



TOWN OF COVENTRY, RI
DEPARTMENT OF PLANNING & DEVELOPMENT

STAFF REPORT

Project Name:	New London Preserve
Plan Type:	Unified Development Review (Major Land Development w/ associated Dimensional Variance)
Plan Review Phase:	Master Plan
Owner/Applicant:	Alpha Holdings, LLC
Address:	New London Turnpike
Plat / Lot / Zone:	AP 7 Lot 25; AP 8 Lots 2, 3, & 9; and AP 16, Lot 133, and Portion of AP 8, Lot 1 Zone R-20 Project Size approximately 53.9 acres
Existing Use:	Vacant
Proposed Use:	Single-family condominium units
Description:	The applicant proposes to develop 75 detached, single-family condominium units, each of which would be roughly 2,500 SF in size and include an attached two-car garage. The project will also include pedestrian walkways, lighting, landscaping, visitor parking areas, and other site amenities. The applicant is seeking zoning variances for proposing multiple single-family dwelling units on the same lot and dwelling unit density allowances.

I. PROJECT INFORMATION

Overview

This matter previously came before the Planning Commission in July 2024 as a Pre-Application for a proposed 90-unit Major Land Development. The applicant has now submitted a Master Plan Application (**that identifies all the correct subject lots per a new application made prior to the December Hearing**) that proposes a 75-unit single-family development on the same 53.9-acre parcel, with 20% of the units proposed as deed-restricted affordable housing. The applicant has also identified sections of the Zoning Code from which relief will be required, thus elevating the project to Unified Development Review in which the Planning Commission will decide on both the Major Land Development and the Dimensional Variance components of the project.

In support of its proposal, the applicant has submitted substantive materials in the form of a Plan Set, Project Narrative, Traffic Statement, a Dimensional Variance Application, and initial correspondence related to water capacity. Staff anticipates the applicant will submit additional materials, such as a full Traffic Study, fully-engineered plan set, and relevant environmental information, at the Preliminary Plan stage of review.

Existing Conditions



The subject parcel occupies much of the area inside the angle formed by New London Turnpike and Crompton Road, in the southeastern corner of the town. It consists of undeveloped land which formerly hosted a gravel pit; evidence of this past use can still be seen in the landscape, which includes areas of steep grade changes, manmade wetland features (quarry ponds), and bare ground.

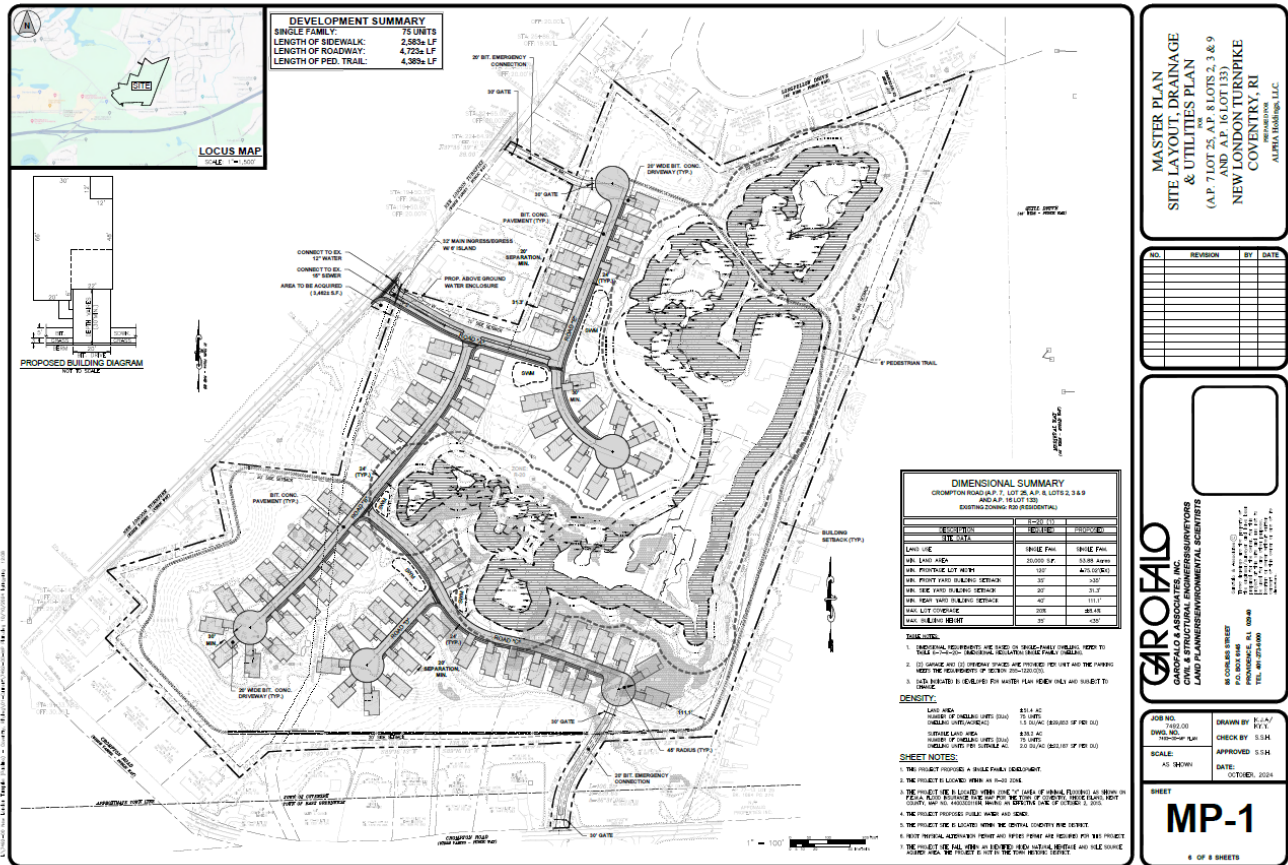
Like all of its abutters, the parcel is zoned R-20. The parcel itself is largely landlocked, with about 75 feet of frontage distributed among several minor, right-of-way-width connections along New London Turnpike. The parcel is located within Flood Zone X.

