

DUFFY & SWEENEY, LTD
BUSINESS LAW & LITIGATION

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February 20, 2025

Via Electronic Mail and Hand-Delivery

Coventry Planning Board
c/o Doug Mclean
Director of Planning and Development
1675 Flat River Road
Coventry, RI 02816
dmclean@coventryri.gov

**RE: Preliminary Plan Submission:
Highlands at Hopkins Hill Phases IG, IH, II, IJ, IM, IN**

Dear Doug and Hon. Planning Board Members:

On behalf of my client, D2 Homes, Inc., enclosed please find the preliminary plan submission for the Major Land Development Project known as the "Highlands at Hopkins Hill Phases IG, IH, II, IJ, IM, IN" located on Dante Boulevard, also known as Assessor's Plat 13, Lot 22 (the "Property" or "Project").

A. Contextual Background and Procedural History.

By way of background, the Property is part of a development known as the Centre of New England ("CNE"), a large, 400-acre, mixed use development on contiguous properties partially located in the Town of Coventry. CNE submitted for and was granted Master Plan Approval in November 2003. The Property owners and developers subsequently brought suit related to the CNE approval and the ordinances applicable to the CNE development in a court proceeding docketed as KC-2003-0444 ("2003 Action"). *See id.* In the 2003 Action, it was determined, among other things, that the 1997 Zoning Ordinance, as amended in 2001, applied to the CNE development. *See id.* The Consent Judgment that eventually came out of the 2003 Action specifically provides that no ordinance provision or regulation passed subsequent to these ordinances applied to the CNE Development. *See id.*

The Property is part of a residential condominium development within CNE and part of Phase 1 of the CNE development. The CNE development and remaining parcels were ultimately placed into receivership in 2013 and portions remain unfinished. During the receivership

proceedings, the Receiver managing the CNE development received various approvals and agreements concerning the continued development and completion of this Project.

1. Vested rights

Pursuant to the Consent Judgment entered into in the 2003 Action, as well as state law in place at the time of the approval and currently, the Project is vested in and to the 1997 Zoning Ordinance as well as the Land Development and Subdivision Regulations in place at the time of the master plan approval, which were most recently amended on September 13, 2000 prior to the Master Plan Approval.¹

Additionally, a February 2019 Consent Order entered into by the Receiver and the Town of Coventry Town Council ("2019 Order"), recognizes the vested master plan approval and numerous other negotiated details regarding the Project, as set forth herein. A copy of the 2019 Order is attached hereto at **TAB A** (12 copies).

The 2019 Order also allows the Project to proceed at 66 units rather than the 52 approved at master plan, without the need for a master plan amendment.

B. Town Preliminary Review Required Documents

The required documents for this preliminary plan submission are pursuant to and governed by the Town of Coventry, Subdivision and Land Development and Regulations, Preliminary Plat Checklist for Major Land Developments and Major Subdivisions (amended September 13, 2000). At the request of the Town, the following material follows the applicable checklist of requirements:

1. Twelve (12) copies of the completed Application form (dated September 2024²), attached at **TAB B**;
2. Twelve (12) copies of the 2000 Checklist for Preliminary Plan for a Major Land Development, attached at **TAB C1**. Additionally, for ease of reference as to the location of the items required to be submitted pursuant to the 2000 checklist, and the associated review of the same, we have also attached 12 copies of the current 2025 checklist (dated September 2024), without waiving any rights, but solely for efficient review of the application for completeness. See **TAB C2**;

¹ See R.I. Gen. Laws §§ 45-23-32(51) (**Vested rights**. The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.); and 45-23-39(c)(7).

² The applicant could not locate the operative 2000 application forms, so provides the most current application form (dated September 2024) without waiving any rights.

3. Application fee of \$1,570.00, attached at **TAB D**;
4. Twelve (12) copies of the Vesting Receiver's Deed describing the property, attached at **Tab E**;
5. Copy of the most recent Municipal Lien Certificate dated January 15, 2025, attached at **Tab F1**. The Municipal Lien Certificate was issued prior to the Applicant's closing date on the property, as shown in the Receiver's Deed. The taxes were paid in full at the time of closing. Please see the e-mail correspondence from the Coventry Tax Collector's office, dated February 13, 2025, showing that all taxes and fees due on the parcel being subdivided have been paid and that there are no outstanding municipal liens on the parcel (Checklist Item #67), attached at **TAB F2**;
6. Two (2) copies of the Project Site Plan in 24" x 36" attached at **TAB G1**. Twelve (12) bounded copies of the Project Site Plan Set in 11x17, including the Stormwater System Operation Maintenance, Soil Erosion and Sediment Control Plan, and Storm Water Management report, attached at **TAB G2**;
7. Twelve (12) copies of the RIDEM Approval for Stormwater Management Discharge, attached at **TAB H**;
8. Twelve (12) copies of the RIDEM Wetlands Permit and Consent Order with RIDEM recognizing 2004 permit in effect. See **TAB I1 and TAB I2**;
9. Twelve (12) copies of the Traffic Impact Assessment attached at **TAB J**;
10. Twelve (12) copies of the Radius Map and abutters' list attached at **TAB K**;
11. Twelve (12) copies of the approval of Kent County Water Authority. The Receiver had previously worked with KCWA to bring water service to the Highlands, including these additional units, for which the infrastructure already exists. Attached is the April 8, 2020 approval for water service for these phases. See attached **TAB L1**. We have submitted plans to KCWA which is issuing an updated letter. See attached **TAB L2**;
12. Twelve (12) copies of approval for sewer. This Project is allowed to be connected to the sewer system, as evidenced by the 2019 Consent Order which specifically provides for sewer assessments regarding these units and the Receiver and my client have acted in accordance with that 2019 Order, including the payment of assessments. 12 copies of our submission cover letter to the Town engineer are attached at **TAB M**.

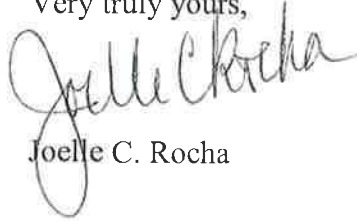
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We are seeking a waiver from the submission of the legal documents to the final plan stage to the extent that the checklist item includes review of the condo documents.

This submission will be supplemented to provide a signed affidavit attesting that notice has been sent by first class mail to all abutters prior to the hearing.

We look forward to working with staff and the Board on this Project.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Joelle Rocha", written over a printed name.

Joelle C. Rocha

Enclosures