously zoned General Business. (GB) The restaurant use is an allowed use in both zoning districts.

In 2014, the former owner for Wicked Fish obtained planning commission approval on February 07, 2014 for a minor modification to the Development Plan Approval for the previous additions. This included 3 additions: 95 sq. ft. to the west, 1,000 sq. ft. to the south and 250 sq. ft. to the north. As part of the previous approval, condition number 2 indicated that the applicant shall install a septic system with denitrification components.

Planning Commission review is required according to Section 21-284(B) 2: *any construction of a structure, group of structures, **any alteration or improvement** or change of use of property for commercial or industrial use as described in B (1)(a) of this section which is located in a groundwater recharge and wellhead overlay district shall require development plan review and approval by the planning commission.*

As part of this review process, the planning commission shall also give recommendations for the requested dimensional variances that will require relief from the zoning board of review.

This application was reviewed by at the Technical Review Committee (TRC) meeting on November 09, 2016. Comments received are enclosed within.

PROPOSAL:

Additions

The applicant plans to renovate the former restaurant and bar into a new restaurant, called The Back 40, at this location. The proposal involves the following additions: a proposed covered façade and porch 727 sq. ft. to the front west facing elevation and a rear deck addition 592 sq. ft. The applicant has indicated verbally that they may want to extend the deck 5' further to the east. The applicant is aware that this will have to be reflected on amended plans for the Planning Commission to review at its meeting. The applicant does not intend to add any additional seats within the restaurant at this time. The seat number will therefore remain at 124 seats. The applicant is also proposing to remove the 700 sq. ft. structure to the rear of the building. That will allow for some additional room for parking on site. The proposed additions will not encroach into the required setbacks for buildings within the CVD zone.

Parking & Loading

There are currently 63 parking spaces on site with one loading space. This was pre-existing parking over the allowable amount. The submitted site plan dated October 2016 prepared by Garofalo has indicated a total of 73 parking spaces on site. The parking requirements for this use are as follows: a minimum of 1 space per every 4 seats or a maximum of 1 space per every 3 seats, providing a range of 31-42 spaces. There is also a requirement for 20 per cent employee parking. This brings the requirements for parking from 37 (minimum) to 50 (maximum). Anything over the maximum parking will require a variance in accordance with Section 21-272 of the zoning ordinance. The parking will therefore require a dimensional variance of 23 spaces. The loading requirement for building up to 8,000 sq. ft. is for one loading space on site. The site plan submitted has indicated one space to the north of the building.

Signage

The application is seeking to erect a sign measuring 22.8 sq. ft. on the front elevation over the entrance. The plans indicate that this will be a reverse channel lit sign. At present there is gooseneck lighting over this sign which will be removed. The allowance for signs on the front elevation is 10 per cent of the store front area. The proposed sign at this location is within the signage allowance.

The application is also proposing two signs, 99 sq. ft. each, one to be located on the southern side elevation and one on the northern side elevation. These signs have been indicated as murals on the submitted plans and indicate that they will be “painted signage mural (white letters with black outline)”. There has been some degree of discussion with this with the applicant’s engineer. The zoning ordinance indicates that murals require a special use permit. The ordinance does not include a definition of a mural, but has been interpreted as the painting of graphics on walls. This proposal consists primarily of logos and advertising as it indicates the B40 logo with an image of a pitchfork and Back Forty written out under it with Food and Drink on the third line. The definition of a sign as per our zoning ordinance indicates that it *“means any device, whether freestanding or attached to a building or structure, or that is erected, painted, represented or reproduced upon or in (to the extent provided in this chapter) any building or structure, which displays, reproduces or includes any letter, work, name, number, model, insignia, design, device or representation used for one or more of the following:*

- 1) *To identify the premises or occupant or owner of the premises;*
- 2) *To advertise the sale or rental or use of all or part of any premises, included that upon which it is displayed;*
- 3) *To direct vehicular traffic other than state or municipal highway or roadway markers; and*
- 4) *Including any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interest of any person or corporation.*

On this basis, the planning staff is of the opinion that these would constitute signs. There is an allowance for signage on the sides of buildings under Section 249 (1) (b) which allows an additional 10 sq. ft. of signage when the building directly or indirectly abuts a parking lot. Anything over the allowable 10 sq. ft. would require relief (dimensional variances) from the zoning board of review. These signs would therefore each require 89 sq. ft. of relief.

Lighting

The application has submitted lighting details from Bevolo outlining the proposed external lighting for the elevations as indicated on the plans. The front elevation is proposing “porch sconce” type lights. These are a lantern type wall mounted lights. Five in total are proposed on the front elevation. All existing wall mounted gooseneck lighting is proposed to be removed from this elevation. The northern and southern side elevations each indicate a “mural strip light” 9 ft. in length. There are string lights proposed on the rear deck and the upper porch canopy roof. Details of these are all enclosed within the Bevolo handout, included in the package material. There is no site lighting proposed as part of this application.

Recommendation to Zoning

The application will require relief as outlined above for the parking, which will require a dimensional variance of 23 spaces in accordance with Section 21-272 of the zoning ordinance. There is also a requirement for two dimensional variances for signage, 89 sq. ft. from the north side elevation and 89 sq. ft. from the southern side elevation in accordance with Section 21-249 (1) (b).

SUMMARY:

This modification requires Planning Commission review as it is in the GW2 overlay zone. Furthermore the sites location with the CVD zone requires planning commission approval for design specifications. The CVD ordinance –Section 21-95(7)(c)(5) indicates that the “building materials, roof lines, fenestration, facades, entranceways, surface treatments, signs, and lighting will be used to meet the goals of the CVD ordinance through the provisions of architectural elevations and illustrated examples of these individual features.” The specifications for the CVD zone are further outlined in the Section 21-269: village character design guidelines section of the ordinance.

This proposal is maintaining the former restaurant use and is merely seeking some minor porch and deck additions to the front and rear of the existing building. The submitted plans have also indicated some new design features to include: a new corrugated metal roof along the center of the front elevation to cover the front porch area. This will add a design feature to this front elevation to replace the awnings which are being removed. There will be parapet added to the existing roof to match existing. There is a metal railing proposed along the front porch area and new front doors are being installed to reflect barn style doors. The plans indicate faces between the bottom of the deck and ground on the front elevation and states that this is to be determined. This material should be clarified. The windows on the southern elevation will be removed to facilitate the internal configuration which serves the bar area. The removal of these windows will leave a large blank wall along the southern elevation. The proposal does involve two large mural type signs proposed as part of this application, which will be painted directly onto the walls of the southern and northern elevations. This will add some design detail to these otherwise blank walls.

The CVD ordinance indicates that *“the planning commission shall have the ability to require additional design specifications, amenities and development requirements that are compatible with or enhance the surrounding neighborhood”*. This is the redevelopment of an existing building and therefore the ability to meet all the CVD requirements is unreasonable. The planning commission should focus on the proposed remodeling works and indicate if they think that the sign, lighting, entranceways, materials, etc. meet the CVD criteria.

The Planning Commission shall take the following criteria into consideration when considering granting development plan approval:

- a. The requested action will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan upon which this chapter is based.
- b. The grant of the approval will not pose a threat to the drinking water supply.
- c. The use will not disrupt the neighborhood or the privacy of abutting landowners by noise, light, glare, or air pollutants.
- d. Sewage and waste disposal into the ground and the surface water drainage from the proposed use will be handled on site.

- e. The traffic generated by the proposed use will not cause congestion or introduce a traffic hazard to the circulation pattern.
- f. Accessory signs, off-street parking and loading areas and outdoor lights are designed and located in a manner which complements the character of the neighborhood.

The planning commission shall also consider the following as per section 21-186 (g) (3), for applications located within a zone 1 and/or zone 2 groundwater protection area in the decision-making process:

- a. Adequacy and suitability of the site for the proposed use, including the availability of utilities and other public services
- b. Demonstration of the use of currently accepted best management practices (BMPS) (Section 21-187)
- c. Adequacy of sewage disposal method, water source, and stormwater management.
- d. Nitrate-nitrogen loading pursuant to article VI of chapter 8 pertaining to groundwater reservoirs and recharge areas
- e. Soil erosion and sediment control plans
- f. Provisions of appropriate natural buffers for wetlands and surface water bodies.
- g. Impact on public and private water supplies.
- h. Proposed groundwater withdrawals.
- i. Storage of any potentially hazardous material and a hazardous materials contingency plan for these materials.
- j. The ability to meet standards contained in article VI of chapter 8 pertaining to groundwater reservoirs and recharge areas.

The application will require relief as outlined above for the parking, which will require a dimensional variance of 23 spaces in accordance with Section 21-272 of the zoning ordinance. There is also a requirement for two dimensional variances for signage, 89 sq. ft. from the north side elevation and 89 sq. ft. from the southern side elevation in accordance with Section 21-249 (1) (b). The planning commission shall make a recommendation on these requested variances.

The planning conditions should also consider any conditions that they may see as appropriate if approved. Planning staff would recommend the following:

1. The proposed works shall be carried out in conformance with the site plan prepared by Garofalo (Sheet C-2) dated October 2016.
2. Building elevations shall be in conformance with the Exterior Elevations Plan A2.1 (Revision date November 08, 2016) prepared by Frank C. Karpowicz, Registered Architect of FKA.
3. Revised plans shall be submitted to the satisfaction of the Town Engineer showing the parking lot graded to the water quality swale and basin on the south side of the property.
4. Proof of an up-to-date maintenance contract for the/A OWTS for the location and a report detailing the successful restart of the system shall be submitted to the Town of North Kingstown Water Department.

If you should have any questions or require additional information please feel free to contact the Planning Department to discuss further.





Garofalo & Associates, Inc.

Consulting Engineers

Surveyors & Land Planners

October 25, 20016

Maura Harrington, Supervising Planner
Planning Department
North Kingstown Town Hall
80 Boston Neck Road
North Kingstown, RI 02852

**Re: Drainage Statement
Back 40 Restaurant
Development Plan Review (Modification)
20 South County Trail
North Kingstown, RI**

Dear Ms. Harrington:

Garofalo & Associates, Inc. (Garofalo) has prepared the enclosed application package and plans on behalf of Mr. Justin Dalton-Ameen (Owner/Applicant). The application requests a building footprint increase, deck expansion, out-building removal, and parking re-alignment.

As you are aware, the project site previously operated as a restaurant (Wicked Fish) in accordance with a RIDEM OWTS Permit and Site Plan approval from the Town. In October, 2015 the project site underwent a Town review to mitigate for construction activity that increased impervious conditions. The most recent approvals include parking for 63 vehicles, restaurant structure, OWTS, and out-buildings. Additionally, a portion of the impervious parking is directed to a newly constructed water quality structure located along the southern boundary of the property.

The present request includes a modest building modification at the front of the main structure, a deck expansion at the rear of the structure, out-building removal, and parking re-alignment. The proposed parking re-alignment is requested to allow for smooth visitor movement from the north parking field to the south parking field. The project also includes the removal of a 16-ft gravel travel way over the existing OWTS leach field. With the proposed re-alignment the parking count increases to 73 spaces. All existing drainage patterns will remain.

Although the project includes a modest building expansion, due to the removal of the rear travel way and out-building and efficient re-alignment of parking, the project proposes a net decrease in impervious conditions (2,600 s.f.) and a decrease in impervious surfaces discharging to the previously approved water quality structure. **A net decrease in run-off peak flow and volume is expected with the proposal.**

If you have any questions regarding our submission or need any additional information, please do not hesitate to contact me at 401-273-6000.

Sincerely,

Garofalo & Associates, Inc.

Richard J. Bourbonnais, II, RLA, PE
Project Manager
cc. J. Dalton-Ameen, File



Maura Harrington

From: Kim Wiegand
Sent: Tuesday, November 01, 2016 1:25 PM
To: Maura Harrington
Cc: Richard Bourbonnais; Nicole LaFontaine
Subject: Back 40 Restaurant

Maura

I reviewed the 10/25/16 letter from Garofalo and the site plans for the above proposed redevelopment. I checked the site plans against the RIDOT's Rt. 102/Rt. 2 roundabout plans as well. I have no issues with the proposal. I would however, like to see that the plans show the parking lot graded to drain to the water quality swale and basin on the south side of the property.

N. Kim Wiegand, P.E.

Town Engineer
Dept. of Public Works
2050 Davisville Road
North Kingstown, RI 02852
401-268-1563 or 1500 ext. 640
kwiegand@northkingstown.org

Maura Harrington

From: John Horan <john_horan@nksd.net>
Sent: Friday, October 28, 2016 10:37 AM
To: Maura Harrington
Subject: The Back 49 (AMPO, Inc., Justin Dalton-Ameen)

Good Morning Maura:
No comment from NKSD submitted as this will have no impact on us.

Thanks,
John



John R. Horan Jr.
Supervisor of Transportation
North Kingstown School Dept.
120 Fairway Dr.
North Kingstown, RI 02852
Tel: 401.268.6510 Fax: 401.268.6512
www.nksd.net

Maura Harrington

From: Tim Cranston
Sent: Friday, October 28, 2016 11:20 AM
To: Maura Harrington
Cc: Sue Licardi
Subject: The Back 40

Everything looks fine here, I do need to see proof of an up-to-date maintenance contract for the I/A owts for the location and a report detailing the successful restart of the system. Much of this parking lot work is being done in order to get the site in compliance with the system requirements. Last I heard, the problem with the maintenance provider for the system had to do with unpaid bills; hopefully all this has been rectified.

G. Timothy Cranston
Water Quality Specialist
Town of North Kingstown
(401) 268-1522

SITE PLANS

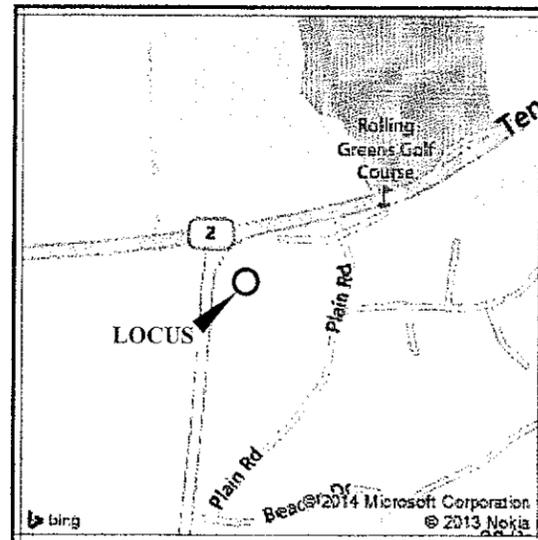
FOR:

BACK 40

SITUATED ON:

A.P. 102, LOT 7

20 SOUTH COUNTY TRAIL (ROUTE 2)
NORTH KINGSTOWN, RHODE ISLAND



LOCUS MAP
NOT TO SCALE

OWNER / APPLICANT:

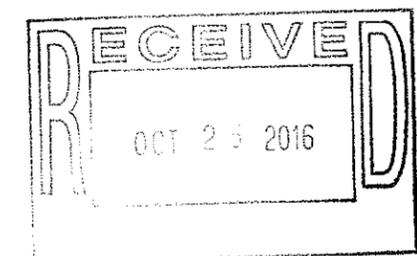
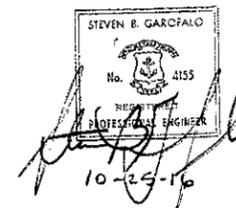
AMPO, INC
JUSTIN DALTON-AMEEN
421 CAMBRIDGE STREET
ALLSTON, MA 02134

PREPARED BY:

GAROFALO

GAROFALO & ASSOCIATES, INC.
CIVIL & STRUCTURAL ENGINEERS/SURVEYORS
LAND PLANNERS/ENVIRONMENTAL SCIENTISTS

P.O. BOX 6146
85 CORLISS STREET
PROVIDENCE, R.I. 02940
TEL. 401-273-6006



SHEET INDEX:

