



**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: April 6, 2022

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.

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**This item was continued to the April 13, 2022 Planning Board meeting at the request of the applicant to allow for response to Crossman Engineering's review comments regarding the stormwater management design. Revised plans, dated March 1, 2022 are attached. The applicant indicates that revisions made to the stormwater management system design address the prior concerns. The plans have been provided to the Town's consulting engineer, Crossman Engineering, and the Town Engineer for review.**

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 350-foot extension of Serenity Drive. 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. **Note that RIDEM approval had been granted for the prior stormwater design. Due to the current revisions, additional RIDEM review and approval might be necessary. This could be addressed as a condition of approval to be completed prior to Final Plan.**

### TRC Review:

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The TRC reviewed the application on September 1<sup>st</sup> and November 5th, 2021. Following its review, the TRC voted to provide a positive recommendation to the Planning Board. Following are the conditions of approval recommended by the TRC at that time, all of which have since been addressed by the applicant:

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.

**Recommended conditions of approval:**

1. Prior to Final Plan application, the latest revised plans shall be submitted to RIDEM for review and approval, and a copy of the revised permit, if applicable, shall be submitted to the Planning Department with the Final Plan application.
2. Prior to Final Plan approval, the final stormwater management plan design must be approved by the Town Engineer.
3. Prior to final plan approval, payment of development plan review fees must be submitted.
4. 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.
5. Prior to final plan approval, all legal documents, such as sewer easements, stormwater maintenance easements, and HOA bylaws and covenants must be reviewed and approved by the Town Solicitor and other Town staff as applicable.

**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 agreement to continue the matter until the April Planning Board meeting, the deadline was extended to April 13, 2022. Action to approve, approve with conditions, or deny the application must be taken by that date or the application will be deemed approved per state law.**

Please contact me with any questions regarding this matter.

Cc: Applicant  
Town Solicitor