



**TOWN OF COVENTRY, RI  
DEPARTMENT OF PLANNING & DEVELOPMENT**

## **STAFF REPORT**

<b>Project Name:</b>	<b>Lomastro Plat</b>
<b>Plan Type:</b>	Unified Development Review (Minor Subdivision w/ associated Dimensional Variance)
<b>Plan Review Phase:</b>	Preliminary Plan
<b>Owner/Applicant:</b>	Kim Lomastro
<b>Address:</b>	730 Carr’s Trail
<b>Plat / Lot / Zone:</b>	<b>AP 315 Lot 43</b> <b>Zone RR-5 Lot Size 52.71 acres</b>
<b>Existing Use:</b>	Single-family residential
<b>Proposed Use:</b>	Single-family residential with additional buildable lot
<b>Description:</b>	The applicant proposes to subdivide a 52.71-acre lot into two lots, a 5.02-acre lot and creating a new 47.69-acre lot. The applicant is seeking a zoning variance for substandard frontage.

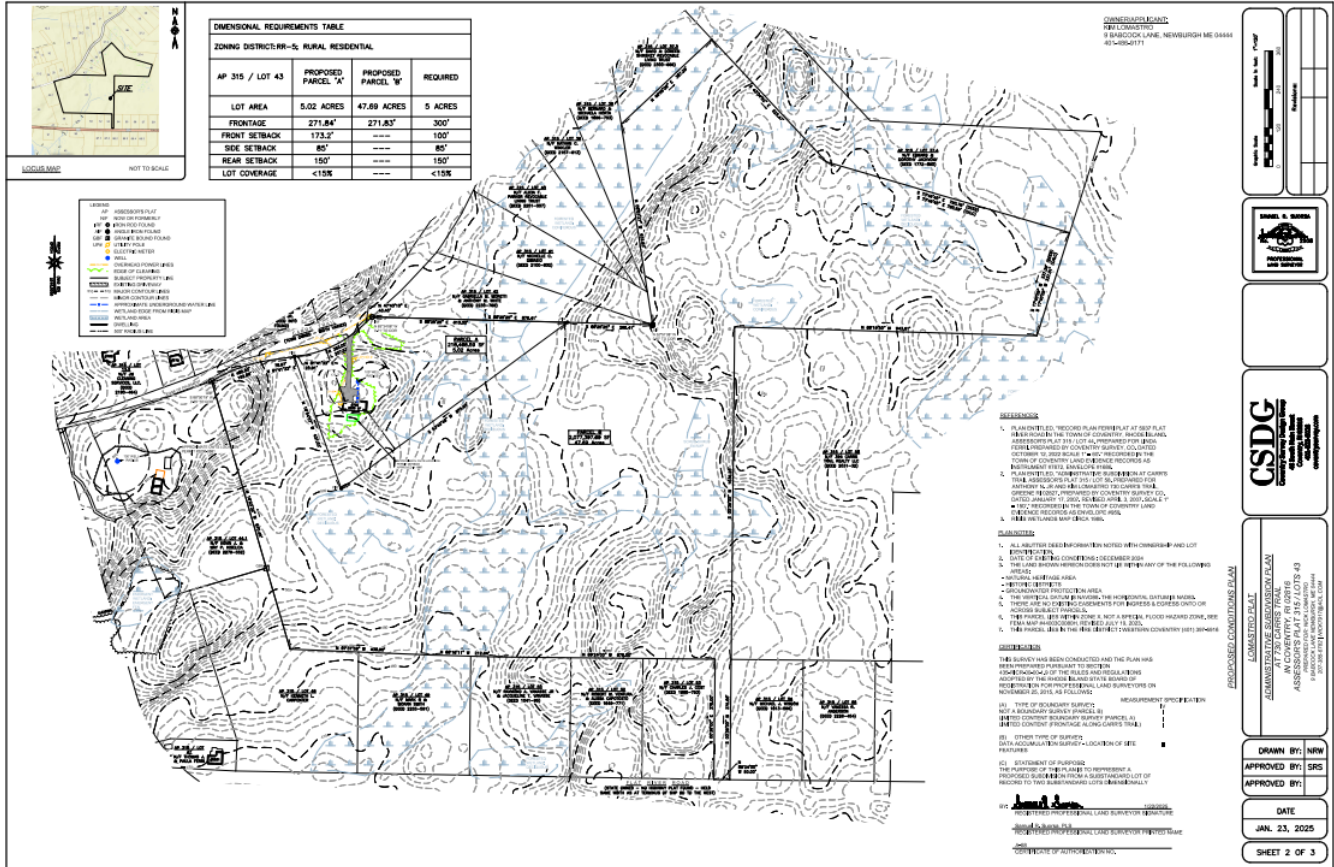
### **I. PROJECT INFORMATION**

#### **Background and Existing Conditions**

This item will be reviewed as the Preliminary Plan Stage of a Unified Development Review for a proposed Minor Subdivision of a 52.71-acre parcel at the location listed above. It currently consists of a mostly undeveloped lot with one single-family house in the western corner of the property and is zoned RR-5, as are the surrounding abutters. There are forested, deciduous wetlands throughout the lot as well as a shrub swamp on the eastern edge; additionally, the site lies within Zone “X” (defined as area outside the 0.2% annual chance floodplain) of the National Flood Insurance Maps for the Town of Coventry.

