



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
**DIVISION OF PLANNING**  
One Capitol Hill  
Providence, RI 02908-5870

March 26, 2012

Mr. Jonathan J. Reiner, AICP  
Planning Director  
55 Brown Street  
North Kingstown, Rhode Island 02852

Subject: Shartner Farm Comprehensive Plan Amendment. Referral Number: NK-07-02

Dear Mr. Reiner:

The above cited Amendment changed the Comprehensive Plan Land Use Map designation for a portion of Assessor's Plat 102, Lot 11 (Schartner Farms) from High Density Residential to Commercial (the Amendment). I am in receipt of your notification that the "Town anticipates a new application for development in this area within the coming weeks" and that it is likely that an additional comprehensive plan amendment would be needed. You further state, "The Town expects that this process could take upwards of another 6 months to review and make a decision". While I am sympathetic to the "moving target" that towns often face in their planning, and commend North Kingstown for its dedication in wanting to ensure that the intersection of Routes 2 and 102 is developed in a responsible manner, I cannot agree to another extension to issue a decision on this Amendment. I base this decision on the following factors.

- This Amendment was received for State review on September 20, 2007.
- We notified you in a letter dated December 19, 2007, that we were concerned that the Amendment appears to conflict with State Guide Plan Element 121, *Land Use 2025: State Land Use Policies and Plan* and requested that you provide us with additional information that may address our concerns and/or propose revisions to the Amendment.
- On four previous occasions the Town requested, and we granted, additional time to conduct studies of the Route 2/102 intersection and to "refine" the Amendment.
- Our last correspondence, dated September 22, 2011, granted the Town an additional six months to complete any studies and submit revisions to the Amendment. In that letter we specifically stated that "no further extensions will be granted".
- Having a comprehensive plan amendment that is neither approved nor denied by the State well beyond the timeline envisioned by the Comprehensive Planning Act creates a level of uncertainty that is not to the benefit of either the State or Town.

Therefore the remainder of this correspondence constitutes my findings and decision.

### **Findings**

In completing the State review, I am charged with ensuring that comprehensive plans and amendments thereto, comply with the requirements of the Comprehensive Planning and Land Use Regulation Act (the Act) as listed in § 45-22.2-9(d). Therefore, pursuant to these requirements, I hereby find:

- 1) The intent and goals of the Act as stated in § 45-22.2-3(b)(1) and (c)(1)through (11) have been met.
- 2) The Plan as amended is internally consistent and complete as required by § 45-22.2-6.
- 3) The Amendment is not consistent with the State Guide Plan and does not embody the goals and policies of the State and its departments and agencies. Specifically, the Amendment is not consistent with State Guide Plan Element 121: *Land Use 2025: Rhode Island's Land Use Policies and Plan*, Goal LU1a – Focus growth within the urban services boundary and in centers of different sizes and types; support traditional centers over new development.

This finding is based on the fact that the area re-designated from High Density Residential to Commercial is outside the Urban Services Boundary established by *Land Use 2025*.

Furthermore, the Town has not provided information that the subject site is part of a planned municipal center for growth.

- 4) Municipal planning activities have been coordinated according to the provisions of section 45-22.2-7.
- 5) The Amendment has been officially adopted and submitted for review in accordance with §45-22.2-8 and other applicable procedures;
- 6) The Town has complied with the rules and regulations adopted by the State Planning Council.
- 7) Adequate, uniform, and valid data have been used in preparing the Amendment.

### **Decision**

Based upon the above findings, specifically finding 3), I am compelled to issue a formal denial of State approval to the Comprehensive Plan Amendment to changing the Land Use Map designation for a portion of Assessor's Plat 102, Lot 11 (Schartner Farms) from High Density Residential to Commercial. In accordance with § 45-22.2-9(g), this disapproval applies to the amendment only and does not affect the validity of the previously approved sections of the Comprehensive Plan.

It is important to note although this Amendment does not have State approval, it remains a valid municipal tool for land use decisions. However, the Amendment is not binding on the actions of State agencies. Additionally, having a portion of the Comprehensive Plan without State approval could put the Town at a disadvantage in certain State grant programs.

I believe it is in the best interests of both the Town and the State for North Kingstown to have its Comprehensive Plan fully State-approved. Therefore, I strongly encourage the Town to

complete any additional studies and revise the Amendment as appropriate. Upon completion of the revisions, I look forward to your expressed intent to engage our office for a preliminary review prior to Town Council action.

Please feel free to contact Jared Rhodes, Chief, or Kevin Nelson, Supervising Planner, if you have any questions, concerns, or requests for assistance. Mr. Rhodes can be reached at 222-5772 or [jared.rhodes@doa.ri.gov](mailto:jared.rhodes@doa.ri.gov); Mr. Nelson can be reached at 222-2093 or [kevin.nelson@doa.ri.gov](mailto:kevin.nelson@doa.ri.gov).

Yours truly,

A handwritten signature in black ink, appearing to read "Kevin M. Flynn". The signature is fluid and cursive, with a large, stylized initial "K".

Kevin M. Flynn,  
Assoc. Dir. Division of Planning

copy: Jared Rhodes  
Kevin Nelson