

**DECISION
PRELIMINARY PLAN
"Bucks Horn Meadow"**

DATE OF HEARING: April 24, 2024

OWNERS/APPLICANTS: Padula Builders Inc. (Lot 80)
Padula Properties Inc. (Lot 95)

SITE LOCATION: Flat River Road (AP 315, Lots 80 & 95)

ZONING DISTRICT: RR-5

**TYPE OF PROJECT OR
SUBDIVISION:** Major Subdivision / Residential Cluster Development

Because this application was received before January 1, 2024, when state law changes went into effect which raised the Major subdivision threshold to ten lots, this matter came before the Planning Commission as a Preliminary Plan Application for a proposed Major Subdivision with Street Creation (consistent with the "old" code's six-lot threshold).

The applicant proposes to develop the subject parcel, which is identified as AP 315, Lots 80 & 95, into seven single-family house lots using the Residential Cluster Development tool. Development would be contained to the south-central portion of the 53.2-acre subject parcel, enabling roughly 40 acres to be set aside as Open Space.

The subject parcel has frontage along both Flat River Road to the south and Susan Bowen Road to the northeast; access to the proposed subdivision lots would be provided via a new public roadway with a single entrance off Flat River Road. 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.

It is hereby DECREED:

Upon motion made by Secretary Anderson, and seconded by Member Smith, the Planning Commission **GRANTS** conditional Preliminary Plan approval for the Bucks Horn Meadow Preliminary Plan application as presented (including all stipulations and provisions contained therein), located at Flat River Road (AP 315, Lots 80 & 95), with the following Findings of Fact, Conditions of Approval, and Waivers:

FINDINGS OF FACT:

The Planning Commission 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 found the following:

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 development 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.

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. The applicant shall provide a long-term Stormwater Management System Operation and Maintenance Plan (per Section 3.2.11 of the RI Stormwater Design and Installation Standards Manual (RISDISM)) with its Final Plan submission.
4. 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.
5. The applicant shall identify a safe and appropriate location outside the public right-of-way for a cluster mailbox serving all lots, consistent with USPS guidelines, at Final Plan application.
6. The 2% inspection fee associated with this proposed subdivision is set at \$7,542.44 based on the initial bond amount of \$377,122.00. The inspection fee shall be paid to the Town of Coventry prior to commencing any construction activity on the site.
7. The common lot line between AP 315, Lots 80 and 95 shall be deleted upon the recording of the final record plan.

8. 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.

WAIVERS:

- The Administrative Officer **GRANTS** waivers for streetlights, sidewalks, curbing, and locating any trees over 50 years old in conjunction with this application.

SIGNED:


Ronald Flynn, Chairman

5-13-24
Dated

TOWN OF COVENTRY, R.I.
May 13, 2024 03:58P
JOANNE P. AMITRANO, TOWN CLERK

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.