



**Kelley Morris Salvatore, Esq.**  
**ksalvatore@darroweverett.com**

September 11, 2024

Douglas McLean, AICP  
Director of Planning and Development  
Town of Coventry  
1675 Flat River Road  
Coventry, RI 02816

Re: Centre of New England  
Zoning Matters

Dear Mr. McLean:

This is in follow-up to our recent conference relating to outstanding zoning matters relative to our proposed development. We discussed several sections of the Zoning Ordinance relating to applicability to our proposal. I have identified each section (with the section number from the effective 1997 Zoning Ordinance), as well as our response/understanding of applicability.

Sect 1455 (1464) - Height Requirements: "...buildings in a Business Park may be 60 feet in height, and...depending on the type of use, type of building, and topography of the land, may be up to 100 feet in height..." *Our engineer has told us that the buildings will not exceed 60 feet in height and are expected to be at 48-50 feet.*<sup>1</sup>

Sect. 1462 (1472) - Distance Between Multi-Family Buildings on Same Lot: "The minimum distance between two (2) buildings or any (2) row of buildings substantially parallel to each other shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or tow shall be forty (40) feet." *This section applies only to Lot 4. We are including a plan that includes measurements between buildings; no variance is necessary.*

Sect. 1463 (1473) - Distance Between Multi-Family Buildings and Property Line: "The minimum distance from side and rear property lines for any multi-family building or accessory building shall be forty (40) feet. *This section applies only to Lot 4. The included plan includes measurements to property lines; no variance is necessary.*

Sect. 1465 (1475) - Walkways: "Pedestrian walkways shall be provided for all multi-family dwellings to provide safe and convenient access to public and private streets..." *This section*

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<sup>1</sup> Although not applicable to the current application, we discussed that the Town Council is no longer the reviewing body for development applications. That can be found in Para. 4 of the 2004 Consent Judgment.



*applies only to Lot 4; we intend to comply with this provision and detailed plans will be provided at preliminary plan; no variance is necessary.*

Sect. 1481 (14101) - Minimum Open Space Requirements: “A minimum of forty (40) percent of the total tract in a Land Development Project shall remain as permanent open space. A maximum of 50% of the minimum permanent open space may contain Land Unsuitable for Development...” *The 2004 Consent Judgment provides that “Section 1481 of Article 14 as adopted and effectuated on January 13, 1997, which provides as follows “[t]en (10) percent of the tract to be developed commercially shall be devoted to landscaped open space” shall be the only provision as to open space that shall govern Plaintiff’s property and the project know to as the Centre of New England.” See Para. 2 of the 2004 Consent Judgment. Notably, the entire Centre of New England development includes large areas of open space land that is intended to ultimately be held in common ownership.*

Sect. 1730 (unknown) - Minimum Landscaped Buffer: Table 17-1 shows the minimum landscaped buffer for a multifamily dwelling is 10 feet if the abutter is single-, two- or multi-family residential and 50 feet if the abutter is Business Park or Industrial. Meanwhile, for a two-family dwelling, there is no minimum landscaped buffer for an adjacent single- or two-family abutter; a 10-foot buffer if multifamily; and a 50-foot buffer if Business Park or Industrial. Note that “existing woodlands which meet these minimum sizes may substitute for landscaping.” *As you know, the 2004 Consent Judgment provides that “[n]o future changes or amendments . . . to the Coventry Zoning Code . . . shall be applicable to the Centre of New England development project.” See Para. 5 of the Consent Judgment. It is unclear whether Sect.1730 (or a similar section) was included in the 1997 Zoning Ordinance. However, in reviewing the existing built conditions that were approved by the Town of Coventry post-Consent Judgment, it is clear that these provisions did not apply. In any event, the proposed development complies with the standards for two-family homes abutting single- and two-family homes, as well as multi-family dwellings abutting single-family and two-family homes. “Business Park” uses under current zoning do not include residential uses, such that the specific uses of single-family, two-family, and multi-family (referenced in current Section 1730), if applicable in 1997, are the appropriate types of uses to reference. Therefore, no variance is necessary. “Any ambiguity in a zoning ordinance should be construed in favor of the landowner.” *City of Providence vs. O’Neill*, 445 A.2d 290, 293 (R.I. 1982) (reasoning that ambiguities should read to further a landowner’s interest as a “zoning ordinance is in derogation of the common-law right of a property owner to use her land as she wishes.”) .*

You have also requested our support for a parking variance in advance of the hearing. As we have discussed, the Applicant is offering to provide 15% low and moderate income (“LMI”) housing in order to assist the Town in maintaining its current percentage of LMI units and provide an additional 5% to assist in further increasing the Town’s percentage towards the state 10% goal. As you are aware, a comprehensive permit application requiring LMI units would mandate a parking requirement of one (1) space per dwelling unit without the requirement for a variance, which we believe provides support for our request. Additionally, we have included our engineer’s opinion to support the variance based on industry standards. We will present this opinion to the Planning Commission at our next meeting and may provide further support as necessary.



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You have asked for support that access will be provided through the Highlands Condominium development. I have attached the Third Consent Order which includes a provision to allow all developed areas within Centre of New England to use the Highlands Condominium development for access. See Para. 12, p. 18 and other related provisions (“Further, the Association and its unit owners agree that the water and sewer lines in or servicing the Highlands, including those under the Highlands roadways, now and in the future, shall be available to be tied into by the buyer of Developable Lots 1, 2, and 3, and by others who wish to develop other areas in the CNE development, *including as a primary or secondary or other means of ingress and egress*, but all subject to the provisions of this Consent Order.”)

Finally, we continue to review the potential need for substantive waivers for the development, potentially relating to “roadways” and “sidewalks.” We will supplement when this information is vetted and available.

I’d like to discuss these matters with you early next week, to determine whether our interpretations of the Zoning Ordinance are aligned.

Very truly yours,

A handwritten signature in blue ink that reads 'Kelley Morris Salvatore' with a stylized flourish at the end.

Kelley Morris Salvatore, Esq.

cc: Tim Eden, Starr Capital LLC  
DiPrete Engineering  
Paul Bannon, P.E.