#### **Proposed Conditions**

The Applicant is proposing to subdivide the above-mentioned lot into two lots, leaving one existing single-family house on a 5.02-acre lot, and creating a new 47.69-acre vacant lot from the remainder, referred to as Parcel B.



**Zoning**

The Applicant is seeking zoning relief from Table 6-4 RR-5 Dimensional Regulations, for substandard frontage as Parcel A will have 271.84’ and Parcel B will have 271.83’ where 300’ is required. This necessitates frontage relief that represents a reduction of 9.06% compared to the requirements of the zone. This application is qualified to fall under the criteria for a 25% Modification – which is a staff-level administrative variance process. The applicant did initially attempt the Modification Application, however, due to issues with the mailed notice and the knowledge that there was a direct abutter who would object, the Modification Application was withdrawn. The applicant is now choosing to pursue a full dimensional variance application instead, which has elevated the project to be reviewed through Unified Development Review.

**Interdepartmental Review and Comments**

Please see the attached report from the Technical Review Committee (dated May 19, 2025) for interdepartmental comments on this application.

## **II. DIMENSIONAL VARIANCE**

### **Findings of Fact**

The applicant provided Planning staff with the following answers to the findings of fact for the Dimensional Variance component of this application for conformance with required standards set forth in RIGL Section 45-24-41, and Staff added the following considerations:

*RIGL § 45-24-41. General provisions – Variances. (d)(1) states, “That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16)”*

- Applicant provided the following answers: For the allowance of equal frontage distributed to the parcels being subdivided, a dimensional variance will need to be approved. This is due to the unique shape of the lot as it abuts Carr’s Trail, not because of any physical and/or economic disability of the applicant. The proposed division line allows for proper zoning setbacks to be enforced for the applicable zoning area.
- Staff added the following considerations: The subject parcel is unique to have relatively little frontage compared to its large size. It is unusual for a lot that large to not have enough frontage to do a by-right subdivision.

*RIGL § 45-24-41. General provisions – Variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant”*

- Applicant provided the following answers: Due to the large size and odd shape of the lot, this dimensional variance is being sought out. This hardship would not be due to any prior action of the applicant. To reflect current usage of the current lot and to maintain the 5-acre size lot minimum, this lot frontage variance is being requested.
- Staff added the following considerations: The hardship is not due to any prior action of the applicant, because they did not create the unique shape and size of the subject parcel.

*RIGL § 45-24-41. General provisions – Variances. (d)(3) states, “That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based”*

- Applicant provided the following answers: To complement the surrounding area, this lot is being subdivided to a ±5-acre parcel and a ±48-acre parcel. As it stands as a ±52-acre parcel, the lot is a mismatch of the surrounding area. To account for this, the frontage was split in half and in doing so, will fall slightly short of the required frontage amount, thus a 9.06% variance being requested will allow for the applicant to agree with surrounding lots who meet the 5-acre criteria of minimum sizing. This new proposed lot will be consistent with the RR-5 zoning designation as it will host a residential use, being a single-family dwelling.

- Staff added the following considerations: The proposed subdivision and frontage relief will have an imperceptible impact, as it would result in the construction of a new single-family dwelling that would fit with the character of the surrounding area.

*RIGL § 45-24-41. General provisions – Variances. (d)(4) states, “In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, [planning board] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit.”*

- Applicant provided the following answers: The current parent lot is only occupied by the front 5-acres with respect to Carr’s Trail. To accommodate for that by subdividing the lot into the two proposed respective parcels grants effective use of the land. To not grant this requested variance will be induce more than a simple and mere inconvenience. Having to account for roughly 47-acres of land that simply are not used, equates to more than a mere inconvenience. This subdivision is to reflect actual usage of the land and to allow for possible future development of the remaining land. Splitting the existing frontage for 2 parcels will require a dimensional variance either way, so splitting equally seemed the most reasonable. With this, allowing for development of a single-family residence on the new parcel is absolutely feasible either from Carr’s Trail or Flat River Road.
- Staff added the following considerations: The 9.06% relief from the required frontage is minimal to a reasonable enjoyment of the permitted use because it is impossible for the applicant to subdivide the parcel without provoking a variance for at least one lot, given the limited parameters of the existing frontage. In addition, the new lot would host a single-family dwelling which is an allowed use in the RR-5 zone.

