



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: December 1, 2021

Re: **Public Hearing** – Application of Juan Campos for Preliminary Plan approval of a 5-lot subdivision including extension of an existing town road. The property is located at the end of Serenity Drive, with frontage also on Maidford River Road, and is identified as Tax Assessor's Plat 120, Lots 68-A & 68-B.

This item was continued to the November 10th Planning Board meeting, and then to the December 8th meeting in order for the Technical Review Committee (TRC) to complete its review and for the applicant to provide revised plans. The TRC review was completed on Nov. 5th, at which time the applicant indicated a desire to revise the plans to eliminate need for Town Council approval of a request for abandonment of a portion of Serenity Drive. Revised plans have been submitted which eliminate the need to request abandonment of a portion of Serenity Dr. The plans have been provided to the acting Town Engineer and DPW Director for review. I will provide their comments as they become available.

The applicant is requesting Preliminary Plan approval for the 5-lot conventional subdivision of approximately 318,972 sq.ft. of developable land. The property is in the R-40 zoning district. In March of 2020 the Planning Board granted Master Plan approval of the 5-lot conventional subdivision including a waiver to construct a 350-foot extension of Serenity Drive which will be 22-feet wide where 26-feet is required by Town regulations. This configuration would provide the required street frontage for all five lots of the conventional design. The proposed road would terminate in a 90-foot cul-de-sac partially on private property. No connection to Maidford River Road is proposed.

It appears that the proposed lots would meet the dimensional requirements of the Middletown Zoning Ordinance, including the minimum lot area of 40,000 sq.ft., and minimum frontage of 150 feet, or 50 feet on a cul-de-sac turnaround. The lots would be served by and public water and sewer. There are wetlands located on proposed lots 1 and 3.

The application was referred to the appropriate departments and committees for final comments. The Middletown Tree Commission responded with no concerns. The Newport Water Department sent a letter dated June 28, 2021, indicating that the proposed water main as presented is not acceptable, however a preliminary water availability letter was issued.

TRC Review:

The TRC reviewed the application on September 1st and November 5th, 2021. Following its review, the TRC voted to provide a positive recommendation to the Planning Board. Following are conditions of approval recommended by the TRC and Planning Dept. staff:

Recommended conditions of approval:

1. Prior to Final Plan approval, calculations relative to the stability of the stormwater detention pond berm design shall be provided, subject to approval by the Town Engineer.
2. Prior to Final Plan approval the applicant shall submit a redesign of the detention basin to demonstrate the ability for groundwater recharge or request a waiver of the recharge requirement from the Planning Board.
3. Prior to Final Plan approval, the applicant shall secure approval from the Town Council to abandon portions of the Serenity Drive right-of-way, unless a revised plan is submitted demonstrating that abandonment is not necessary.
4. Prior to Final Plan approval, the plan shall be revised to show the relocation of the proposed new fire hydrant to a location near the lot line between proposed lots 1 and 2.
5. Prior to final plan approval the maintenance and sewer easements must be reviewed and approved by the Town Solicitor.
6. Prior final plan approval payment of development plan review fees must be submitted.
7. Prior to final plan approval a landscape maintenance plan including a schedule of initial and ongoing activities to be undertaken by the property owner, homeowners association or other appropriate party if a landscape plan is proposed, as required by §523.

Required findings (Subdivision rules and regulations section 403):

The following is a list of the required findings the Board must make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

The Preliminary Plan application was certified complete on June 16, 2021. The Planning Board must complete its review and render a decision within 90 days of certificate of completeness: September 14, 2021. With the applicant's request to continue the matter until the December Planning Board meeting in order to complete revised plans, the deadline was extended to December 8, 2021. Unless a further continuance is agreed to by the applicant, action must be taken by that date.

Please contact me with any questions regarding this matter.

Cc: Applicant
Town Solicitor