SHEET	LAST REVISED
COVER SHEET	
C-2 SITE LAYOUT AND GRADING PLAN	
C-3 CONSTRUCTION DETAILS	

OCTOBER, 2016

GENERAL CONSTRUCTION NOTES

1. AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE TRAILER AT ALL TIMES. DEVIATIONS OR CHANGES WILL NOT BE ALLOWED UNLESS BY WRITTEN APPROVAL FROM THE ENGINEER.
2. SITEWORK CONSTRUCTION SHALL NOT COMMENCE UNTIL ALL APPROVALS HAVE BEEN SECURED. REQUIRED PERMITS/APPROVALS FOR THE PROJECT INCLUDE BUT NOT LIMITED TO THE FOLLOWING: DEMOLITION PERMITS, SITE PLAN APPROVAL BY THE LOCAL CITY/TOWN, RIDEM FRESHWATER WETLANDS RIDEM.
3. THE CONTRACTOR MUST RETAIN THE SERVICES OF A REGISTERED LAND SURVEYOR IN THE STATE OF RHODE ISLAND TO LAYOUT ON THE GROUND ALL NEW ELEMENTS OF WORK. IF ANY WORK IS INSTALLED PRIOR TO THE ABOVE REQUIREMENT AND IF ANY WORK IS NOT SATISFACTORY TO THE ENGINEER, THE CONTRACTOR MUST REPEAL THE WORK AT NO ADDITIONAL COST TO THE OWNER.
4. THE CONTRACTOR SHALL VERIFY THE PROPOSED LAYOUT WITH ITS RELATIONSHIP TO THE EXISTING SITE SURVEY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, SITE CONDITIONS AND MATERIAL SPECIFICATIONS AND SHALL NOTIFY THE OWNER AND ENGINEER OF ANY ERRORS, OMISSIONS OR DISCREPANCIES BEFORE COMMENCING, INSTALLING OR PROCEEDING WITH WORK.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES AND TO TAKE WHATEVER NECESSARY MEASURES NEEDED TO PROVIDE FOR THEIR PROTECTION. THE ENGINEER HAS DILIGENTLY ATTEMPTED TO LOCATE AND INDICATE ALL EXISTING UNDERGROUND UTILITIES AND FACILITIES ON THE DRAWINGS; HOWEVER, THE INFORMATION SHOWN IS FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS OF UTILITIES SHOWN OR NOT SHOWN. THE CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS AND LOCATE ANY EXISTING UTILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION. VERIFY ALL DIMENSIONS, SITE CONDITIONS AND MATERIALS. THE CONTRACTOR MUST CONTACT THE LOCAL UTILITY COMPANIES FOR EXACT LOCATION OF UTILITIES PRIOR TO THE START OF ANY CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BEFORE START OF ANY WORK. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR AND REPLACE ANY AND ALL DAMAGE MADE TO UTILITIES BY THE CONTRACTOR.
6. THE CONTRACTOR MUST NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITIES IN THE AREA OF PROPOSED CONSTRUCTION, EXCAVATION OR BLASTING AT LEAST THREE WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS PRIOR TO THE START OF ANY CONSTRUCTION, EXCAVATION OR BLASTING. ALL WATER, SEWER, GAS AND ALL OTHER UTILITIES MUST BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
7. METHODS AND MATERIALS USED IN THE CONSTRUCTION OF IMPROVEMENTS MUST CONFORM TO THE LOCAL CITY/TOWN CURRENT CONSTRUCTION STANDARDS AND SPECIFICATIONS AND THE STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION.
8. THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY PAVEMENT, DRIVEWAYS, SIDEWALKS, WALL, CURBS, ETC. DAMAGED DURING CONSTRUCTION WITH MATCHING MATERIALS.
9. THE CONTRACTOR AGREES THAT HE WILL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE PROJECT SITE CONDITIONS THROUGHOUT CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONJUNCTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT.
10. ALL MATERIALS USED FOR CONSTRUCTION MUST BE NEW AND FREE OF DEFECTS. USED OR SALVAGED MATERIAL WILL NOT BE ALLOWED UNLESS WRITTEN APPROVAL FROM THE OWNER IS OBTAINED BY THE CONTRACTOR.
11. AT ALL TIME THE CONTRACTOR MUST MAINTAIN ACCESS FOR EMERGENCY VEHICLES AROUND AND TO ALL BUILDINGS. (I.E. IN TIMES OF RAIN OR SNOW, ROADS MUST BE ABLE TO CARRY A FIRE TRUCK BY BEING PAVED OR HAVING A CRUSHED STONE BASE, ETC.). WIDTH OF EMERGENCY VEHICLE ACCESS MUST BE A MINIMUM OF 20 FEET WIDE. ACCESS TO BUILDINGS THAT HAVE A FIRE SPRINKLER SYSTEM OR STANDPIPE MUST BE WITHIN 40 FEET OF THE FIRE DEPARTMENT CONNECTION (FDC). NFPA 1141 3-1.
12. NECESSARY BARRICADES, LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAYBE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC MUST BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION BY THE CONTRACTOR.

GENERAL LEGEND AND ABBREVIATIONS:

N/A	NOW OR FORMERLY
S.F.	SQUARE FEET
AC.	ACRES
CONC.	CONCRETE
RHB	RHODE ISLAND HIGHWAY BOUND
IPF	IRON PIPE FOUND
	LIGHT POLE
	UTILITY POLE
	BOLLARD
---	LOCUS PROPERTY LINE
---	ASSESSORS LINE
---	CONTOUR (10')
---	CONTOUR (2')
---	SPOT GRADE
---	STONE WALL
---	WATER LINE
---	GAS LINE
---	OVERHEAD WARES
---	SOIL EVALUATION TEST PITS (SEV)
---	SOIL TYPES
---	TOTAL DEPTH
---	ESTIMATED SEASONAL HIGH WATER TABLE

PLAN NOTES:

- 1) THE PROJECT SITE IS LOCATED WITHIN ZONE "X" (AREA OF MINIMAL FLOODING) AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE TOWN OF NORTH KINGSTOWN, WASHINGTON COUNTY, RHODE ISLAND, MAP NO. 44009C0085H HAVING AN EFFECTIVE DATE OF OCTOBER 19, 2010.
- 2) HORIZONTAL DATUM: RHODE ISLAND STATE PLANE - NAD 83
VERTICAL DATUM: NAVD 88
* DATUM WAS DERIVED BY OBSERVED GPS ORTHOMETRIC HEIGHTS AND PROCESSED BY OPUS. VARIATIONS BETWEEN LOCAL BENCHMARKS MAY APPLY.

PARCEL DATA

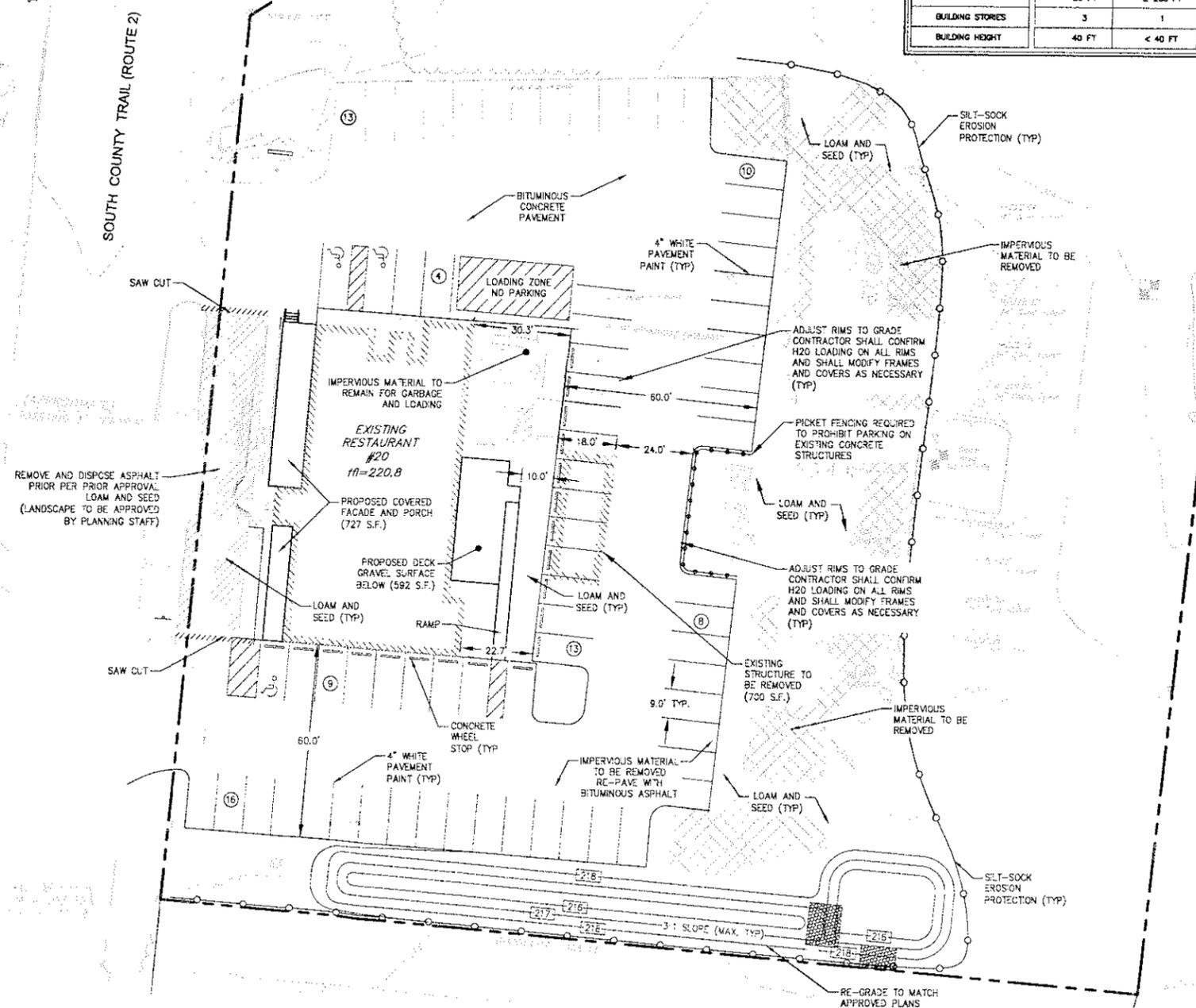
A.P. 102, LOT 7
N/E
CGM, INC.
DEED BK. 292 / PG. 293
#20 SOUTH COUNTY TRAIL
LOT AREA:
110,949 S.F. ± OR
2.54 ACRES ±

DEVELOPMENT SUMMARY

A.P. 102, LOTS 7
ZONING (CVD) COMPACT VILLAGE DEVELOPMENT

REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	4,000 S.F.	±111,000 S.F.
LOT WIDTH	40 FT	±270 FT
LOT FRONTAGE	40 FT	±270 FT
BUILDING SETBACK		
FRONT	0.0 FT	± 20 FT
SIDE	0.0 FT	± 00 FT
REAR	20 FT	± 200 FT
BUILDING STORES	3	1
BUILDING HEIGHT	40 FT	< 40 FT

SOUTH COUNTY TRAIL (ROUTE 2)



SITE PLAN
SCALE: 1"=20'

SITE TABULATION		
	EXISTING	PROPOSED
IMPERVIOUS SURFACE	37,100 S.F.(1,2)	34,500 S.F.(1)
	EXISTING	PROPOSED
PARKING SPACE	63 SPACES (2)	73 SPACES (3)

TABULATION NOTES:
1. IMPERVIOUS SURFACE CALCULATION:
EXISTING (APPROVED) IMPERVIOUS = 37,100 S.F.
PROPOSED IMPERVIOUS = 34,500 S.F.
TOTAL = (2,600 S.F.) (NET REDUCTION)
2. APPROVED PER PLAN ENTITLED "SITE PLANS FOR WOKED FISH, DATED/SIGNED NOVEMBER 18, 2015."
3. VARIANCE REQUIRED, EXCEEDS MAX ALLOWED:
MIN PARKING ALLOWED: 1 SPACE/4 SEATS
= 124 SEATS x 1 SPACE/3 SEATS = 31 SPACES
MAX PARKING ALLOWED: 1 SPACE/3 SEATS
= 24 SEATS x 1 SPACE/3 SEATS = 42 SPACES



SITE LAYOUT AND GRADING PLAN FOR BACK 40
SITUATED ON ASSESSOR'S PLAT 102, LOT 7
SOUTH COUNTY TRAIL
NORTH KINGSTOWN, RHODE ISLAND
PREPARED FOR AMPO, INC

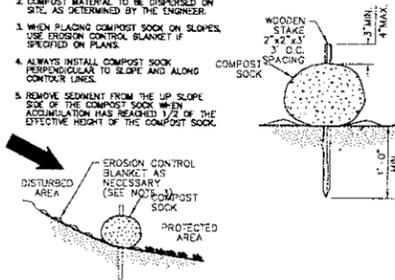
NO.	REVISION	BY	DATE

GAROFALO
GAROFALO & ASSOCIATES, INC.
CIVIL & STRUCTURAL ENGINEERS/SURVEYORS
LAND PLANNERS/ENVIRONMENTAL SCIENTISTS
85 CORLISS STREET
P.O. BOX 6145
PROVIDENCE, R.I. 02940
TEL: 401-273-6000

JOB NO. 6935.01	DRAWN BY K.Y.Y.
DWG. NO. 6935-BASE.DWG	CHECKED R.J.B.
SCALE: 1" = 20'	APPROVED S.B.G.
	DATE: OCTOBER, 2016

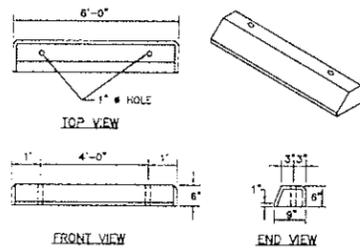
SHEET
C-2
2 OF 3

- NOTES:
- COMPOST SOCK SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. COMPOST SOCK SHALL BE A MINIMUM OF 8" IN DIAMETER.
 - COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.
 - WHEN PLACING COMPOST SOCK ON SLOPES, USE EROSION CONTROL BLANKET IF SPECIFIED ON PLANS.
 - ALWAYS INSTALL COMPOST SOCK PERPENDICULAR TO SLOPE AND ALONG CONTOUR LINES.
 - REMOVE SEDIMENT FROM THE UP SLOPE SIDE OF THE COMPOST SOCK WHEN ACCUMULATION HAS REACHED 1/2 OF THE EFFECTIVE HEIGHT OF THE COMPOST SOCK.



COMPOST SILT SOCK DETAIL

NOT TO SCALE



- NOTES:
- THE TOP AND ALL EXPOSED FACE SURFACES TO 1" BELOW CUTTER LUG SHALL HAVE A SMOOTH FLAT SURFACE.
 - ALL EXPOSED EDGES SHALL HAVE A 3/4" CHAMFER.
 - PRECAST CONCRETE CAR STOPS INCLUDE FURNISHING AND DRIVING 3/4" x 16" STEEL RODS.

PRECAST CONCRETE WHEEL STOPS

NOT TO SCALE

EROSION CONTROL and SOIL STABILIZATION PROGRAM:

- DENUDED SLOPES SHALL NOT BE LEFT EXPOSED FOR EXCESSIVE PERIODS OF TIME.
- ALL DISTURBED SLOPES EITHER NEWLY CREATED OR EXPOSED PRIOR TO OCTOBER 15, SHALL BE SEEDED OR PROTECTED BY THAT DATE FOR ANY WORK COMPLETED DURING EACH CONSTRUCTION YEAR.
- TEMPORARY TREATMENTS SHALL CONSIST OF A HAY, STRAW, OR FIBER MULCH OR PROTECTIVE COVERS SUCH AS A MAT OR FIBER LINING (BURLAP, JUTE, FIBERGLASS NETTING, EXCELSDOR BLANKETS). THEY SHALL BE INCORPORATED INTO THE WORK AS WARRANTED OR AS ORDERED BY THE ENGINEER.
- HAY OR STRAW APPLICATIONS SHOULD BE IN THE AMOUNT OF 2000 LBS/ACRE.
- ALL HAYBALES OR TEMPORARY PROTECTION SHALL REMAIN IN PLACE UNTIL AN ACCEPTABLE STAND OF GRASS OR APPROVED GROUND COVER IS ESTABLISHED.
- THE TOPSOIL SHALL HAVE A SANDY LOAM TEXTURE RELATIVELY FREE OF SUBSOIL MATERIAL, STONES, ROOTS, LUMPS OF SOIL, TREE LIMBS, TRASH OR CONSTRUCTION DEBRIS.
- THE SEED MIX SHALL BE INOCULATED WITHIN TWENTY FOUR (24) HOURS, BEFORE MIXING AND PLANTING, WITH APPROPRIATE INOCULUM FOR EACH VARIETY.
- THE DESIGN MIX FOR TEMPORARY EROSION CONTROL AND SOIL STABILIZATION SHALL BE COMPRISED OF THE FOLLOWING:

TYPE	% BY WEIGHT
CREeping RED FESCUE	70
ASTORIA BENTGRASS	5
BIRDFOOT TREFFOIL	15
PERENNIAL RYEGRASS	10

APPLICATION RATE 100 LBS/ACRE

LIMING AND FERTILIZING AS REQUIRED TO COMPLIMENT OR UPGRADE EXISTING CONDITIONS.
- THE CONTRACTOR MUST REPAIR AND/OR RESEED ANY AREAS THAT DO NOT DEVELOP WITHIN THE PERIOD OF ONE (1) YEAR, AND HE SHALL DO SO AT NO ADDITIONAL EXPENSE.
- THE NORMAL ACCEPTABLE SEASONAL SEEDING DATES ARE APRIL 1ST THROUGH OCTOBER 15TH.
- STABILIZATION OF ONE FORM OR ANOTHER AS DESCRIBED ABOVE SHALL BE ACHIEVED WITHIN FIFTEEN (15) DAYS OF FINAL GRADING.
- STOCKPILES OF TOPSOIL SHALL NOT BE LOCATED NEAR WATERWAYS OR FLOOD PLAINS. THEY SHALL HAVE SIDE SLOPES NO GREATER THAN THIRTY PERCENT (30%) AND STOCKPILES SHALL ALSO BE SEEDED AND/OR STABILIZED AND COMPLETELY ENCLOSED WITH A CONTINUOUS LINE OF STAKED HAYBALES AND/OR SILFENCE. (SEE DETAIL).
- ON BOTH STEEP AND LONG SLOPES, CONSIDERATION SHOULD BE GIVEN TO "CRIMPING" OR "TRACKING" TO TACK DOWN MULCH APPLICATIONS.

