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April 7, 2025

Via Electronic Mail

Doug McLean, Director
Planning and Development
Town of Coventry
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:

Enclosed please find the applicant's response to the Town's Notice of Deficiency Letter dated March 14, 2025, for 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"). In addition to the Notice of Deficiency Letter, the Town Planner's e-mail correspondence of the same date provided additional comments.

I. Notice of Deficiency Response.

#1: Landscape Plan

Item C.4. on the September 13, 2000 version of the Preliminary Plan - Major Land Development/Major Subdivision checklist (beginning with "Landscaping plan to show all significant proposed clearing of land...") has not been provided. The checklist submitted by the applicant lists Sheet 6 for this item, but Sheet 6 is a Grading Plan, and only a few landscape-related comments appear on that sheet. A dedicated sheet for a Landscape Plan showing all proposed and existing landscaping features as it relates to this site should be submitted satisfying the requirements of Item C.4.

Applicant's Response.

Please see attached the proposed Landscaping Plan with respect to general site landscaping and a typical unit on the private road. See **Tab N**¹, updated Preliminary Plan Submission dated April 3, 2025 at Sheet No. 14 (Overall Landscape Plan). The landscaping will be consistent with what is currently in the Highlands.

#2: As-Built of Approved Drainage Basins

Item D.3. on the same checklist (beginning with "Written confirmation from the RI Department of Environmental Management...") has not been fully addressed, as the provided documentation regarding the RIDEM permit does not include as-builts of the approved and constructed drainage basins which would serve the proposed development. As-builts shall be submitted to substantiate conformance with RIDEM's approval of this project.

Applicant's Response.

Item D.3 on the checklist is related to wetlands, not stormwater approval. The checklist item requires only "written confirmation" from RIDEM that the plans have been reviewed and that the "Wetlands Act does not apply or approval has been granted." The checklist item does not require as-builts, and as such cannot form a basis for the certificate of incompleteness.

Please refer to the September 2024 RIDEM Consent Order (**Tab I2** of the original submission). The Consent Order made the following findings with regards to wetlands:

- (i) There are no jurisdictional wetlands located on this Property,
- (ii) **No wetlands permitting is required.**

The project was reviewed by RIDEM as per the Consent Order which states that there are no jurisdictional wetlands located on the portion of land that this Project comprises. Second, it notes that the Project requires only a RIPDES General Permit in which the applicant needs to demonstrate the watersheds and impervious area generally match the original application, and that the existing drainage ponds in place are considered the existing condition and no further analysis, design, or construction will be required by RIDEM. The Consent Order also stated that the applicant will field survey the existing infrastructure, which was completed and shown on Sheet 4. The RIDEM RIPDES permit also states that the applicant must provide written certification that the stormwater practices have been constructed in accordance with the site plans. This certification is due upon completion of the Project.

3: Written Certification

As a separate deficiency under the same checklist item, Item D.3 has not been fully addressed, as the provided documentation regarding the RIDEM permit does not include the requisite written certification from a registered land surveyor or registered professional engineer that the existing

¹ Letters are continued from the original submission so as to not overlap.

stormwater drainage system, including all its components, have been constructed/installed in accordance with the site plans approved by the original RIDEM permit.

Applicant's Response.

Assuming this is a reference to checklist item D.4, that checklist item is only required if the item in D3 is not provided, which it was—see above, and see **Tab I2** of the original submission. Both items relate to wetlands only and not stormwater.

Please see the previous response, as no wetlands permitting was required by RIDEM as noted in the Consent Order.

It should be noted that while neither of these checklist items apply to stormwater, the applicant has already obtained its stormwater permit from RIDEM under the terms of the Consent Order. See **Tab I2** and **Tab H** of the original submission. As part of the Consent Order, the applicant performed a field survey of the existing infrastructure in place on the Property. That information is provided on Sheet 4 of the plan set and stamped by a professional land surveyor. The as-builts requested in the Town's "Notice of Deficiency" are not required by RIDEM, which has already approved the plans for the stormwater system. Rather, DEM requires that:

- 7) You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales, and any other stormwater management practices have been constructed/installed in accordance with the site plans reviewed for this permit. This written certification is due upon completion of the project or within twenty (20) working days of the request of this Program.

See **Tab H** of original submission. This certification will be submitted to RIDEM upon completion of the Project. As you are aware, the Project is not yet completed.

4. Fire District Taxes

Item D.16. on the same checklist (beginning with "Certificate(s) from the Tax Collector...") has not been fully addressed, as the provided documentation does not include evidence of payment of fire district taxes. Such documentation shall be submitted with the revised application.

Applicant's Response.

Please see the attached confirmation of payment of fire district taxes. **Tab O.**

#5: Dedicated Proposed Conditions Sheet.

Although most of the specific checklist items under Heading C ("A Proposed Conditions Map(s) to show the following") were addressed, the plan set lacks a dedicated Proposed Conditions sheet, and instead points to the Grading Plan on Sheet 6. The revised plan set should include a dedicated Proposed Conditions sheet at the same scale as the Existing Conditions sheet to facilitate clear Existing vs. Proposed comparisons.