### **Variance Recommendation**

Staff finds this proposal consistent with the standards for required Dimensional Variance findings of fact set forth in RIGL Section 45-24-41. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Dimensional Variance application with a condition that the applicant receive approval of its Preliminary Plan – Minor Subdivision application.

## **III. MINOR SUBDIVISION**

### **Findings of Fact**

Staff has conducted an orderly, thorough, and expeditious technical review of this Preliminary Plan Minor Subdivision 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 Rural Residential.
2. Significant cultural, historic, or natural features that contribute to the attractiveness of the community have not been identified on site.

*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. This Preliminary Plan Minor Subdivision approval is conditioned upon obtaining frontage relief in the form of a Dimensional Variance, and must maintain compliance with such a Dimensional Variance decision.
4. Aside from the noted Dimensional Variance, the application complies with all other provisions of the Zoning Ordinance.

*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 Rhode Island November 2023 Natural Heritage map shows that there are no known rare species located on the site.

*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. Both proposed parcels will have adequate permanent physical access to a public right-of-way through substandard lot frontage on Carr’s Trail and Flat River Road.

### **Subdivision 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. Preliminary Plan approval is conditioned upon strict adherence to the associated Dimensional Variance Application as presented and approved.
2. The applicant shall add a 50-foot no-cut buffer across the full length of the subject parcel's Carr's Trail frontage for the Final Plan Submission. This should not be understood to prohibit the creation of a driveway to serve future development.
3. The following items will be required upon submittal of a building permit application: (a) site plan showing the proposed structures comply with zoning code, (b) approval from the applicable fire district, (c) a letter from a qualified professional stating that the Wetlands Act will not apply to this property, and (d) proposed OWTS and wells to support the new structure.

**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.**



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## TECHNICAL REVIEW COMMITTEE REPORT

**DATE:** May 19, 2025  
**PROJECT NAME:** "Lomastro Plat"  
**PROPERTIES:** AP 315, Lot 43  
**ADDRESS:** 730 Carr's Trail  
**ZONE:** RR-5 (Rural Residential)  
**OWNER/APPLICANT:** Kim Lomastro

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This matter came before the Coventry Technical Review Committee at its May 19, 2025 meeting as a Preliminary Plan for a Minor Subdivision with associated Dimensional Variances in accordance with Article V, § D.3. of the Coventry Subdivision & Land Development Regulations.

An application and plan were submitted for review on April 29, 2025. The applicant proposes to subdivide a 52.71-acre parcel into two lots, leaving one existing single-family dwelling on a 5.02-acre lot and creating a new 47.69-acre lot from the remainder. The applicant is seeking a zoning variance for an approximate 9% reduction in the required frontage for the RR-5 Zone and the project will therefore be heard via Unified Development Review.

The members of the Technical Review Committee reviewed the following documents related to this application when preparing the comments below:

Lomastro - Dimensional Variance Cover Letter.pdf  
Lomastro - Dimensional Variance Narrative.pdf  
Lomastro - Narrative.pdf  
Lomastro - Plan Set.pdf

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### TOWN ENGINEER

- No comments at this time.

### PRINCIPAL PLANNER

- The applicant is seeking a 2-lot subdivision with associated dimensional variance for standard frontage. Proposed Parcel A will have 271.84 feet of frontage and Proposed Parcel B will have 271.83 feet of frontage, which is roughly 9% less than the required frontage of 300 feet in the RR-5 zone.
- Planning Staff would support granting waivers from the sidewalk and curbing requirements of the Subdivision Regulations, as these would not connect with any existing network. In lieu of planting street trees, Staff would accept a 50-foot no-cut buffer along the full length of the

subject parcel's Carr's Trail frontage. (This should not be understood to prohibit the creation of a driveway to serve future development.)

- As this application proposes only to subdivide the existing parcel, with no development component at this time, Planning Staff would advise that the following items are not required at this time, but will be upon submittal of any future building permit application: (1) site plan showing the proposed structures comply with zoning code, (2) approval from the applicable fire district, (3) a letter from a qualified professional stating that the Wetlands Act will not apply to this property, and (4) proposed OWTS and wells to support the new structure.

PUBLIC WORKS DIRECTOR

- No comments at this time.

FIRE REPRESENTATIVE

- No comments at this time.

POLICE CHIEF

- No comments at this time.

PLANNING COMMISSION CHAIR

*The Planning Commission Chair recused as this item will be heard before the Planning Commission.*