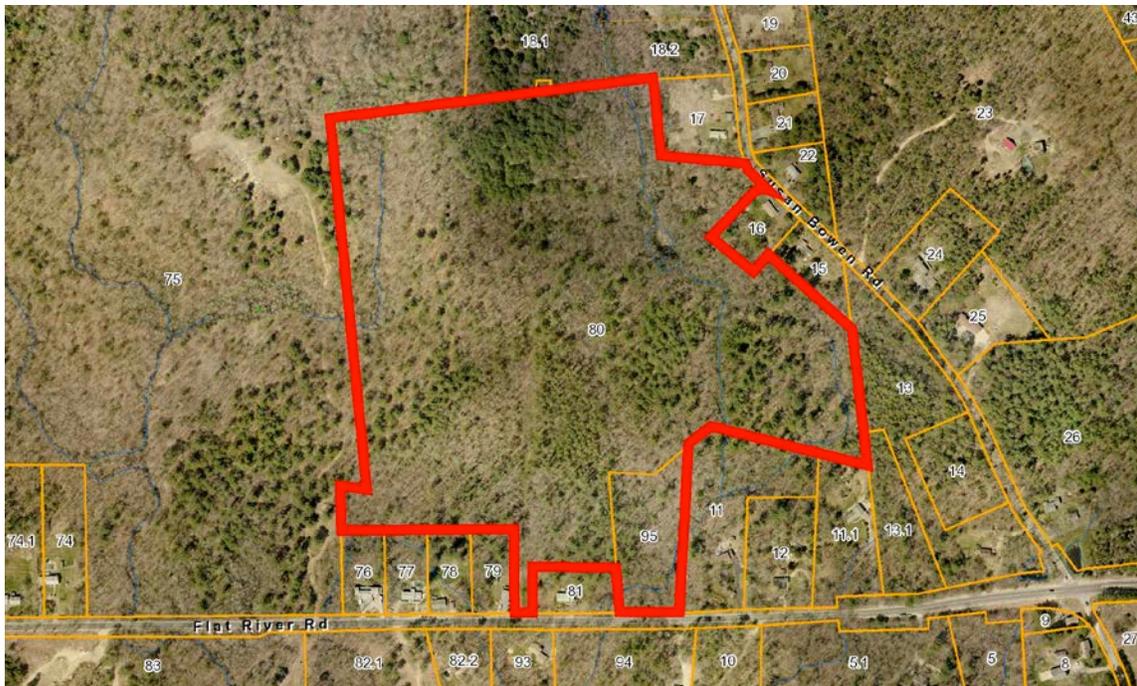




**TOWN OF COVENTRY, RI**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**  
**PLANNING DIRECTOR'S REPORT**

<b>Project Name:</b>	<b>Bucks Horn Meadow</b>
<b>Plan Type:</b>	Major Subdivision - Residential Cluster Development
<b>Plan Review Phase:</b>	Preliminary Plan
<b>Owner/Applicant:</b>	Padula Builders, Inc.
<b>Address:</b>	Flat River Road
<b>Plat / Lot / Zone:</b>	AP 315 Lots 80 & 95 Zone RR-5 Lot Size 53.2 Acres
<b>Existing Use:</b>	Vacant Land
<b>Proposed Use:</b>	7-Lot Residential Subdivision
<b>Description:</b>	The applicant proposes to construct a 7-lot, Residential Cluster Development-style subdivision on a 53.2-acre site and dedicate roughly 40 acres as Open Space.



**Background**

This matter comes before the Planning Commission for a Public Hearing of a Preliminary Plan Application for a proposed 7-Lot Major Residential Cluster Subdivision with a street creation. The subject parcel is situated on the northern side of Flat River Road and is zoned RR-5.

### **Site and Existing Conditions**

The subject parcel, which is comprised of AP 315, Lots 80 and 95, is approximately 53.2 acres in size and has frontage along both Flat River Road (to the south) and Susan Bowen Road (to the northeast). It is predominantly wooded, with streams and associated wetland areas running along the parcel's western, eastern, and southern edges. The majority of the property, including the entirety of the area within the Limit of Development, is located in FEMA Flood Zone X, which is outside the 0.2% annual chance flood plain. The northwestern corner of the property lies in Flood Zone A.