SEQUENCE AND STAGING OF LAND DISTURBING ACTIVITIES:

- SURVEY AND STAKE THE DRAINAGE STRUCTURES, LIMIT OF WORK AND SEDIMENTATION BARRIERS.
- PLACE SEDIMENTATION BARRIERS (HAY BALES OR SILT FENCE) AS SHOWN ON THE PLANS AND STAKED OUT IN THE FIELD. IN NO CASE IS THE LIMIT OF WORK TO EXTEND BEYOND THE SEDIMENTATION BARRIERS.
- BEGIN ROADWAY AND DRAINAGE WORK (CLEARING AND GRUBBING, EXCAVATING AND GRADING, ETC.). TOP SOIL TO BE STRIPPED AND STOCKPILED IN APPROVED AREAS. THE STOCKPILES ARE TO BE PROTECTED BY A ROW OF SEDIMENTATION BARRIER AND COVERED OR TEMPORARILY SEEDED. NO RUNOFF IS TO BE DISCHARGED TO THE DETENTION STRUCTURES UNTIL THE BINDER COURSE OF PAVEMENT IS INSTALLED AND DISTURBED AREAS ARE STABILIZED WITH VEGETATION.
- BEGIN CLEARING WITHIN AREAS OF THE PROPOSED STRUCTURES FOLLOWING CONSTRUCTION OF ROADWAY.
- LANDSCAPING AND PERMANENT STABILIZATION. SWEEP THE ROADWAY AREAS TO REMOVE ALL SEDIMENTS.
- FLUSH AND/OR REPAIR DRAINAGE AREAS AS NEEDED.
- REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES FOLLOWING VEGETATIVE ESTABLISHMENT OF ALL DISTURBED AREAS.

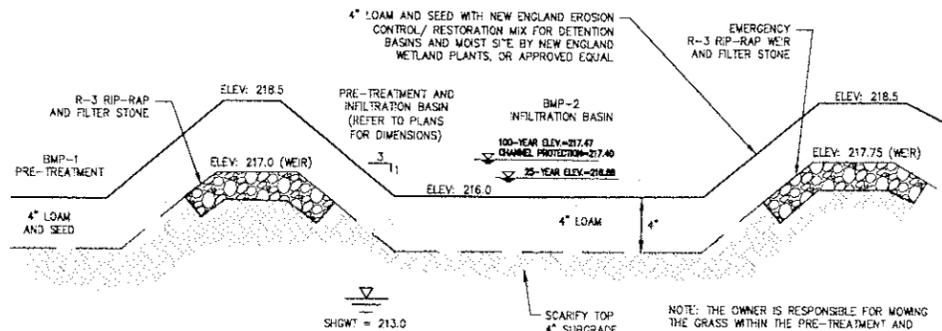
MAINTENANCE SCHEDULE FOR BMP-1 AND BMP-2:

GENERAL:

LONG-TERM MAINTENANCE OF THE DRAINAGE STRUCTURES WILL BE COMPLETED BY THE OWNER. THE CONTRACTOR SHALL MAINTAIN ALL DRAINAGE COMPONENTS DURING AND DIRECTLY AFTER CONSTRUCTION.

WATER QUALITY BASIN (PRE-TREATMENT AND INFILTRATION BASIN) MAINTENANCE:

- A PERMANENT COVER SHALL BE ESTABLISHED IN ACCORDANCE WITH THE RHODE ISLAND SOIL EROSION AND SEDIMENT CONTROL HANDBOOK. SEEDING SHALL EXTEND AT A MINIMUM TO THE TOP WIDTH OF THE BASINS AND INCLUDE ALL OTHER DISTURBED AREAS DURING CONSTRUCTION ACTIVITIES. ACTIVITIES SHALL BE CONFINED TO WITHIN THE LIMITS OF DISTURBANCE PER PLAN.
- WOODRUS VEGETATION SHALL BE MAINTAINED WITHIN THE BASINS BY APPLYING LIME AND FERTILIZER BARE OR ERODED AREAS SHALL BE IMMEDIATELY REPAIRED AND RESEEDED BY THE CONTRACTOR. POST-CONSTRUCTION SEEDING WILL BE THE RESPONSIBILITY OF THE TOWN.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND INSPECTION OF THE WATER QUALITY BASINS DURING CONSTRUCTION. MAINTENANCE SHALL INCLUDE RESEEDING ANY UNDEVELOPED AREAS AFTER A FULL GROWING SEASON AT NO ADDITIONAL COST, REMOVAL TO OFF-SITE LOCATION OF ALL ACCUMULATED SILT/SEDIMENT IN THE BASIN, AND MAINTAINING A GRASS HEIGHT BETWEEN 2"-10". REMOVAL OF SILT/SEDIMENT IS TO BE ACCOMPLISHED USING WHEELBARROWS AND SHOVELS.
- LONG-TERM MAINTENANCE OF THE BASIN IS THE RESPONSIBILITY OF THE OWNER. MAINTENANCE SHALL BE PERFORMED AT A MINIMUM YEARLY BASIS. MAINTENANCE SHALL INCLUDE MOWING OF THE POND ONCE PER GROWING SEASON (MINIMUM TWO TIMES PER YEAR AND AT LEAST ONCE AFTER AUGUST 15TH), AND/OR MAINTAINING A GRASS HEIGHT OF 2"-10", WHICHEVER COMES FIRST; REMOVING ACCUMULATED SEDIMENT FROM THE BOTTOM OF THE BASIN USING SHOVELS AND WHEELBARROWS (AT A MAXIMUM INTERVAL OF 10 YEARS), OR A DEPTH OF 0.17 INCHES.



PRE-TREATMENT AND INFILTRATION BASIN (BMP-1 and -2)

NOT TO SCALE
(INFORMATIONAL ONLY, CONTRACTOR SHALL REFER TO APPROVED PLANS)

SEDIMENTATION CONTROL PROGRAM:

- EXTREME CARE SHALL BE EXERCISED SO AS TO PREVENT ANY SEDIMENTS FROM ENTERING THE STATE HIGHWAY OR ADJOINING PROPERTIES.
- BANKS OR SLOPES OVER SIX SHALL BE SEEDED AS SOON AS POSSIBLE AND SHALL BE PROTECTED WITH A HAY, STRAW OR FIBER MULCH.
- DURING CONSTRUCTION, THE CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE AND RUNOFF FLOW DURING STORMS AND PERIODS OF RAINFALL.
- SEDIMENTATION CONTROL DEVICES SHALL BE INSPECTED CLOSELY AND MAINTAINED PROMPTLY AFTER EACH RAINFALL.
- CARE SHALL BE TAKEN SO AS NOT TO PLACE "REMOVED SEDIMENTS" WITHIN THE PATH OF EXISTING, NEWLY CREATED (BOTH TEMPORARY AND PERMANENT) OR PROPOSED WATERCOURSES OR THOSE AREAS SUBJECTED TO STORM WATER FLOW.
- ADDITIONAL HAYBALES, SILT FENCE OR SANDBAGS SHALL BE LOCATED AS CONDITIONS WARRANT OR AS DIRECTED BY THE ENGINEER.

CONSTRUCTION DETAILS
FOR
BACK 40

SITUATED ON
ASSESSOR'S PLAT 102, LOT 7

SOUTH COUNTY TRAIL,
NORTH KINGSTOWN, RHODE ISLAND
PREPARED FOR
AMPO, INC

NO.	REVISION	BY	DATE
2	MODIFICATION PER TOWN	R.B.	11/18/15

GAROFALO
GAROFALO & ASSOCIATES, INC.
CIVIL & STRUCTURAL ENGINEERS/SURVEYORS
LAND PLANNERS/ENVIRONMENTAL SCIENTISTS

Garofalo & Associates ©
The engineer/surveyor certifies that the information shown on this drawing was prepared by the engineer/surveyor or under the direct supervision of the engineer/surveyor and that the engineer/surveyor is a duly licensed professional engineer/surveyor in the State of Rhode Island.

85 CORLISS STREET
P.O. BOX 6145
PROVIDENCE, R.I. 02940
TEL: 401-273-6000

JOB NO. 6935	DRAWN BY K.Y.
DWG NO. 6935-BASE.DWG	CHECKED R.J.B.
SCALE: AS SHOWN	APPROVED S.B.G.
	DATE: OCTOBER, 2016

SHEET

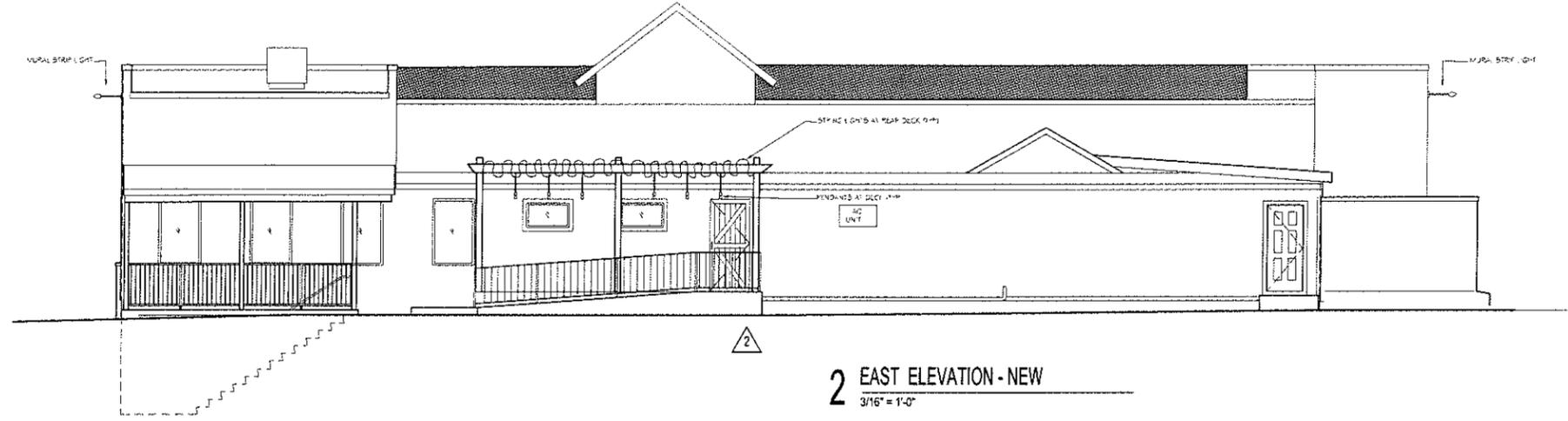
C-3



FRANK KARPOWICZ ARCHITECTS INC

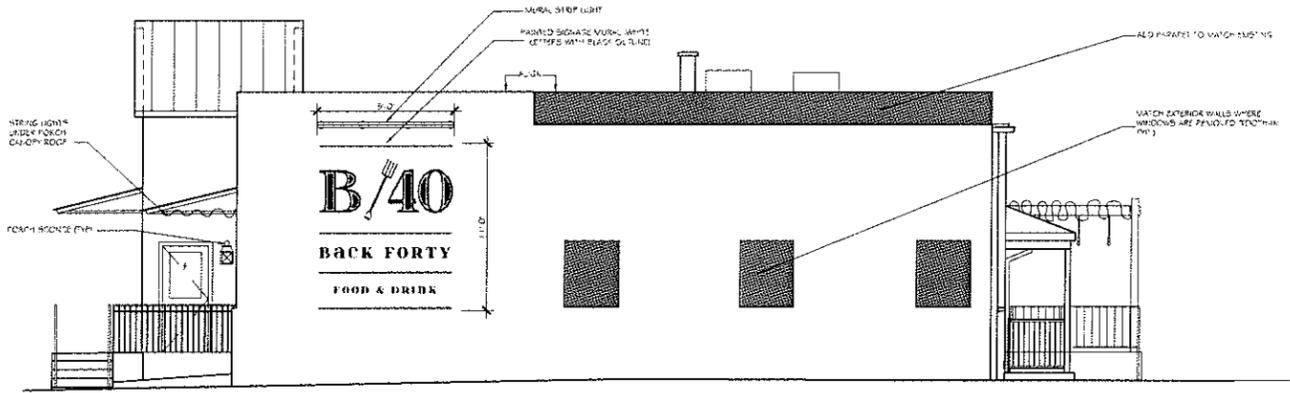
20 South County Commons Way, L09 A5
 WARRICK, RI 02897
 401.282.4604
 401.783.1245 fax

INTERIOR DESIGNER
 Abby Carroll
 80 Mt. Vernon Street
 Pawtucket, RI 02861
 Tel: 401.833.8514

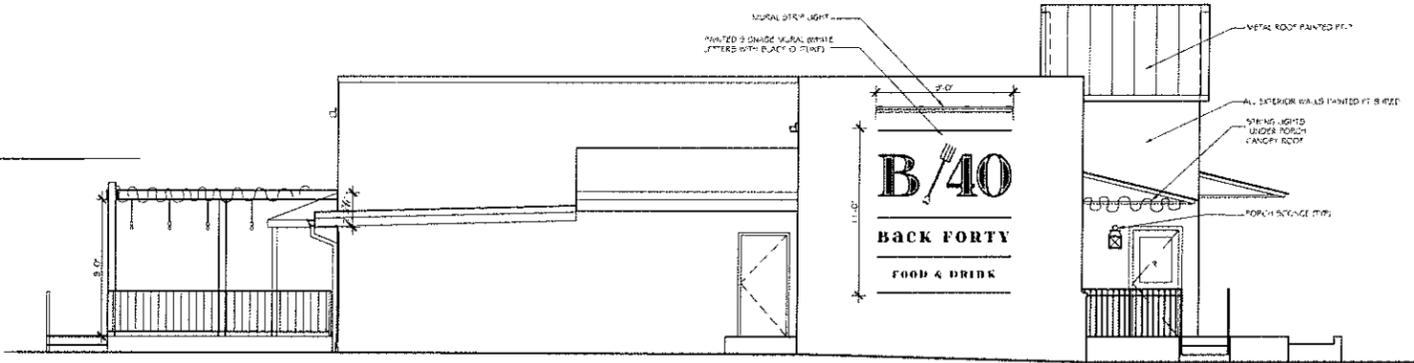


2 EAST ELEVATION - NEW
 3/16" = 1'-0"

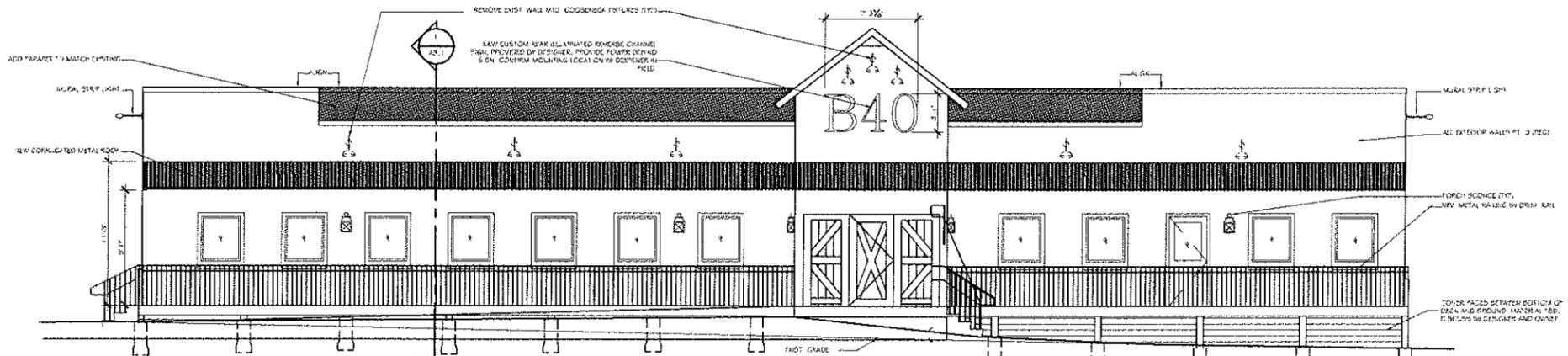
SIGNAGE AREA SUMMARY	
MAIN SIGN AT FRONT/WEST ELEVATION	7.4' X 3.08' = 22.8 SF
MURAL SIGN AT NORTH & SOUTH ELEVATION	9' X 11' = 99 SF X 2 = 198 SF
TOTAL	220.8 SF