Applicant's Response.

Please see **Tab N**, Sheet 5, Overall Site Plan.

6: Legal Documents.

Staff is aware that the applicant seeks a waiver to allow legal documents to be submitted at the final plan stage of review. Staff requests that the applicant include a brief letter/statement with its revised Preliminary Plan submittal to indicate whether the proposed development will be incorporated into the existing homeowners' association or will be governed by a new, separate HOA.

Applicant's Response.

The existing Highlands is a condominium development with a condominium association. We do not believe full private condominium documents are required legal documents for submission to the Town for review, but for any provisions involving required private maintenance of stormwater facilities and like items. The applicant has the right, but is not required, to add these units to the existing Highlands Condominium Association, and that is currently the intent, but final determination has not been made at this time. Either way, as a private development, it will be governed by appropriate association documents with the required provisions and whatever legal documents are required to be reviewed by the Town (which can be discussed) will be provided at final plan—whether that be existing documents on title or new documents.

II. Town's E-mail Correspondence Responses.

Town Peer Review of Traffic Study

We intend to peer review the submitted traffic study. I have sought a proposal from the Town's authorized peer reviewer and attaching here so you can see it. Upon the re-submission of this project, we will be looking for you to make payment directly to the peer reviewer to engage their services on the Town's behalf. If you have any questions or comments on this arrangement, please feel free to email me.

Applicant's Response.

The applicable land development and subdivision regulations under which this Project is vested,² do not provide for or require peer review fees to be charged to or paid by an applicant. Even if that were not definitively the case, the peer review fees propose exceed the cost of a full traffic study, required by you and submitted by the applicant, and are not limited to reasonable fees to review a submitted study. Further, a traffic study was submitted when the 311-unit proposed Highlands development obtained Master and

² See R.I. Gen. Laws §§ 45-23-32(51); 45-23-39(c)(7); see also 2004 Consent Judgment in *Commerce Park v. Town of Coventry*, KC-2003-0444 which requires that the Zoning Ordinance adopted and effectuated on January 13, 1997 and updated August 20, 2001 applies to the project as well as the subdivision regulations at the time of the master plan approval shall govern the project going forward.

Preliminary Plan approval and the Board made a finding. The Highlands development, with these final units, will be substantially smaller than the 311-unit development previously approved.

Items from the Town Planner's March 14, 2025 email

Town Bullet Point #1.

No owner listed, only the applicant's company (which should have an individual representative's contact info, not just the company)

Applicant's Response.

D2 Homes, Inc. is the applicant and the owner of the Project as provided on the application cover sheet. Contact information was also provided on that sheet. Robert E. Deblois, Jr is both the president and secretary. His contact information was also provided on the submitted application.

Town Bullet Point #2.

No sum totals provided for the following quantities:

- Catch basins and manhole covers sidewalks
- Linear feet of curbs and sidewalks
- Length of pipes sidewalks
- Cubic yards of excavation/fill sidewalks

Applicant's Response.

Please see **Tab N**, Sheet 5 which contains this information.

Town Bullet Point #3.1

Need clarity on:

- Why did application state no wetlands within 200 feet when that does not appear to be the case at the site's southern end?

Applicant's Response.

Please also refer to the September 2024 RIDEM Consent Order (**Tab I2** of the submission). The Consent Order found there are no jurisdictional wetlands located on this Property and no wetlands permitting is required. Notwithstanding this, the approximate location of the wetlands located to the southeast of the site have been added to Sheet 5. See **Tab N**.

Town Bullet Point #3.2.

Need clarity on:

- Why did application state it's not in a Natural Heritage Area when RIDEM's map suggests the whole site is in one?

Applicant's Response.

According to the RIDEM Environmental Resource Map, the entire site falls within a Natural Heritage Area. See attached **Tab P**, revised Checklist at Page 2, Section B, Item 18 noting this item. Additionally, the revised plans also have this notation. See **Tab N**.

Town Bullet Point #3.3.

Need clarity on:

- Do you intend to provide sidewalks and street trees or, alternatively, do you intend to seek waivers? If so, a written waiver request is needed.

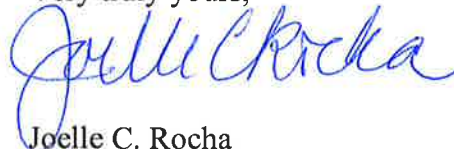
Applicant's Response.

The applicable land development and subdivision regulations provide that sidewalk requirements were specific to the district as set forth in the applicable zoning ordinance. We are not aware of any requirements in the zoning district for the Property which require sidewalks in the applicable zoning ordinance. Additionally, there are no regulations requiring street trees for private roads. The previously vested approvals requires the streets to be private. There are no street trees or sidewalks located in the existing Highlands condominium development.

Please let me know how many hard copies of the attached materials you would like and we will have them delivered to your office.

Additionally, should you need additional information or have any additional questions, please do not hesitate to contact me. Please also confirm the date of the next TRC meeting so that we can be sure our team is available to attend.

Very truly yours,



Joelle C. Rocha

Attachments