The subject parcel is not situated within a Groundwater Protection Area (RIDEM), Natural Heritage Area (RIDEM), or a Local Historic District. Rhode Island Historical Cemetery #CY020 ("Cornell Cemetery") abuts the subject parcel to the north and will not be impacted by the proposal. Soil evaluations conducted by the applicant show water table depths range from 24" to 60".

### **Proposed Conditions**

The applicant proposed to develop the south-central portion of the site as a 7-Lot, Residential Cluster Development (RCD)-style, major subdivision. Lot sizes will range from 1.5 to 2.3 acres. The remaining, undeveloped 40 acres will be set aside as Open Space, the majority of which will be located to the north of the house lots.

Access to the future subdivision lots would be provided via an 826-foot-long, 24-foot-wide, cul-de-sac with a single entrance off Flat River Road. The roadway will have an asphalt berm and will impact a small wetland area near the roadway's opening onto Flat River Road. (The applicant has received RIDEM Freshwater Wetland approvals.)

Development will occur in two phases. Phase 1 will include the cul-de-sac roadway and Lots 5, 6, and 7 (the three northernmost lots on the eastern side of the roadway) for a total disturbed area of 4.6 acres. Phase 2 will build out the remaining Lots 1-4 and entail of a total of 3.9 acres of disturbed area.

The house lots are proposed to be serviced by private wells and on-site wastewater treatment systems. Site drainage infrastructure will include dry wells, infiltration systems, and swales; these features are largely contained to two small, discontinuous Open Space areas shown on the site plan near the roadway's opening onto Flat River Road.

### **ZONING**

The subject parcel's underlying zone is RR-5, but the applicant is proposing to use the Residential Cluster Development (RCD) tool for its proposal. According to the Town of Coventry's Subdivision Regulations, RCDs allow "single family, two-family, or multi-family dwellings [to be] concentrated on a portion of the [subject] parcel, on smaller lots and with

lesser dimensional requirements than otherwise permitted in the zoning district, and on which open space on the parcel is set aside for recreation, conservation, agricultural uses, or for preservation of valuable or sensitive features or structures.”<sup>1</sup>

Per the same section of the Subdivision Regulations, “the overall residential density on the parcel shall not exceed that permitted in the zoning district, unless otherwise specifically provided by the Zoning Ordinance.” For this reason, applicants who intend to use the RCD tool are required to submit a conventional plan, a/k/a “Yield Plan,” for the same parcel at Master Plan to establish the basis for the density they seek through the RCD.<sup>2</sup>

Accordingly, the applicant provided an eight-lot (seven house lots and one open space lot) Yield Plan at the Master Plan stage of review and demonstrated before the Commission that all lots would meet the standard dimensional requirements of the underlying RR-5 Zone. The density calculation is shown below, per § 255-1310.B of the Zoning Ordinance:

DENSITY CALCULATION

TOTAL LAND UNSUITABLE FOR DEVELOPMENT:	14 +/- Acres
TOTAL USEABLE LAND AREA:	53-14 = 39 +/- Acres
PROPOSED RIGHT OF WAY AREA:	1 Acre
MINIMUM LOT AREA (RR2 ZONING DISTRICT):	5.0 Acres
USEABLE AREA – R.O.W AREA:	39-1= 38 +/- Acres
 TOTAL NUMBER OF LOTS: $38 / 5.0 = 7.6$	 <b>7 LOTS</b>

With its Yield Plan establishing the parcel’s by-right development potential, the applicant has proposed an RCD-style minor subdivision of the existing 53-acre parcel to create seven new house lots and approximately 40 acres of open space.

All seven of the proposed house lots meet the minimum dimensional requirements for a single family dwelling in a Residential Cluster Subdivision without public water or sewers in a RR-5 Zoning District, as enumerated below:

Minimum Acreage of Original Parcel	=	20 acres
Minimum lot area	=	43,560 Square Feet
Minimum lot frontage	=	150’
Minimum Front yard	=	25’
Minimum Side Yard	=	35’
Minimum Rear Yard	=	40’
Maximum Lot Coverage	=	25%
Maximum Building Height	=	35’

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1 See Subdivision & Land Development Regulations, Article IV (A) (1)  
 2 See Subdivision & Land Development Regulations, Article IV (A)

Open Space = 40%<sup>3</sup>

The proposal also conforms to open space requirements. RCD-style subdivisions must reserve a minimum of 40% of the subject parcel as open space; additionally, no more than 50% of the open space set-aside may consist of land unsuitable for development.<sup>4</sup>

### **APPROVALS**

This proposal has received the following approvals from relevant permitting authorities:

- Rhode Island Department of Environmental Management
  - RIPDES Permit
  - Subdivision Suitability
  - Freshwater Wetlands Permit (all via one letter dated 10/12/23)
- Rhode Island Department of Transportation
  - Physical Alteration Permit (conditional approval – letter dated 11/17/22)
- Western Coventry Fire District (approval of cistern design – letter dated 3/31/23)

Aside from the Preliminary and Final Plan stages of approval from the Planning Commission, this application will also require the Town Engineer's approval of a Soil Erosion and Sedimentation Control Permit as well as the Building Official's approval of Building Permits.