4 SOUTH ELEVATION - NEW
 3/16" = 1'-0"



3 NORTH ELEVATION - NEW
 3/16" = 1'-0"



1 WEST ELEVATION - NEW
 3/16" = 1'-0"

3	REVISED TO PLANNING	11-8-2016
2	REVISED	10-4-2016
1	Permit	9/12/2016
No.	Issue	Date

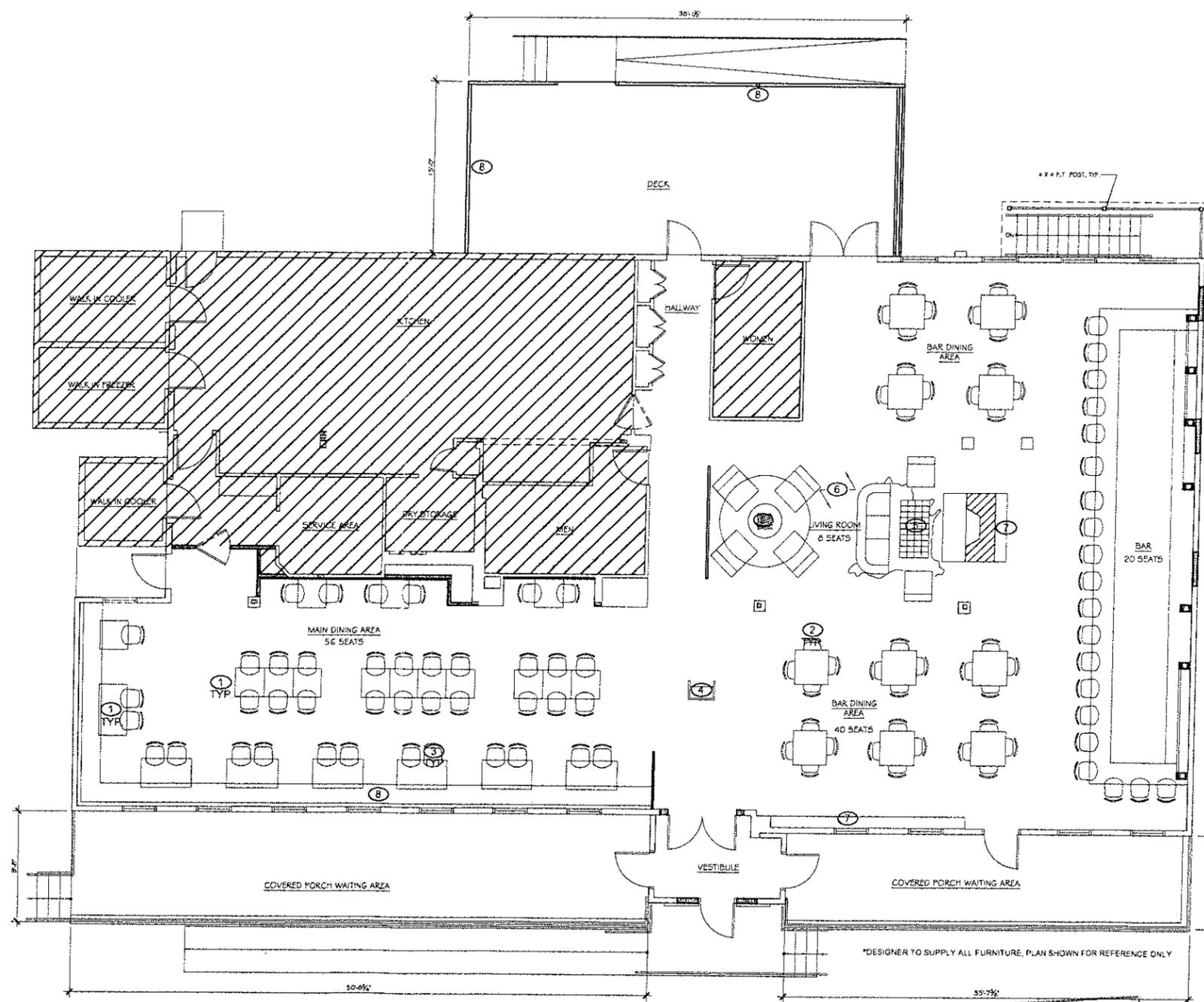
BACK 40 RESTAURANT
 20 South County Trail
 North Kingstown, RI

EXTERIOR ELEVATIONS

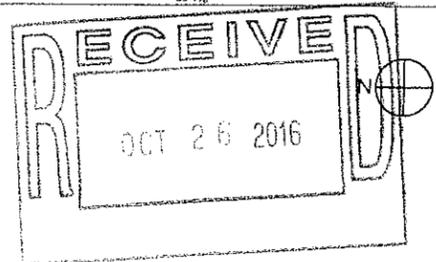


Project No. 15157
 Drawn By: FKAC
 Date: 8/31/2016
A2.1

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED. SEE NOTES FOR MATERIALS AND FINISHES. SEE PLAN FOR WINDOW AND DOOR SCHEDULES. SEE SPECIFICATIONS FOR MATERIALS AND FINISHES. SEE NOTES FOR MATERIALS AND FINISHES. SEE PLAN FOR WINDOW AND DOOR SCHEDULES. SEE SPECIFICATIONS FOR MATERIALS AND FINISHES.



- ① REFINISH AND REUSE EXISTING WOODEN DINING TABLES AND HIGH-TOP TABLES. SALVAGE AND STORE EXCESS TABLES, CONFIRM W/ OWNER.
- ② NEW BAR STOOLS AT BAR AND BAR DINING AREA.
- ③ NEW DINING CHAIRS.
- ④ NEW HOSTESS STAND TBD.
- ⑤ NEW CUSTOM WOOD AND METAL COFFEE TABLES.
- ⑥ NEW LOUNGE FURNITURE TBD.
- ⑦ NEW CUSTOM METAL DRINK RAIL. ATTACH PURSE HOOKS TO UNDERSIDE, CONFIRM LOCATION W/ DESIGNER.
- ⑧ SECURE ALL BOOTHS TO WALL AND FLOOR AS NEEDED.



1 FURNITURE PLAN
 3/16" = 1'-0"

1	Planning	10/25/16
No	Issue	Date

BACK 40 RESTAURANT

20 South County Trail
 North Kingstown, RI

FIRST FLOOR FURNITURE PLAN

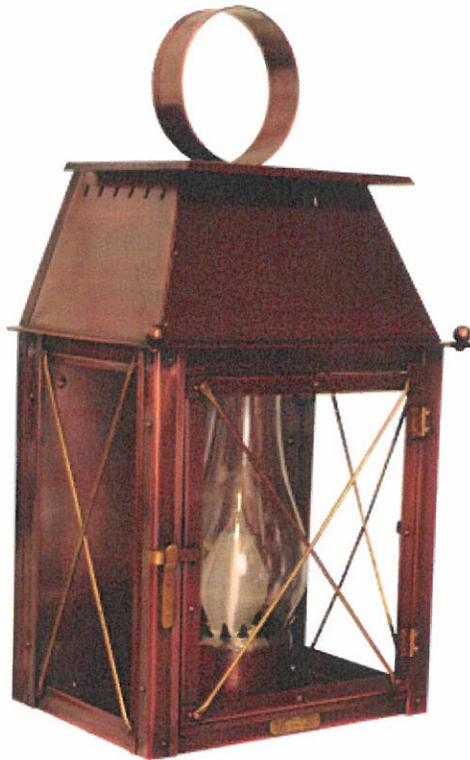


Project No
 15157
 Drawn By
 FKAC
 Date
 03/1/2016

A1.2



Coach House® Flush Mount



Standard Lantern Sizes

Height	Width	Depth
14"	10.25"	7.25"
16"	10.25"	7.25"
18"	8.5"	6.0"
22"	10.25"	7.25"

FRONT PORCH
SCONCE



MURAL STRIP LIGHT

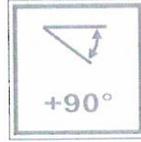
TECHNICAL DATA SHEET

Premium Linear Lighting (PLL100) 1 Row Of T8 Fluorescent Bulbs

- ✓ 180+ RAL Powder Coated Colors Available
- ✓ Standard Sizes & Custom Sizes Available
- ✓ Ready To Install
- ✓ 1-2 Weeks Lead Time
- ✓ 20+ Mounting Options
- ✓ T8 High Efficiency
- ✓ 24,000+ Hours Average Rated Life
- ✓ Robertson Electronic Ballasts
- ✓ 1 Row Of T8 Fluorescent High Efficiency Bulbs
- ✓ 3 Years Warranty (Downlighting Only. Uplighting will void warranty as fixtures are IP43 Rated, and therefore, not waterproof)



SKU	Size	Lamps	Watts	Amps	Voltage	Weight	Brackets
PLL100-1T825	2' 3/4"	1 x 17W	17W	0.80A	120V	4.54 lbs	2
PLL100-1T837	3' 3/4"	1 x 25W	25W	0.80A	120V	6.74 lbs	2
PLL100-1T849	4' 3/4"	1 x 32W	32W	0.80A	120V	8.80 lbs	2
PLL100-1T861	5' 1"	1 x 25W + 1 x 17W	42W	0.80A	120V	11.18 lbs	2
PLL100-1T873	6' 1"	1 x 25W + 1 x 25W	50W	0.80A	120V	13.38 lbs	3
PLL100-1T885	7' 1"	1 x 32W + 1 x 25W	57W	0.80A	120V	15.58 lbs	3
PLL100-1T897	8' 1"	1 x 32W + 1 x 32W	64W	0.80A	120V	17.78 lbs	3
PLL100-1T8122	10' 1 1/4"	2 x 32W + 1 x 17W	81W	1.60A	120V	22.23 lbs	4
PLL100-1T8134	11' 1 3/4"	2 x 32W + 1 x 25W	89W	1.60A	120V	24.43 lbs	5
PLL100-1T8146	12' 1 3/4"	3 x 32W	96W	1.60A	120V	26.63 lbs	5

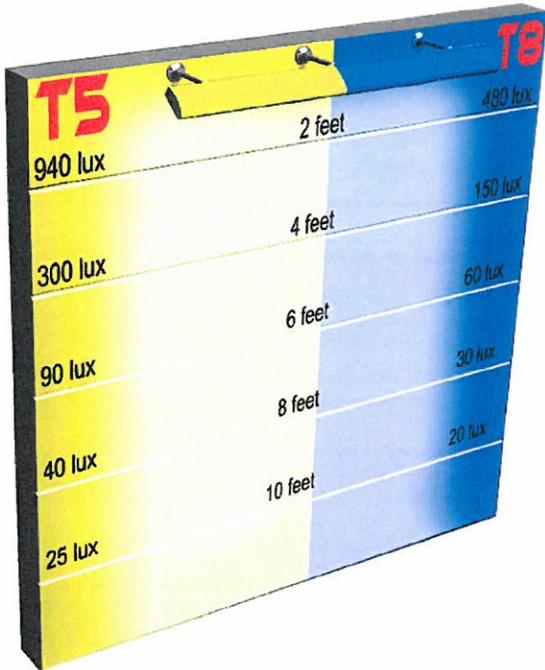


Tel: +1 (813) 649-8899
Fax: +1 (813) 425-9007

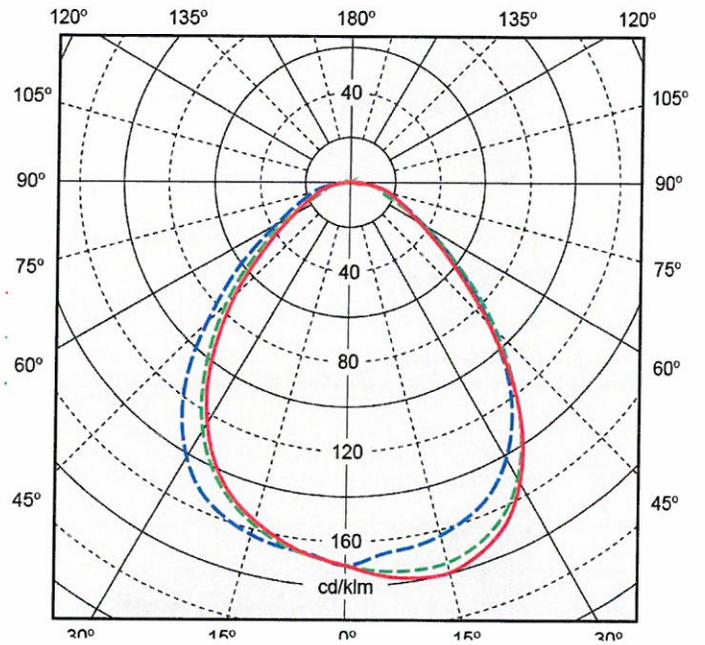
sales@htm-lighting.com

HTM Lighting Solutions
6420 Benjamin Road,
Tampa, FL 33634

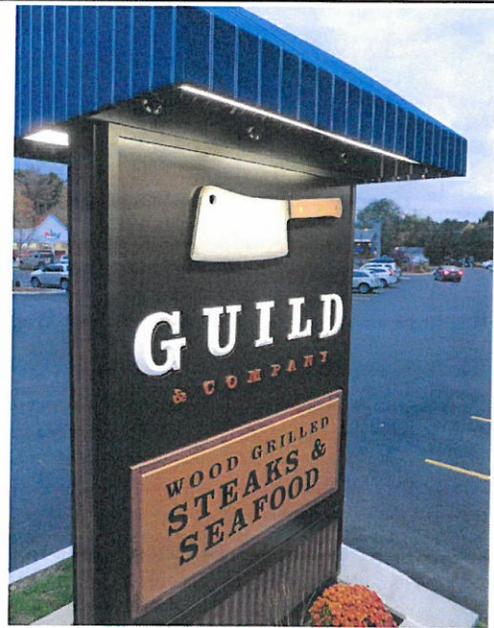
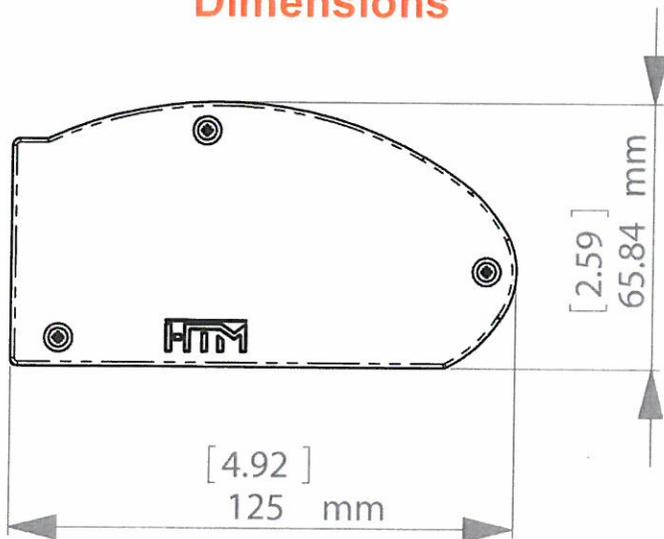
20" Bracket Lux Render



Photometric Data



Dimensions





B5EQAC



B5ERW



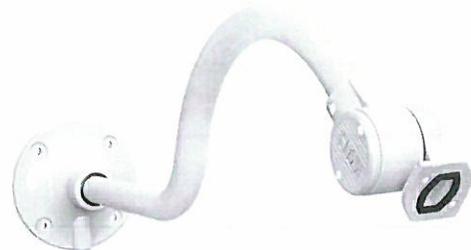
B10EQW



B10ERAC



B20AQAC



B20ARW

Please Check Our Website for More Bracket Alternatives & Finishes! *

FREE SHIPPING*

110% PRICE MATCH*

NO RESTOCK FEES



REAR DECK
PENDANT

Shop

[Home](#) > [Kichler Lyndon 1-Light 5" Outdoor Hanging Pendant in Bronze](#)

Kichler Lyndon 1-Light 5" Outdoor Hanging Pendant in Bronze



[Click to enlarge](#)

Sugg. Retail: \$135.00

Our Price: ~~\$99.00~~ **\$89.10**

Qty.

[ADD TO CART](#)

FREE SHIPPING ON ORDERS OVER \$49

In Stock

Share:

[+ Add to My Wishlist](#)

[Questions and Answers \(0\)](#)

Description

Description

Can't decide whether to use Kichler Lyndon fixtures inside or outside? The good news is that they can be used in both places. Dramatic, textural clear seedy glass shades add beauty to these fixtures and allows the bulbs within to be fully exposed, so try using decorative bulbs! Sleek structures finished in architectural bronze bring richness. Lyndon is made of cast aluminum for sturdiness, indoors or out.

Specifications

Weight: 2.80

Collection: Lyndon

Bulbs:

Incandescent - Medium

Bulb Number: 1.00

Max Watts: 75.00

Voltage: 120.00

Safety Rating: ETLD

Shipping:

Usually ships within 3-4 business Days.

Finish: Architectural Bronze

Bulb Type: Incandescent

Style: Transitional

Height: 9.50 in

Width: 5.00 in

Rooms: Outdoor



STRING LIGHTS
AT FRONT
PORCHES



STRING LIGHTS
AT REAR DECK



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT ON-SITE WASTEWATER TREATMENT SYSTEM CONSTRUCTION PERMIT



FOR RIDEM USE ONLY

APPLICATION No. _____ DATE RECEIVED 10/1/15 AMOUNT RECEIVED \$ 400 CHECK # 630 NOTE 05(4)

TYPE OF APPLICATION (CHECK ALL THAT APPLY)

NEW BUILDING CONSTRUCTION A/E TECHNOLOGY
 ALTERATION TYPE OF SYSTEM Flow Diffusers
 REPAIR VARIANCE w/ Nicker + Advantec
 TRANSFER REDESIGN

CERTIFICATION

RICHARD J. BURBANKIS, PE (print), the undersigned licensed OWTS designer, certify that I prepared this application and accompanying forms, submittals, plans and sketches in accordance with the RULES of the RIDEM pertaining to OWTS and that all the information provided on this application and accompanying forms, submittals, plans and sketches is true and accurate.

SITE INFORMATION

30 South County Trail, N.K.
 NO. STREET CITY/TOWN POLE # 3
 PLAT NUMBER 102 LOT NUMBER 7 SUBDIVISION LOT NUMBER _____
 LOT SIZE 2.54 AC SQUARE FEET
 SUBDIVISION NAME _____
 SUBDIVISION SITE SUITABILITY CERTIFICATION # _____

Signature of Designer [Signature]
 Designer License Number 1D-3115 Phone # 401-733-6000
 Business/Company Name GARDEN & ASSOCIATES, INC.

I certify that a) I am the owner of the property indicated under the site information on this application, b) I will hire a licensed OWTS installer to install the system proposed herein, c) the system will be installed in strict accordance with this application, d) I will hire and retain the licensed OWTS designer of record to witness and inspect the installation of the system, e) I assume all responsibility for the truth and accuracy of this application and all liability and responsibility for any improper installations of the system on this site and agree to hold the RIDEM harmless from any and all claims relating whatsoever to the system. In the case of a transfer application, I acknowledge that the permit application and plans previously approved and accompanying this application are the operative documents subject to certification.

OWNER INFORMATION

ROBERTS GARRET
 LAST NAME FIRST NAME M.I.
52 Thornton Way, N.K. RI 02852
 NO. STREET CITY/TOWN ZIP CODE

PERMIT APPROVAL SECTION: DO NOT WRITE BELOW THIS LINE

Does not constitute an endorsement of the product or the manufacturer's name, including the representation of the owner's OWTS designer and the state and accuracy of all information provided. This application for an OWTS is hereby approved. The RIDEM assumes no responsibility or liability for the actual installation or construction of the advanced system, or the fitness or suitability of the system to the site, or the fitness or suitability of the property and parts of the owner, or the owner's agent's representation. This approval is subject to the acceptance of the owner, in the event that subsequent examination reveals any data indicated on any accompanying forms, submittals, plans or sketches to be incorrect, or not in compliance with the RULES or any conditions at the site are not the approved design, or not in accordance with the RULES, or in the event that the system discharges inadequately treated wastewater to waters of the State or fails to operate substantially in any other manner.

RIDEM APPLICATION HISTORY

PREVIOUS SITE TESTING YES NO APPLICATION # 1323-1190
 DEPTH TO APPROVED WATER TABLE 2 1/2' HOW DETERMINED Soil Test
 TEST HOLE # 1-4 DATE EXCAVATED 2/11/14 WETLANDS within 200' OF OWTS YES NO
 WETLAND DETERMINATION YES NO RIDEM FILE # _____ DATE 1/1
 LARGE SYSTEM YES NO

IMPORTANT: Additional terms of approval as circled.

- A. Dates of testing and excavation must be recorded by RIDEM prior to placement of any gravel or stone.
- B. System installation must be inspected by RIDEM prior to covering any component of the system with backfill.
- C. Applicant shall comply with all requirements, conditions and stipulations of any permit(s) approved as circled.
- D. A/E Technology: additional specific installation, transfer, or maintenance requirements may apply (see RIDEM A/E Technology conditions for the system type).
- E. Copy of the Erosion and Sedimentation controls must be filed if land erosion occurs prior to construction.
- F. Proposed construction falls within "Coastal Zone". Contact Rhode Island Coastal Resources Management Council.
- G. Proper erosion and sedimentation controls must be installed prior to start of construction.
- H. Transfer: See original permit for all applicable conditions.
- I. Other _____

DESIGN INFORMATION

BUILDING USE: Residential Commercial Restaurant
 Other _____
 WATER SUPPLY: public water public well private well
 # OF DESIGN UNITS 124 Seats
 UNIT DESIGN FLOW 40 gallons per seat (unit) TOTAL DAILY FLOW 4960 gallons
 TANK SIZE 2132 gallons DESIGN LOADING RATE 0.61 gpd/ft
 MINIMUM REQUIRED LEACHFIELD AREA 8132 square feet
 LEACHFIELD TYPE Flow Diffusers w/ 12" cover
 TOTAL AREA OF LEACHFIELD PROVIDED 10900 square feet

- APPROVED TO COMPLY WITH
 DEM FILE NO. 2004115-38
 OWTS NO. 1323-1190
 FINAL INSPECTION REQUIRED -

Signature of RIDEM Official _____ Date of Approval 10-7-15 Date of Expiration 10-7-16

ARTICLE XI. DEVELOPMENT PLAN*

Sec. 21-268. Purpose and intent.

The intent of the development plan review is to identify certain elements set forth, the standards and requirements for commercial and industrial development and which serve to carry out the goals, visions and policies of the town's comprehensive plan and the policies and requirements of this chapter.

(Ord. No. 98-7, 5-11-1998)

Sec. 21-269. Village character design guidelines.

The following design guidelines are intended for use by those developing and those reviewing development located within village areas and within areas so delineated by the town's comprehensive plan:

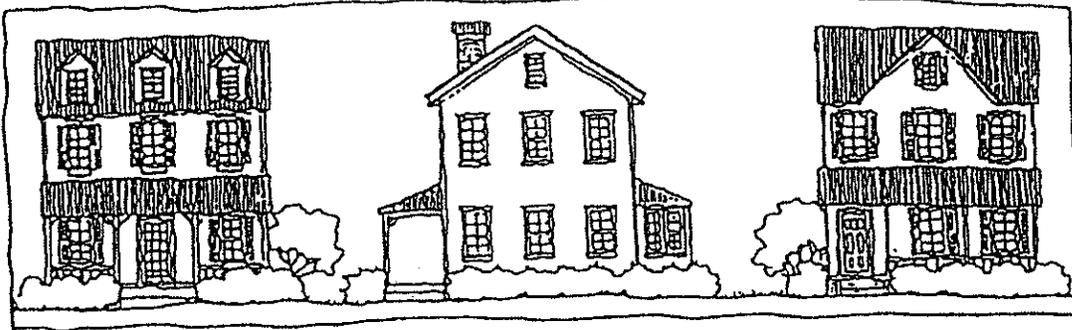
- (1) *Purpose and intent.* The purpose of these design guidelines is to guide the applicant in the development of site and building design and the reviewing authority in its review of proposed actions. These guidelines shall not be regarded as inflexible requirements. Each guideline could, in fact, generate numerous solutions; creative, imaginative and innovative designs are encouraged. It is the intent that these guidelines will serve in the review of all proposed development plan projects in the neighborhood/village zoning district, and developers and the developers' architects in the design of projects by providing development criteria consistent with the comprehensive plan.
- (2) *Administration.* Building elevations and renderings addressing the stated guidelines shall be submitted as part of an application for a proposed development plan.
- (3) *Guidelines.* Guidelines shall be as follows:
 - a. *Scale.* The scale of a building shall be compatible with its architectural design style and character and that of the surroundings. The scale of ground level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, signs, plantings and other street and site elements should be directed toward the use, comprehension and enjoyment of pedestrians.
 - b. *Continuation of treatment.* As a general rule, buildings shall reflect a continuation of treatment found in surrounding buildings by maintaining front yard setbacks at the build-to line, maintaining cornice lines in buildings of the same height, and extending horizontal lines of windows and doors.

***Editor's note**—Ord. No. 98-7, adopted May 11, 1998, amended the Code by repealing former article XI, sections 21-276—21-283, and added a new article XI, sections 21-268—21-284. Former article XI pertained to off-street parking and loading, and derived from the Revised Ordinances of 1974, sections 17-11-1—17-11-8; Ord. No. 94-5, adopted March 14, 1994; and Ord. No. 94-12, adopted June 27, 1994.

Cross reference—Subdivision and land development regulations, app. A.

- c. *Proportions.* The proportion, height to width relationship, between windows, doors, signs and other architectural elements shall be compatible with the architectural style and character of the building and that of the surroundings.
- d. *Shape.* The shape of windows, doors and other design elements shall be compatible with the architectural style and character of the building and that of its surroundings.
- e. *Roof types.* A flat roof should be avoided on one-story buildings, but may be used on buildings with a minimum of two stories, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane. Gable and other roof types are permitted as appropriate to the building's architectural design style. Architectural embellishments that add visual interest and that are compatible with the surroundings such as dormers, belvederes, masonry chimneys, cupolas and other similar elements are encouraged. Heating, ventilation and air conditioning systems should be enclosed with an architectural feature consistent with the building design.
- f. *Offsets.* Building wall offsets including projections, recesses, changes in materials, colors or textures or changes in floor level shall be used to avoid long, monotonous, uninterrupted ground level walls. Similarly, roofline offsets shall be provided in order to relieve the visual effect of a single, long roof.
- g. *Continuation of building facade.* The architectural treatment of the front facade shall be continued, in its major features, around all visible sides of a building. Where construction of a blank wall is necessitated by the building code, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels or, if the building is occupied by a commercial use, by using recessed or projecting display window cases.
- h. *Mixed-use buildings.* In mixed-use buildings, the difference between ground floor commercial uses and entrances for upper level commercial or residential uses shall be reflected by distinct but compatible differences in facade treatment. Storefronts are a necessary part of a mixed-use building and shall be integrated in design with the upper floors to be compatible with the building's overall facade character.
- i. *Relation of structures and spaces.* The relation of a building to the open space between it and adjoining structures should be compatible with such relations in the surroundings.
- j. *Architectural and site details.* Architectural styles, design themes and site details including signs, lighting, pedestrian furniture, planting and paving, along with building materials, colors, textures and grade, shall be compatible within the overall site design and shall preserve and enhance the character of the surrounding area. In the neighborhood/village district, these details should blend with the details' own surroundings to create a diverse, yet unified, street composition.

(4) *Guideline examples.* Guideline examples are shown in the figures that follow.
(Ord. No. 98-7, 5-11-1998)



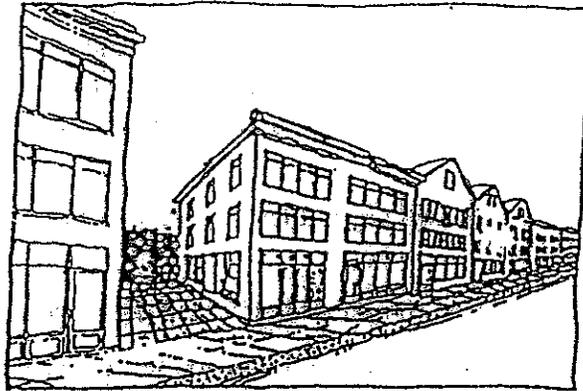
Horizontal Continuation of Elements



Buildings that Relate to People



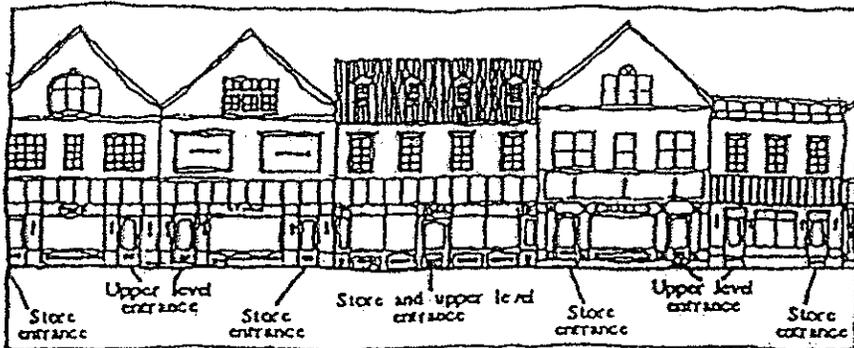
Buildings that Relate to Each Other



Wrap Architectural Features Around, Avoiding Blank Walls



Relate Windows and Doors to Building Style



Good Mixed Use Building Design



INCORPORATED 1674

**TOWN OF
NORTH KINGSTOWN, RHODE ISLAND**

**DEPARTMENT OF PUBLIC WORKS
2050 DAVISVILLE ROAD
NORTH KINGSTOWN, R.I. 02852-1799
PHONE: (401) 294-3331
FAX: (401) 267-9036**

INTEROFFICE MEMORANDUM

TO: NICOLE LAFONTAINE, AICP, PRINCIPAL PLANNER
FROM: N. KIM WIEGAND, P.E., TOWN ENGINEER
SUBJECT: TARBOX HYUNDAI, QUAKER LANE, AP 129 LOT 18
MODIFICATION PLAN FOR CURBING
DATE: 11/10/16
COPIES: P.BERGERON (*VIA EMAIL*), FILE

Engineering has reviewed revised plans for concrete curbing on the south side of Pleasant Valley Road, adjacent to Allies Donuts.

The RIDOT Physical Alteration Permit for access onto the State highway required that Tarbox Hyundai realign the opening of Pleasant Valley Road with Quaker Lane and install a granite curbing island to block off the open southern end of the intersection in order to make it safer. The original plans also called for installing curbing on both sides of Pleasant Valley Road, with one access point for the Hyundai site and one for Allies. The basis for curbing is to provide a safer road by defining the traveled roadway lanes and eliminating dangerous, uncontrolled accesses. This area of Pleasant Valley Road has been hazardous for years due to customers from Allies parking in the road and blocking fire/ rescue vehicles and deliveries to other businesses.

After the plans were approved, the owner of Allies paved significant portions of their lot, including the area south of the building, which was mostly unpaved, and paved an access onto Pleasant Valley Road. No excavation permit was submitted for this work. The owner of Allies also removed a large street tree and replaced it with two small trees, in order to put in a new OWTS; the tree removal was permitted. This work changed the existing conditions along Pleasant Valley Road, further blurring the line between the road and the property.

When the location for the new curbing was painted in the Town ROW, Engineering had a number of discussions with the owner of Allies and with owner of Tarbox and his engineer. Following this, the Fire Marshall, the Police Department and the Planning Department reviewed issues with the road.

Mr. Dresher of Allies asked for the opening at the southern end to be kept open. I agreed, but concluded with Tarbox's engineer that the opening was wider than it needed to be. The paved access for the southern paved area, which was proposed to be curbed, was revised to allow an opening, but a defined, standard 24 foot opening.

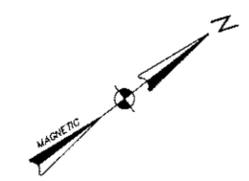
It is our understanding that deliveries to Allies use a tractor trailer that backs up nearly parallel to the building, facing north. I measured the area behind his building with Mr. Dresher. The opening in the revised plan has been widened to allow a delivery truck to get off the traveled roadway while unloading. Mr. Dresher wanted it left open more, but conceded with what we measured off that there would be room for a tractor trailer to pull in.

Between Quaker Lane and the back of the building, the curbing adheres to the original plan which is to be continuous curbing. Mr. Dresher wanted an opening closer to Quaker Lane, but in meeting with the police, they were clear that it would be safer closed. In earlier discussions with Mr. Tarbox, he originally wanted all the curbing to be kept, per plan. His reasoning was that his own access on to Pleasant Valley had been very strictly limited to restrict traffic. In addition, after input from the Fire Marshall, the defined road within the ROW was been narrowed from 26 feet to 24 feet wide, to discourage parking on the sides of the road.