### **WAIVER REQUESTS**

The applicant has requested a waiver from complying with part of checklist item #17 (locating any trees over 50 years old) due to concerns over the size of the subject parcel and the cost implications of this requirement. Staff would support granting a waiver for this item.

Planning Staff would also support granting waivers for streetlights (the Western Coventry Fire District has indicated to Staff that they would prefer waiving streetlights in residential subdivisions as a general rule), sidewalks (as there are no existing sidewalks to connect to on Flat River Road), and curbing (the applicant is proposing asphalt berms in lieu of traditional curbs).

### **INTERDEPARTMENTAL REVIEW**

Please see the attached report from the Technical Review Committee for inter-departmental comments on this application.

### **FINDINGS OF FACT**

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<sup>3</sup> See Coventry Zoning Ordinance, Article 13 § 1311, 1312, 1313, 1320, 1322

<sup>4</sup> See Subdivision & Land Development Regulations, Article IV (5)

Staff has conducted an orderly, thorough, and expeditious technical review of this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as in the Town of Coventry's Subdivision and Land Development Regulations, and finds as follows:

*RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”*

1. The proposed subdivision is consistent with the Town of Coventry's Land Use Plan designation of Very Low Density Residential.
2. The Comprehensive Plan identified the Residential Cluster Development tool as a means to preserve open space (D.4-5 and D.7-9) and to protect habitat (D.6-18).

*RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”*

3. The proposed development meets the dimensional requirements of the Residential Cluster Development tool given the underlying RR-5 Zone. The proposal is therefore in conformity with the Zoning Ordinance and no variances are needed.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Code.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

5. This finding pertains specifically to the final plan, however, no significant environmental impacts are anticipated.
6. The 2023 Rhode Island Natural Heritage map shows the subject parcel does not fall within a Natural Heritage Area overlay.

*RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with 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.”*

7. The proposed subdivision 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.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

8. The subject parcel will have adequate permanent physical access to a public right-of-way (Flat River Road).
9. The proposed development provides for safe and adequate local circulation for vehicular traffic.

### **RECOMMENDATION**

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the Town of Coventry’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Preliminary Plan application, subject to the conditions denoted below.

### **CONDITIONS OF APPROVAL**

1. The applicant shall finalize the location of the proposed cistern fire cistern with, and receive approval from, the Western Coventry Fire District prior to submitting the Final Plan application.
2. Submission of a Town of Coventry Soil Erosion and Sediment Control (SESC) Application will be required for the project.
3. Draft versions of all legal documentation, including Homeowners Association documents, property descriptions, Residential Cluster Development agreements, and any deed restrictions (such as for the open space) shall be submitted with the Final Plan application.
4. The common lot line between AP 315, Lots 80 and 95 shall be deleted upon the recording of the final record plan.
5. Per Article VII(B)(1) of the Coventry Subdivision Regulations, the applicant has stated their intent to complete the required improvements prior to the Planning Commission’s endorsement of the final plan. All work shall be completed prior to any endorsement or recording. All construction shall be inspected and approved under the direction of the Town Engineer. Inspections shall be made at the required stages of construction as specified in Article XIII. All inspection fees shall be paid prior to any construction. Upon

completion of all required improvements, the Administrative Officer shall certify in writing of such completion, and a copy shall be provided to the applicant upon request. The final plat shall be endorsed by the Planning Commission and recorded as provided in Article VI, at which time the lots within the subdivision may be transferred or sold.

**Pursuant to Article XII. Appeals, Subsection A. Procedure for Appeals to the Board of Appeal of the Coventry Subdivision Regulations, the decision of the Planning Commission herein may be appealed in writing by any party aggrieved by said decision to the Coventry Board of Appeal. Any such appeal shall be made within 20 days of the day of the decision is recorded and posted in the Town Clerk's Office.**