Note that Tarbox has constructed a drainage swale to capture storm water runoff from Pleasant Valley Road, as required, at their expense in the Town ROW which benefits the whole community. This revision includes a walkway over the swale towards Allies, making crossing the road safer. They are also required to repave the section of the road fronting their property, curb to curb.

We have recommended to Allies several times that a lined parking/ traffic flow plan would use the space more efficiently, as well as document if there is any need for additional access to Pleasant Valley Road. The owner is unwilling to do this.

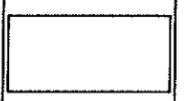
It is the opinion of this office, that these modifications address the safety concerns on Pleasant Valley Road, while accommodating the operational needs of all the businesses there.



DATE	REVISIONS

DAVID D. GARDNER
 No. 1809
 PROFESSIONAL
 LAND SURVEYOR

DAVID D. GARDNER
 & ASSOCIATES, INC.
 200 METRO CENTER BOULEVARD
 WARWICK, RHODE ISLAND 02886
 (401) 738-3200 | FAX: (401) 739-4740
 ENGINEERS • SURVEYORS • PLANNERS

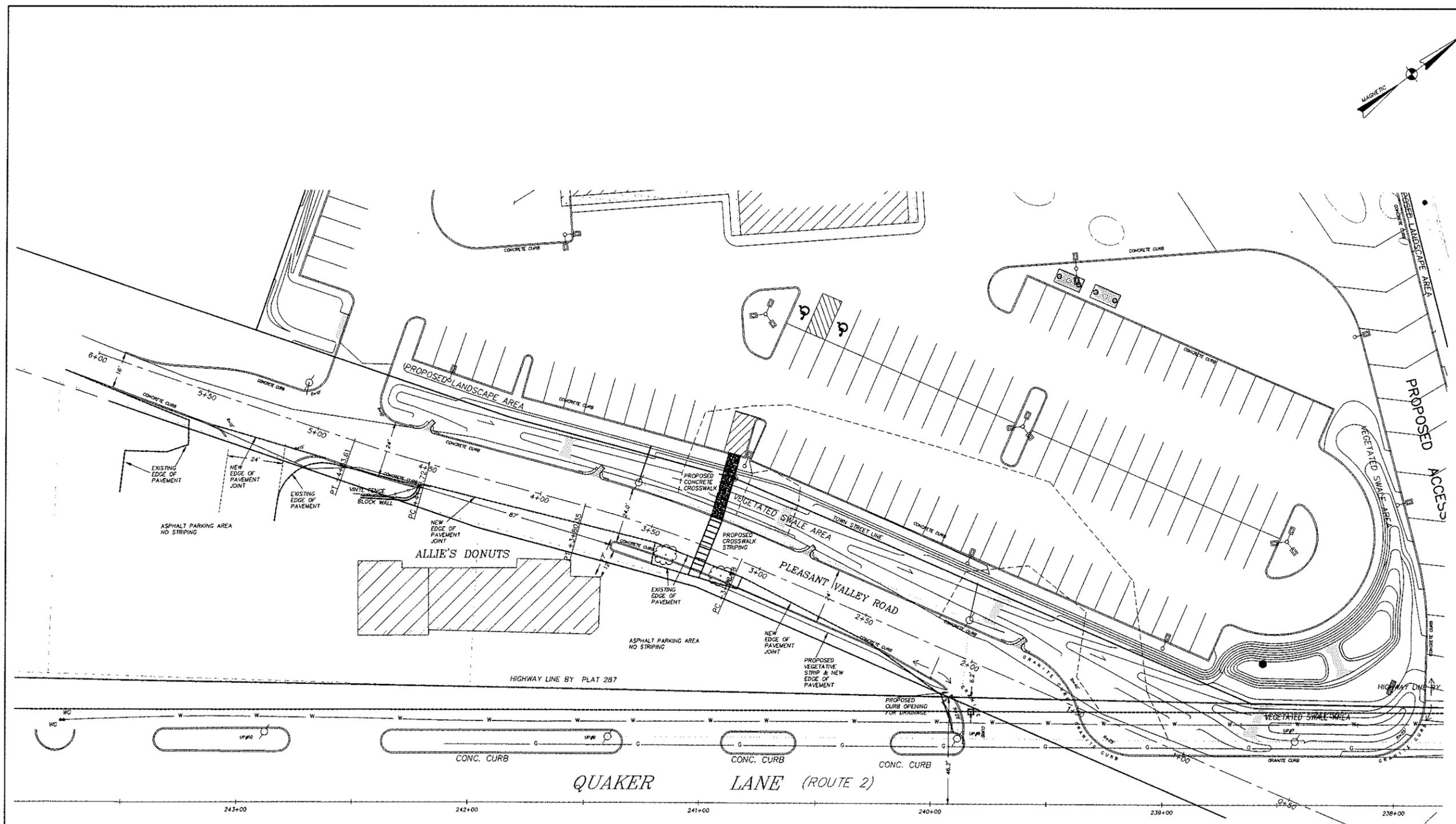
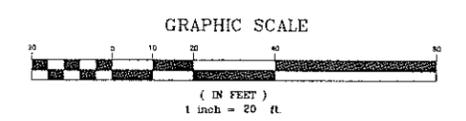


PROPOSED IMPROVEMENTS
 PLEASANT VALLEY ROAD
 IN
 NORTH KINGSTOWN, RI
 FOR
 ED TARBOX
 A.P. 129 LOT 18

DATE ISSUED: 11/1/2016
SCALE: 1"=30'
DESIGNED BY: C.G.P.
DRAWN BY: C.G.P.
CHECKED BY:
JOB NO.: 15-053
DWG NO.: 15-053

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ZONING: NORTH KINGSTOWN
 ZONING BUSINESS GB
 LOT SIZE
 FRONTAGE
 LOT DEPTH
 FRONT YARD SETBACK 25 FEET
 SIDE YARD SETBACK 16 FEET
 REAR YARD SETBACK 25 FEET
 MAX BLDG. STORIES 3
 MAX BLDG. HEIGHT 35 FEET
 MAX FLOOR AREA 50,000 S.F./BLDG.
 MAX LOT COVERAGE 90% (IMPERVIOUS)





TOWN OF
NORTH KINGSTOWN, RHODE ISLAND

80 BOSTON NECK ROAD
NORTH KINGSTOWN, R.I. 02852-5762
PHONE: (401) 294-3331
www.northkingstown.org

Date: November 15, 2016
To: North Kingstown Planning Commission
From: Planning Department
Subject: Shady Lea Woods
Request to Modify Outside Contractor Requirement
Minor Modification/Recommendation to Town Council

The Shady Lea Woods Homeowners Association is requesting to remove a requirement of the subdivision that requires that the association utilize the services of a professional, outside contractor each year to provide fertilization services for all homeowners' lawns, as well as any common areas within the development. This was a requirement imposed by CRMC at the time of subdivision approval which was then written into the bylaws.

The Shady Lea Woods neighborhood is located east of Tower Hill Road (Route 1). The western portion of the development is located within a groundwater two overlay zone. The eastern portion of the development is outside of the groundwater protection area.

SLWHA proposes that they will continue to use environmentally sensitive chemicals on lawns and open space throughout the development; however, they wish to use remove the requirement that it must be a professional outside contractor performing the work. The association has inquired with CRMC and found no indication or record that this is a requirement of CRMC in any other North Kingstown development. CRMC also indicated to SWHA that they do not think there are similar requirements in the state. SHWA has also contacted Save the Bay to determine whether they object to removal of the outside contractor language plus consulted with DiPrete Engineering on the issue.

The Planning Department has interpreted this to be a minor change as does not change the intent of the original subdivision approval/is consistent with the intent of the original approval. This does not create additional lots or dwelling units for development, is not contrary to any applicable provision of the zoning ordinance or require a variance or special use permit, and it does not have significant adverse impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.

The requested amendment will require revisions to the recorded deed restrictions and will require Town Council approval as the town holds an easement on the open space which helps to protect the land. If the Planning Commission determines this request is worthwhile, staff will assist the applicant at that level.

**SHADE LEA WOODS LAWN CARE AGREEMENT
TIME LINE**

October 6, 1992 CRMC Preliminary Determination noted the following:

In order to minimize lawn care related pollutant loading to groundwater the limits of disturbance shown on the plans should be delineated by permanent on-site markers for each individual lot and referenced by deed restriction. Lawn establishment should be with a low nitrogen requiring, drought resistant seed mix.

October 10, 1992 CRMC Addendum to Preliminary Determination noted the following:

With regard to the lawn establishment and fertilization program, it appears that the project consultants may have misinterpreted information provided by CRMC as an example. It is requested that this information be reviewed and revised to accommodate the needs of this project. (The example provided was only intended to provide an example of low-maintenance turf seed mix and associated fertilization requirements.)

August 26, 1993 CRMC Assent issued with the following stipulation:

Within 30 days of this CRMC Assent and prior to any work on-site, a modified lawn establishment program shall be developed for CRMC review and approval (As previously noted, the submitted plan is not considered practicable for this site.)

September 23, 1993 Final Subdivision approval with stipulations.

One stipulation reads as follows: all CRMC regulations/requirements being followed and that Town Solicitor approve final legal documents.

January 2004 – DiPrete submitted revised lawn maintenance plan that still included the restriction on the individual application of chemicals and the use of an outside landscape professional.

March 25, 1994 Attorney Donald Gregory sent amended Shady Lea Woods Homeowner's Association Bylaws and Covenants to Town Solicitor, Donald Page including new changes required by CRMC. The changes to the bylaws read as follows and the changes to the covenants are similar.

To assess for lawn maintenance costs for the application of fertilizers, herbicides and pesticides by professional lawn care specialists according to the Shady Lea Woods Law Care/Landscaping Provisions those homeowners choosing to have said law chemicals applied (SEE ARTICLE 10)

ARTICLE 10 – MAINTENANCE RESPONSIBILITIES

The Association shall be responsible for the maintenance of certain The Association shall also be responsible for the application of lawn chemicals applied to the lawns of individual homeowners choosing to have lawn chemicals applied to their lawns according to the SHADY LEA WOODS Lawn Care/Landscaping Provisions (See EXHIBIT B- attached) (not attached)

March 29, 1994 Town Solicitor approved the change to legal documents forwarded 3/25



**Declaration of Restrictions
and
Protective Covenants
imposed upon subdivision of
land entitled
of
Shady Lea Woods**

DECLARATION OF RESTRICTIONS AND PROTECTIVE
COVENANTS IMPOSED UPON SUBDIVISION OF LAND
ENTITLED, "SHADY LEA WOODS, A RESIDENTIAL SUBDIVISION
AP 7 LOT 21, NORTH KINGSTOWN, RI" FOR DDJJBK,
75 LAMBERT LIND HIGHWAY, WARWICK, R.I. 02886,

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, DDJJBK (hereinafter referred to as "Developer") is the owner of a tract or parcel of land situated in the Town of North Kingstown, County of Washington, State of Rhode Island; and

WHEREAS, the said Developer desires to impose certain covenants and restrictions on said property for the benefit of the present and future owners of the same;

NOW, THEREFORE, the Developer, for itself, its successors and assigns, does hereby declare and make the following limitations of uses, restrictions and covenants to which the lots of land designated on the hereinafter mentioned plats shall be subject, and the uses to which the same may be put, and it hereby specifies that these declared limitations, restrictions, covenants and uses shall be construed as covenants running with the land designated on said hereinafter identified plats now owned by the Developer and shall be binding upon said Developer, and all persons, firms or corporations claiming under it and they shall be for the benefit of and limitation on all future owners of lots of land as shown on said hereinafter mentioned plats and all sales, leases, and use of lots in said subdivision shall be expressly made subject to said limitations, restrictions and covenants (hereinafter referred to as "Covenants and Restrictions").

In case of any violation or attempt to violate any of the Covenants and Restrictions herein set forth, it shall be lawful for any person or persons, firm or corporation owning or otherwise having an interest in any real property situated in said development or subdivision, hereinafter identified, to institute and prosecute any proceedings at law or in equity against the person or persons, firm or corporation violating or attempting to violate the Covenant and Restrictions, and either to prevent him, them, or it from so doing, and/or to recover monetary damages for such violation.

Invalidation or any of the provisions of this Declaration of Covenants and Restrictions by court decision or decree shall in no way affect any of the other provisions which shall remain in full force and effect.

These Covenants and Restrictions shall apply to all lots on

that plat entitled, "SHADY LEA WOODS A RESIDENTIAL SUBDIVISION AP 7 LOT 21 NORTH KINGSTOWN, RI", which plat is recorded in the Records of Land Evidence in the Town of North Kingstown (hereinafter referred to as the "Premises") as Plat No. 1444.

Specific covenants and restrictions are as follows:

1. Land Use and Building Type. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than a one family dwelling.

2. Architectural Control. For the purpose of insuring the development of the land so subdivided as an area of high standards, Developer reserves the power to control the design of the buildings and structures as well as other improvements placed on each lot, and to make exceptions to these covenants and restrictions, as Developer as hereinafter described, shall deem necessary and proper. Said architectural control by Developer will terminate upon Developers sale of all of its lots on the Premises.

Whether or not provision therefore is specifically stated in any conveyance of a lot made by the Developer, the owner of or occupant of each and every lot by acceptance of title thereto, or by taking possession thereof, covenants and agrees that no erection of any building shall be initiated and no building or portion thereof shall be erected, placed, altered or reconstructed on any lot until the construction plans and specifications, have been approved in writing by the Developer, as to quality of workmanship, design of the exterior, materials, location with respect to topography and property lines, finish grade elevations, well, and landscaping and exterior color scheme. Said plans and specifications shall conform to the Design Standards set forth in these covenants, but refusal to approve any plans or specifications or a part thereof by the Developer may be based upon any ground, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the Developer shall seem sufficient. While prospective lot owners are encouraged to obtain approval of their building plans prior to the purchasing of a lot, nothing contained herein shall prohibit the acquisition of a lot without said approval. The contraction, erection or placement of any building, structure, or portion thereof, upon any lot, shall be done in strict accordance with the plans and specifications so approved. No subsequent changes or alterations to the building structures, or site improvements may be made without like approval.

Work must be commenced on the proposed structure within sixty (60) days of the date of such approval. If said work is not commenced within said sixty (60) days, said approval shall be void, and a new application must be made unless Developer extends the time within which to commence initial work in writing at the time of the original application. All construction including driveways

and walkways on each lot must be completed within nine (9) months after the date of issuance of a Building Permit by the Building Official of the Town of North Kingstown. All landscaping shall be completed within ten (10) months after the issuance of said permit, weather permitting.

In the event the Developer fails to approve or disapprove within ninety (90) days after such plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval shall not be required, and the covenants and restrictions shall be deemed to have been fully complied with insofar as this section is concerned.

3. Design Standards. A. Dwelling Size - the living area of any house to be constructed on any lot shall be no less than 1000 square feet. Living area shall mean the finished, heated habitable floor area of the main structure inclusive of wall thickness but, exclusive of open porches, breezeways and garages and unfinished basements.

B. Garages - Each residential dwelling unit shall have a private garage constructed for not less than one (1) car if topography so permits.

C. Exterior, Siding - the use of vinyl and metal siding or Texture 1-11 or Masonite is strictly prohibited.

4. Nuisances. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance in the neighborhood. No profession, trade, business or commercial enterprise of whatsoever nature may be conducted or operate on the granted premises. The use of dirt bikes, All Terrain Vehicles (ATVs), and the like are expressly prohibited.

5. Temporary and Service Structures. Except for construction or sales and marketing purposes, no structure of a temporary character, mobile house, trailer, camper, tent, shack or other building shall be used, placed, erected or constructed on any lot at any time, either temporarily or permanently.

6. Outbuildings and Accessories. No outbuildings of any description shall be erected or placed upon any lot, provided however, the uses of accessory to the residence such as a greenhouse, or arbor are permitted.

7. Garbage & Refuse. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers.

8. Landscaping. The owner of any lot of land upon which a

dwelling is constructed shall cause said lot to be seeded and suitably planted with grass, shrubs or trees, excepting however, such part of the lot to be used for driveways, patios, parking areas, or walks. Each lot owner shall thereafter maintain the lawn and grounds in a neat and orderly fashion including mowing grass and trimming hedges and shrubs. Individual homeowners shall be restricted in their application and use of all lawn chemicals including but not limited to fertilizers, pesticides, and herbicides by the provisions of the "Shady Lea Woods Lawn Care/Landscaping Provisions" as approved by CRMC. In no event, however, shall any homeowner be required to participate in any lawn care program as supervised and administered by the Shady Lea Woods Homeowners Association but may opt not to apply any lawn chemicals at all.

9. Fences and Hedging. Painted boundary fencing shall be of wood and shall not exceed four (4') feet in height. A boundary fence or hedge shall be defined as a fence or hedge constructed, erected, placed or planted within twenty-five (25') feet of any side or rear lot line. Hedging shall mean any plant or bush such as privet, yew, arborvitae, rose or forsythia, planted in a continuous fashion.

10. Trees. Prior to the clearing or removing any tree from any lot, the lot owner shall indicate by tagging or other method to the Developer, which trees he or she wishes to remove. Permission from the Developer shall be necessary to remove any trees with a trunk diameter of four (4") inches or more measured at a height of four (4') feet above ground level. It is the intent of this section to maintain the natural beauty of trees on each lot.

11. Stone Walls. The existing stone walls on any property shall not be altered, removed, or diminished in any way without permission of the Developer.

12. Lawn Ornaments. No lawn ornaments, statues or fountains shall be built or placed upon any lot unless the same shall be fully screened from public view.

13. Antennas. Installation of an antenna on the exterior elevation of the main structure on any lot will be limited to a single, conventional antenna for televisions and radio reception. No other type of aerial device including, but not limited to, ham radio tower, TV Disc antennas or windmill type apparatus shall be built to place on any structure or lot. Satellite dishes shall be restricted to rear yards at ground level on all lots and evergreen plantings must be used in order that said Satellite dishes shall not be visible from the street in front of the subject premises or from adjacent lots.

14. Signs. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six (6) square feet advertising the property for sale or rent, or signs used by a builder to identify and advertise the property during and after the construction and sale period.

15. Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that two (2) pets (dogs and/or cats) may be so kept, provided they are not kept, bred or maintained for any commercial purpose. The use of (dog) runs or pens for the continuous confinement or restraint of pets is prohibited. All lot owners shall keep said animals confined on their lots as per the appropriate leash laws of the Town of North Kingstown.

16. Obligation to Repair and Rebuild. Each owner shall at his sole cost and expense maintain and repair his residence and keep the same in a condition comparable to the condition of such residence at the time of its completion, excepting normal wear and tear thereon. If all or any portion of a residence is damaged or destroyed by fire or other casualty it shall be the duty of the owner thereof with due diligence to rebuild, repair or reconstruct such residence in a manner which will substantially restore it in appearance and to the same condition as immediately prior to the casualty.

17. Restrictions During Construction. During the period of construction, the lot owner shall be responsible for keeping the property free of debris or rubbish and for clearing such debris blown on or otherwise deposited on abutting properties or roadways.

18. Sale of Lots. During the period the Developer owns any lots, improved or unimproved within the plat, and the owner of a lot desires to sell it at private sale, he shall give to the Developer its successors and assigns, the first opportunity to purchase the same at the price for which the lot owner is willing to sell the lot, and the Developer, its successors or assigns, shall have thirty (30) days after receipt of notice in writing of the proposed sale to exercise the option of accepting in writing said offer. Provided, however, that nothing herein contained shall be construed as a limitation of the right of the owner, their heirs or assigns to sell said premises at public auction. If Developer fails to exercise this option within the stated period said option shall be deemed to have been waived.

19. Easements. The Developer reserves to itself, its successors and assigns, easements and rights of way in, over, under and across such parts of said premises, for the installation and maintenance of telephone, cable TV, and electrical pole lines, conduits, or transformers and/or sewer and conduits for storm water and sanitary purposes, as and/or water mains, snow removal, grading from adjacent lots and subsurface disposal systems, or for any

similar facility deemed convenient or necessary by the Grantor for the service of the premises hereby conveyed and for adjoining and adjacent property. The Developer further reserves to itself, its successors and assigns, the right to assign the use of said easements and rights of way to any person, firm or corporation furnishing any one or more of the aforesaid facilities.

20. Miscellaneous. The Paragraph captions contained herein are for convenience of reference only and shall not be deemed a part of this instrument for the purpose of construing any of the provisions hereof.

21. All lot owners, including the Developer, shall be required to pump any septic tank located on land of said lot owner at least once every three (3) years.

22. No commercial vehicles of any type or description and no commercial equipment of any kind or description may be stored outdoors. No trailers of any type may be kept or stored outdoors and no boats may be stored on any lot except in an enclosed structure which meets the architectural and design requirements for any other structure within the subdivision.

23. No outside burning of any kind, including leaves and lawn debris, shall be allowed.

24. No above-ground swimming pools shall be permitted. Any swimming pool which extends more than 12" above the natural grade level shall be and is hereby defined as above-ground.

25. No sheds or other outbuildings shall be permitted except at wood construction and finish with natural siding of either cedar shingles or cedar clapboards. The design and size at any such outbuilding must be approved by the Developer as long as the Developer retains one or more lots in the subdivision. Thereafter such approval must be obtained from the Homeowners Association.

26. All ISDS designs and approvals shall meet current RIDEM standards and must comply with Paragraph K of CRMC Assent dated August 26, 1993, and recorded with the Land Evidence Records of the Town of North Kingstown in Book 830 at Page 319 or any subsequent modification or amendment thereof. No building lots within this subdivision may be conveyed to any arms-length purchaser for value without prior ISDS design approval from the R.I. DEM.

27. These Restrictions shall be enforceable by the Developer, any lot owner within the plat, or the Homeowners Association, by application for injunctive or other relief to the Superior Court of Washington County.

The terms "lot owner" and "lot owners" as used herein, refer to and include all grantees of the Premises, whether from grantees

of or under Developer, and shall mean single or plural grantees as the specific case may require, and the provisions hereto shall be binding upon all such lot owners.

IN WITNESS WHEREOF the undersigned has caused its signature to be affixed hereto and duly acknowledged this 5 day of MAY, 1994.

DDJJBK

By: John G. Perne, Pres.

STATE OF RHODE ISLAND
COUNTY OF Kent

On this 5th day of May, 1994, before me personally appeared John G. Perne, personally known and known by me to be the President of DDJJBK, a Rhode Island corporation and executed said Declaration acknowledging same to be his/her free act and deed in his/her said capacity and the free act and deed of said DDJJBK.

Kit K. Cury

Kit K. Cury
Notary Public No. 32445
Commission expires April 5, 1995

94 JUN -3 PM 2:54

**Bylaws
Of
Shady Lea Woods
Homeowner's Association,
Inc.**

BYLAWS OF SHADY LEA WOODS
HOMEOWNERS' ASSOCIATION, INC.

ARTICLE 1 - NAME; PURPOSES

The name of the corporation shall be the "Shady Lea Woods Homeowners Association, Inc.", (hereinafter "the Association"). The purposes of the corporation are to hold title to land for the private use and enjoyment of members as a conservation and recreational area; to supervise the use and maintenance of said land and of access thereto and egress therefrom and to pay the costs thereof (including but not limited to personal property, common facilities, and real estate taxes and like municipal charges and all reasonable expenses of organization and operation) any other corporate expenses out of assessments levied upon the members. The corporation shall be operated for the benefit, pleasure and enjoyment of its members and their families, and for the enhancement of the numbered lots, and may engage in such activities as are reasonably consistent with and permitted by its Articles of Incorporation. The corporation is not organized for business purposes and shall not be operated for profit.

ARTICLE 2 - MEMBERS

1. Definition -- Each person, firm or corporation who is or becomes an owner (as hereinafter defined) of a numbered lot (which lots are sometimes hereafter singly called "numbered lot" and

collectively called "the numbered lots") laid out and delineated on that certain plat entitled "SHADY LEA WOODS A RESIDENTIAL SUBDIVISION AP 7 LOT 21 NORTH KINGSTOWN, RI", and recorded in the Records of Land Evidence of the Town of North Kingstown, Rhode Island, as Plat No. 1444 shall be a member of the corporation. the word "owner" as used above shall include only those persons, firms or corporations who, either alone or as joint tenants, tenants by the entirety or tenants in common, or who hold record title to a numbered lot in fee simple absolute. In determining whether any person is a holder of such record title, the Records of Land Evidence in the Town of North Kingstown, Rhode Island, shall be conclusive, and the corporation and all other parties in interest may rely thereon. Owners of interests other than those described above shall not be members.

2. Nonassignability -- Membership in the corporation is not transferable or assignable in any way, except to a successor in title to the numbered lot. Such succession shall be automatic, by operation of law, effective upon the recording of the conveyance in question but such succession shall not relieve the member becoming so ineligible for membership of the obligation to pay any assessments or other charges theretofore accrued upon nor shall such succession affect the validity of any lien imposed, then or thereafter, upon the numbered lot in accordance with the provisions of Article 7, Section 3 hereof (but a certificate from the Vice President/Treasurer that all such assessments and charges have been paid, and waiving any rights of lien, shall be binding upon the corporation and may be relied upon by any third party).

lots shall constitute a quorum but any lesser number may adjourn from time to time.

ARTICLE 4 - VOTING

1. Persons Entitled to Vote -- There shall be one (1) full vote for each whole numbered lot owned, which shall be cast by the member owning the lot in fee simple absolute or which shall be divided among members who are co-owners as set forth below.

2. Co-ownership. -- If any member shall own a legal estate less than fee simple in a numbered lot, such member shall be entitled to a fractional vote in the same ratio as his legal interest bears to the whole legal interest.

3. Proxies -- A member may vote in person or by written proxy at any meeting but may not otherwise assign his vote. Written proxies may be granted only to other members or to the developer or to the developer's designee.

4. Voting -- Any person entitled to a fractional vote hereunder may cast his vote individually of other owners or co-owners of the numbered lot involved. Fractional votes may be used to establish the percentage vote necessary for corporate action. Except when otherwise provided by law or by these bylaws, a majority of the total votes, both whole and fractional, present at any meeting in person or by proxy, shall be sufficient to authorize any corporate action.

5. Definition of "total member vote outstanding." -- The phrase "total member vote outstanding" (at the time of any

corporate action) as used herein shall refer to the sum of all fractional votes to which the members of the corporation are entitled at that time and shall equal the total numbered lots, the owners of which are entitled to participate in the corporation as members at that time.

ARTICLE 5 - OFFICERS

1. Enumeration -- The officers of the corporation shall be a President, Vice President, and Secretary/Treasurer.

2. Powers and Duties -- The several officers shall have respectively the powers and perform such other duties customarily appertaining to their respective offices and shall have such further powers and perform such other duties as shall be from time to time assigned to them by the Board of Directors, or by vote of the members.

3. Officers to be Members -- To qualify for office each officer must be a member in his own right or a partner in a firm or an officer or employee of a corporation which is a member.

4. Execution of Documents -- All checks, drafts, orders and obligations of the corporation for the payment of money, notes, contracts, deeds, mortgages, leases, bonds, and other corporate instruments must be signed by any two officers or in such manner as the Board of Directors may from time to time provide.

5. Election -- Officers shall be elected at each annual meeting to serve until the next annual meeting or until their successors are duly elected, unless they shall earlier resign or be removed.

6. Vacancies -- Any vacancies occurring in any office, or in the Board of Directors because of death, resignation, ineligibility, removal, disqualification, or otherwise, shall be filled by the remaining members of the Board of Directors appointing an eligible person (as defined herein) to the unexpired portion of the term so vacated.

ARTICLE 6 - BOARD OF DIRECTORS.

1. Composition -- The property and affairs of the corporation shall be managed by a Board of Directors comprising three (3) in number, which shall consist of the officers. The members of the Board of Directors shall be elected at each annual meeting to serve until the next annual meeting, or until their successors are duly elected, unless they shall earlier resign or be removed.

2. Powers and Duties -- The Board of Directors shall be empowered to collect assessments as hereinafter provided; to authorize the expenditures of money and the execution of contracts, deeds and other corporate instruments; to engage attorneys, accountants and the like; to hire and remove employees; to pay taxes and valid municipal charges; to establish rules and regulations for the beautification, enhancement, use and maintenance of the corporation's property consistent with the corporate purposes; and generally to conduct all the affairs of the corporation and to exercise all of those powers except such as by the Articles of Incorporation or by these bylaws are reserved to the members. Officers and other members of the Board of Directors shall be entitled to no compensation unless specifically voted by

a majority of the total member vote outstanding.

3. Meetings -- The members of the Board of Directors shall meet after the meeting at which they are elected and at such other time and places as they shall by vote from time to time determine. Special meetings may be called by any member, notice of the time and place to be given by the Secretary, or in the event of his absence, inability or failure to act, by the member calling the meeting, in writing at least two (2) days prior to the meeting. Notice may be waived in writing or will be deemed to have been waived by attendance at such meeting.

4. Quorum -- A majority of the members of the Board of Directors holding office shall constitute a quorum for the transaction of all business, but less than a quorum may adjourn a meeting from time to time.

5. Action Without Formal Notice -- Any vote, resolution or other form of action which shall be in writing and signed by all the members of the Board of Directors shall constitute corporate action without any meeting of the Board of Directors.

ARTICLE 7 - ASSESSMENTS

1. Right to Levy -- The Board of Directors shall have the right to assess as of January 1st of each year and collect thereafter from the owner or co-owners of each numbered lot during each calendar year such sums as shall be necessary to defray the anticipated or budgeted annual expenses of the corporation. Assessments shall be equal as among the numbered lots. Special assessments may be made and collected, if and as necessary, only

upon affirmative vote of a majority of the numbered lots had and obtained at a meeting of the members.

2. Use -- Assessments shall be made and collected for the use of the corporation in defraying corporation expenses, including, but without limiting the foregoing generality, for taxes, maintenance, policing, insurance, filing fees, incorporation expenses, landscaping, gardening, water, postage, stationary, salaries, lighting, attorneys' and accountants' fees, and the like. In addition, the Board of Directors shall have the right to assess each and every owner or co-owner on an equal prorated share basis for the cost of the maintenance or repair of any portion of the drainage structures and to assess for lawn maintenance costs for the application of fertilizers, herbicides and pesticides by professional lawn care specialists according to the SHADY LEA WOODS Lawn Care/Landscaping Provisions those homeowners choosing to have said lawn chemicals applied (SEE ARTICLE 10).

3. Liens -- Subject to the following limitations, any annual assessment which has not been paid on or before the first day of July in the assessment year shall become a lien upon the numbered lot against which it is made. Any such lien shall automatically be extinguished and terminated if the corporation does not file in the Records of Land Evidence for the Town of North Kingstown, Rhode Island, a notice of its intention to claim such lien or before the 31st day of December in the year in which said assessment is made. Liens arising hereunder shall be subordinate to any first mortgage on the numbered lot involved.

4. Co-ownership -- If two or more persons shall own a numbered lot as joint tenants, tenants by the entirety or tenants in common, such persons shall jointly and severally share and bear the burden of assessments.

ARTICLE 8 - AMENDMENT OF BYLAWS

These bylaws may be amended by the vote required to authorize corporation action; provided, however, that the notice of said meeting shall have stated that a proposal to amend the bylaws is to be acted upon at the meeting; provided, further, however, that the provisions of Article 2, Article 5, and Article 7 and Article 8 hereof may be amended only by affirmative vote equal to or exceeding two-thirds (2/3) of the total member vote outstanding. A certified copy of any amendment to these bylaws shall be recorded in the Records of Land Evidence for the Town of North Kingstown, Rhode Island.

ARTICLE 9 - INITIAL OPERATION

Notwithstanding any other provision of these bylaws, initially and for so long thereafter as the developer, DDJJBK, Inc., INC., shall own no less than thirty percent (30%) of the numbered lots, the following rules shall prevail:

- a. These bylaws may be amended or changed by the developer.
- b. All officers (not including at-large members of the Board of Directors) of the corporation shall be elected by the developer, acting alone.
- c. A quorum (Article 3, section 4) shall consist of a duly designated representative of the developer.

d. The developer shall, at any regular or special meeting of the corporation, be entitled to cast three (3) full votes for each numbered lot owned by it.

ARTICLE 10 - MAINTENANCE RESPONSIBILITIES

The Association shall be responsible for the maintenance of certain drainage structures located within the Open Space of the sub-division according to the "Shady Lea Woods Schedule and Maintenance Specification Program - Drainage Structure Maintenance Schedule" according to the design plans of "Shady Lea Woods", Sh. 18, and Exhibit "A" (attached). The Association shall also be responsible for the application of lawn chemicals to the lawns of individual homeowners choosing to have lawn chemicals applied to their lawns according to the SHADY LEA WOODS Lawn Care/Landscaping Provisions (See EXHIBIT B-attached).

A true copy attest:

ATTEST:

John J. [Signature] Pres.

Shady Lea Woods
Schedule and Maintenance Specification Program
Drainage Structure Maintenance Schedule

Short term and long term maintenance is specified on the design plans of Shady Lea Woods, Sh. 18. The following schedule of maintenance is presented to reiterate responsibility and procedures as required of the Shady Lea Homeowners Association (henceforth identified as the Association).

1.0 RESPONSIBILITY

1.1 The Association is responsible for long term maintenance of the drainage basins. Long term maintenance shall commence after one year of completed construction. The site contractor shall maintain the drainage system until then. Drainage structures within the town right of way are to be maintained by the town and not the Association.

1.2 The Association is responsible for proper completion of maintenance.

1.3 In the event of failure of the owners, successors, or assigns to maintain any of the drainage basins, the town may enter into such development and perform such necessary maintenance work and charge the cost, including attorney fees, to the owner, successors or assigns.

2.0 MAINTENANCE

2.1 Inspection of the drainage basins shall be performed semi-annually. The inspection shall be performed by a person hired by the Association and responsible to the Association.

2.2 A report of the inspection and completed maintenance shall be completed and compiled with previous reports. The reports shall be made available to the town engineer.

2.3 Inspection shall verify the following:

2.3.1 Drainage inlet structures free of debris, sediments, etc.

2.3.2 Drainage outlet structure(s) free of debris, sediments, etc.

2.3.3 Drainage basin free of debris and sediment accumulation over 3 inches.

2.3.4 Basin embankment slopes are not eroded and have complete vegetative cover.

2.3.5 Vegetation height is less than 6".

2.3.6 Discharge channels from drainage basins are not eroded.

2.4 Corrective maintenance shall be completed as required at the time of the inspection.

2.5 Reconstruction of drainage basins, outlet structures, inlet structures, etc. as required shall conform to the approved design plans.

In addition gravel jackets on perforated risers are required to be cleaned and replaced every 5 years or less as conditions warrant. The gravel shall be removed and replaced with compacted bank run gravel as detailed within the design plans.

Accumulated sediments of 3" within the drainage ponds are to be removed. All disturbed areas are to be protected with Erosion Control and replanted/reseeded as required within the design plans.

REFERENCE PLANS ENTITLED:

A) "Shady Lea Woods, A residential Subdivision, AP 7, Lot 21, North Kingstown, RI." prepared by DiPrete Engineering Assoc., Inc., Sheet 1-20 & L1-L14 and

B) Report entitled "Erosion and Sediment Control and Stormwater Management Report, Shade Lea Single Family Subdivision, AP 7 Lot 21, North Kingstown, RI." prepared by DiPrete Engineering Assoc., Inc.

1. I certify to Attorney William G. Kenney, P.C., Statewide Funding Corp, its assigns and/or successors, and to Commonwealth Land Title Insurance Company that there are no visible easements or encroachments except as shown and that this plan was prepared under my immediate supervision.
2. The dwelling shown hereon is in the Flood Zone designated as Zone C on F.E.M.A. Map of Tiverton Community Panel No. 44012-004C.
3. The dwelling location as shown has been approved by the Building Inspector and Zoning Officer.

EXHIBIT B

Revised 3-28-94

SHADY LEA WOODS

Lawn Care/Landscaping Provisions

LAWN CARE/LANDSCAPING PROVISIONS

The Shady Lea Woods Homeowners Association (henceforth identified as the Association) shall be responsible for the care of all lawns and landscaping in the open space or common land of the subdivision. The Association shall hire one single landscaping/lawn care company to be the entity which shall be solely responsible for for said lawn and landscaping care as well as the application of lawn care chemicals including fertilizers, herbicides, and pesticides to all lawns within the subdivision including common land as well as privately owned lawns. Individual homeowners will be responsible for maintenance of private lawn areas except for application of lawn chemicals. The following guidelines must be followed when establishing lawn areas within all subdivision (individual residences and community) property:

1. Only grasses which require low maintenance and care may be utilized for planting/stabilization within all subdivision properties. The establishment of all lawn areas must be done through seeding, thereby allowing for close supervision of turf mix content, and not by sodding methods. All seed mixes must be as pure as possible, containing a minimum of weed species or foreign substances.
2. The turfs to be utilized must have low fertilization (nitrogen, phosphorus, etc.) requirements, low watering requirements (high drought tolerance), low pesticide requirements (disease and insect resistant), a moderate to fast establishment rate, and moderate to high wear tolerance.
3. Alternative (non-traditional) turfs such as fine fescues, tall fescues, and perennial ryegrasses exhibit many of these characteristics, and must be utilized in an appropriate mix in all areas. It is recommended that perennial ryegrass be included in the seeding mixture due to its fast rate of establishment. However, a maximum of 10% perennial ryegrass shall be used in the seed mixture due to its more moderate (as opposed to low) requirements for nitrogen. The U.R.I. Cooperative Extension recommends the use of primarily tall fescues (a mix of several varieties) in an alternative (i.e., low maintenance turf mixture). An example of a turf grass mix which may be utilized is:

10% (Maximum)	Perennial Ryegrass
10% (Maximum)	Fine Fescue (Hard Fescue)
80%	Tall Fescue (2-3 Varieties)

Although not required, a fine fescue is included in the mixture because of its finer texture and its low requirement for nitrogen. The "hard" variety of fine fescue is recommended because of its reliability in terms of ease of maintenance. The above mix performs well in both sun and shade and typically requires minimal fertilization (approximately 1-2 pounds nitrogen/1000 sq. ft. per growing season). The Homeowners Association or their designee shall supervise the installation of all lawn areas on the site in order to insure compliance with these stipulations.

Maintenance of individual lawn areas shall be subject to the same restrictions as is the community lawn areas within the subdivision. This maintenance shall include all routine maintenance (mowing, cutting, trimming, landscaping, etc.). The application of fertilizers, herbicides, insecticides and the like is the sole responsibility of the Association and their landscaping/lawn care company. Individual homeowners are not permitted to fertilize their own lawn. Individual homeowners, however, shall not be required to participate in any program of chemical lawn care. Lawn care shall be subject to the restrictions to provide routine maintenance as follows:

1. The application of fertilizers shall be limited to a maximum of 2 lbs/1000 sq. ft./year and shall be applied a maximum of twice per year, during the growing season (i.e. spring and early summer months) of each year. Only fertilizers with timed (slow) release nitrogen components may be used. Such fertilizers shall allow for maximum nitrogen uptake (recoverability) and little loss to leaching processes (e.g., minimal contamination of groundwater). An example of a slow-release fertilizer analysis which has been used for previous projects in coastal areas with a concern for groundwater contamination is as follows:

	Total Nitrogen (N)	24%
4.1%	Ammoniacal Nitrogen	
12.4%	Urea Nitrogen	
7.5 %	Water Insoluble Nitrogen	
	Available Phosphoric Acid (PO)	4%
	Soluble Potash (KO)	8%

(Application rate 1-2 lbs/1000 sq. ft. in dry granular form)

Commercial examples of such controlled release nitrogen fertilizers are "Nitroform" (slow-release nitrogen) or "Nutralene" (controlled release nitrogen) which have been developed by the Nor-Am Chemical Company. Nitrogen fertilizer additives have also been developed which help avoid nitrogen waste due to denitrification, leaching and runoff. The Conklin Company, Inc. has introduced such an additive, called "Guardian", which also helps prevent groundwater contamination because it leaves no harmful residues. The

Association shall be responsible for obtaining a list of RI CRMC approved fertilizers to be utilized.

2. Pesticides (herbicides, insecticides, fungicides, etc.) shall not be utilized as part of the routine maintenance of lawn and landscape areas within the property of Shady Lea Woods. Any such pesticides shall be utilized only when absolutely necessary and only when first approved by the Shady Lea Woods Homeowners Association. Only "restricted use pesticides" (federally and state approved) may be used which will create no adverse impacts on the valuable environmental resources which lie within or adjacent to the property. The Association shall be responsible for obtaining a list of RI CRMC approved "Restricted use Pesticides" to be utilized.

3. All grass clippings, brush, leaves, litter, and other refuse which is accumulated during the course of routine maintenance on the property must be deposited in an appropriate upland location, outside of all regulated wetland (federal and R.I. DEM) and CRMC coastal feature and buffer areas.

For environmentally sensitive areas such as the subject site, the U.R.I. Cooperative Extension Service has recommended the use of turf seed mixtures that contain primarily tall fescues (preferably a mix of 2-3 varieties) in conjunction with the use of slow-release, low nitrogen content fertilizers applied at a rate of 2-3 lbs nitrogen/1000 sq. ft./growing season. These recommendations have been incorporated (at a minimum) into the above Homeowners Association landscaping stipulations. In addition, all guidelines and standards of the U.R.I. Cooperative Extension and the R.I. DEM Land Management Project (at a minimum) with regard to the establishment of lawns and landscaped areas, as well as their future continued maintenance, must be adhered to throughout the project site and for the life of the Shady Lea Woods subdivision.

The Lawn Care Company shall provide a constituent analysis of the substances to be used within Shady Lea Woods to the Association. The Association is to submit this analysis and obtain approval from the CRMC, prior to application.

94 JUN -3 PM 2: 

AGREEMENT

THIS AGREEMENT is entered into this 5th day of May, 1994, pursuant to Section 21-216 of the Ordinances of the Town of North Kingstown, by and between DDJJBK, Inc. (hereinafter the "Developer") and the Town of North Kingstown (hereinafter the "Town").

1. Developer agrees that a certain development known as "Shady Lea Woods" shall be constructed in accordance with the approved plan and that all improvements, both public and private, shall be installed in accordance with said plan.

2. Developer further agrees that in the event of failure of the owners, successors or assigns to maintain any common open space, recreation areas, landscaping features or other required improvements, the town may enter into such development and perform such necessary maintenance work and charge the cost, including attorney fees, to the owner, successors or assigns.

3. The parties hereto hereby agree that this contract shall be binding upon the heirs, assigns, successors or receivers of the development and shall constitute a lien on the property in the development.

WITNESS our hands this 05th day of May, 1994.

DDJJBK, INC.

By: John H. [Signature] . Pres.
Title

TOWN OF NORTH KINGSTOWN

94 JUN -3 PM ~~3:01 PM~~ 3:01 PM

TOWN OF NORTH KINGSTOWN

By: [Signature]
Title

04036

BK0895PG312

AMENDMENT TO BY-LAWS OF
SHADY LEA WOODS HOMEOWNERS' ASSOCIATION, INC.

WHEREAS, DDJJBK CO., INC., has recorded a subdivision entitled "SHADY LEA WOODS A RESIDENTIAL SUBDIVISION AP 7 LOT 21 NORTH KINGSTOWN, R.I." which plat is recorded with the Land Evidence Records of the Town of North Kingstown as Plat No. 1444, and

WHEREAS, in connection with that subdivision, a homeowners' association was formed entitled "Shady Lea Woods Homeowners' Association, Inc.", and

WHEREAS, certain by-laws for said Association were drafted and recorded in Book 883 at Page 088, and

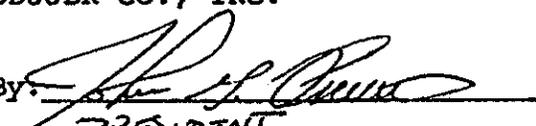
WHEREAS, no lots have yet been conveyed.

NOW, THEREFORE, does DDJJBK CO., INC., acting through its duly authorized officer, hereby amend Article 10 of said by-laws as follows:

ARTICLE 10 - MAINTENANCE RESPONSIBILITIES

The Association shall be responsible for the maintenance of certain drainage structures located within the Open Space of the sub-division according to the "Shady Lea Woods Schedule and Maintenance Specification Program - Drainage Structure Maintenance Schedule" according to the design plans of "Shady Lea Woods", Sh. 18, and Exhibit "A" (attached). The Association shall also be responsible for the application of lawn chemicals to the lawns of individual homeowners choosing to have lawn chemicals applied to their lawns according to the SHADY LEA WOODS Lawn Care/Landscaping Provisions (See EXHIBIT B-attached). The Association shall also be responsible for the maintenance of Lot 42 as a recreational area.

DDJJBK CO., INC.

By: 

PRESIDENT

TOWN OF NORTH KINGSTOWN
DORIS H. BARKER, TOWN CLERK

94 AUG 25 AM 9:32

05925

DiPrete Engineering Associates, Inc.

TWO STAFFORD COURT
CRANSTON, RI 02920
TEL (401) 943-1000
FAX (401) 464-6006

October 3, 2006

Mr. R. Lee Jeans
President, Shady Lea Woods Homeowners Association
135 Country Hill Lane
North Kingstown, RI 02852

Re: Shady Lea Woods

Dear Mr. Jeans,

As you have requested DiPrete Engineering Assoc., Inc. has evaluated the Lawn Care/Landscaping Provisions as approved for the development prior to its construction in 1994. In particular, the provisions had excluded individual homeowners from being permitted to fertilize their own lawn. (Reference Shady Lea Woods, Lawn Care/Landscaping Provisions, page 2 of 3, recorded in the town of North Kingstown Land evidence records book 883 page102). As a point of reference, this condition was developed with the Planning Board 12 years ago to ensure that an excessive amount of fertilizer would not be applied within the Narrow River Watershed. This development was one of the first cluster developments considered by the town. The cluster development required that a Homeowners Association be formed to maintain the open space and landscaping among other responsibilities. It was considered that the Homeowner Association could collectively hire a professional landscape company that would provide the minimum amount of fertilizer on the private lawns, as opposed to allowing the individual homeowners this trust. This provision may now be considered excessive and unwarranted for the following reasons:

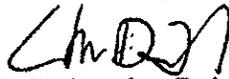
1. The design of the cluster development has greatly reduced the concern of direct runoff of nutrient loading to the Narrow River Watershed. The majority of the property of Shady Lea Woods has been preserved in its natural state. The areas constructed as lawns are greatly reduced. Lawn areas are buffered to the receiving wetlands by vegetated strips which reduce nutrient loading within the surface runoff. Therefore the design has reduced the risk of excessive nutrient loading if applied by a professional or an individual.
2. The individual homeowners who purchase homes in Shady Lea Woods are educated to be aware of and to protect the Narrow River Watershed. Restrictions to limit fertilizer application are identified and explained prior to the purchase of their property and are reinforced as a requirement by the Homeowners Association. The Homeowners Association has actively sought the advice of the CRMC staff to ensure compliance (reference Shady Lea Woods Homeowners Association Proposed Lawn Care/Fertilization Program dated 2004 as sent to Dave Reis, 4/6/04 by SeaScape Professional Landscape service.) An environmentally conscience Homeowners Association has resulted. A public trust

is afforded to the Homeowners Association that can be expected to be afforded to the individuals as well.

3. There is a practical impediment to over fertilizing the individual lawns. An excessive use would be more costly and also could 'burn' or kill grass. The proper application of approved fertilizers will involve reduced amounts that will save money. The proper application of fertilizer will cause the nutrients being assimilated by the root structure and the desired green lawn will result.

Given the above review, it is our opinion that there is a negligible risk to increased nutrient loading if individual homeowners are allowed to apply fertilizer. Therefore it is our opinion that modification of the restrictive covenants to allow individuals to apply fertilizer would result in substantial conformance with the design goals. Please feel free to call our office should you have any questions.

Sincerely;
DiPrete Engineering Assoc., Inc.



Christopher Duhamel, P.E., P.L.S.

cc. Mr. Jonathan Reiner
Director of Planning
Town of North Kingstown
80 Boston Neck Road
North Kingstown, RI 02852

Memorandum

TO: Planning Commission

FR: Planning Department Staff

**RE: Shady Lea Woods Homeowner's Association
Lawn Maintenance agreement**

Date November 21, 2006

Attached is a request from Mr. Lee Jeans president of the Shady Lea Woods Homeowners Association requesting help concerning the lawn maintenance agreement that was approved as part of the September 1993 final subdivision approval and the August 1993 CRMC assent. Both the final subdivision plan and the CRMC assent were approved conditioned on lawn issues being addressed.

The lawn maintenance agreement as submitted by DiPrete Engineering calls for an exclusion of any application of lawn chemicals by individual homeowners and requires that the Association hire an outside individual to apply chemicals in accordance with the submitted maintenance schedule. As you can read from Mr. Jeans letter, this system has not worked out and the homeowners are dissatisfied with it and would like our help in having the restrictions lifted. Please note that there are no other subdivisions in the Town that have these restrictions imposed.

Our review of the issues seems to show that this requirement was misunderstood from the beginning. As you will see on the attached timeline CRMC noted on the Preliminary Determination that they should limit lawn area and use resistant seed. Nothing more. The addendum to the CRMC assent notes that the applicants' professionals submitted a proposed lawn maintenance agreement that was impractical for the subdivision. Additionally, the August 26, 1993 assent clearly states that they are only looking for a lawn establishment program and that the Lawn Care/Landscaping Provisions provided by DiPrete is not considered practicable.

It appears that the professionals working for the applicant did not heed Mr. Reis's comments and chose to submit the Lawn Care/Landscaping Provisions anyway and they were made part of the assent and also as would be required incorporated into the bylaws and covenants for the subdivision. The final subdivision approval included language to the effect that whatever CRMC approved would be accepted.

Also attached is a copy of an October 3, 2006 letter from DiPrete Engineering indicating that in their opinion there would be no harm to the environment should the Lawn Care/Landscaping Provisions be rescinded or modified.

We have attached a copy of the provisions for your reference.