Although the subject parcel is not located within a Groundwater Protection Zone or a Local Historic District, it does fall within a Natural Heritage Area (RIDEM ID #128). Additionally, a State-listed historical cemetery (#CY105) can be found on AP 16, Lot 137, adjacent to the property line Lot 137 shares with the subject parcel.

Proposed Conditions

The applicant proposes to develop 75 single-family condominium units on the subject parcel, similar in concept and configuration to the 90-unit version proposed during the Pre-Application stage. Each unit would be roughly 2,500 SF in size and would include an attached two-car garage. Consistent with

feedback received from the Planning Commission in July, the applicant is proposing to designate 20% of the units as deed-restricted affordable housing.



At this time, one primary and two potential secondary access points are proposed between the proposed development and the existing roadway network. The primary access point would be located at the existing entrance to the gravel pit off New London Turnpike. The applicant is also considering providing two secondary access points which would connect the development to New London Turnpike at the northern end and Crompton Road at the southern end, either as restricted, emergency access roadways or as conventional, general-use roadways. Internal vehicular circulation would be facilitated by 24-foot-wide private roadways, while pedestrian circulation would be facilitated by sidewalks on one side of each roadway.

Utilities (public water, sewer, gas, and telecommunications) are available nearby on New London Turnpike and are proposed to be extended into the subject parcel to serve the development. Proposed stormwater management would be achieved by subsurface retention/infiltration infrastructure.

The applicant has indicated that its project will require a Physical Alteration Permit from RIDOT and a RIPDES permit from RIDEM. The applicant shall furnish more information regarding transportation and

environmental issues at the Preliminary Plan stage, including any initial feedback from state permitting agencies.

Variations

The proposed development exceeds the allowable density under the R-20 zone. Per the applicant's methodology and calculations, which are discussed in detail in Section 3.1 of its Project Narrative, the current proposal represents the equivalent of a 2% density increase, seeking 75 units instead of a regulatory maximum of 74 units. This density variance request is made with parallel consideration of the fact that the R-20 Zone anticipates single-family residences would be located on individual lots, as opposed to this project's proposal to locate all units on a single lot.

The vehicle through which the applicant seeks its density bonus has changed since the July meeting, when the project came before the Commission as a Pre-Application concept. At that time, the applicant identified Article IV, Section 8 ("Land Development Projects") of the Subdivision Regulations as establishing the Planning Commission's authority to grant a density bonus. Staff subsequently reviewed this section with legal counsel and determined that the cited section likely does not possess the authority it purports to have (primarily because it resides outside the Zoning Code).

In light of this determination, the applicant has submitted a Dimensional Variance application alongside its Master Plan – Major Land Development application to request relief through more conventional means. Specifically, the applicant seeks dimensional variances from two standards contained within Table 6-7 ("R-20 Dimensional Standards") of Article IV ("Schedule of Uses"): overall residential density per lot and number of dwelling units per lot.

Waivers

In addition to the variations identified above, the applicant has also requested waivers from aspects of Articles XIII and XIV of the Subdivision Regulations, namely to allow 24-foot-wide roadways (vs. 30-foot requirement), bituminous berms (vs. concrete curb requirement), and bituminous concrete sidewalks (vs. concrete sidewalk requirement). Staff recommend granting a waiver to allow a 24-foot-wide roadway, a bituminous berm, and sidewalks on only one side of all proposed roadways. Staff does not recommend granting a waiver for bituminous concrete sidewalks (vs. concrete sidewalk requirement).

Interdepartmental Review and Comments

Please see the attached report from the Technical Review Committee (dated November 12, 2024) for interdepartmental comments on this application.

I. DIMENSIONAL VARIANCE

Findings of Fact

The applicant is seeking zoning relief for 1) proposing multiple single-family units on one lot, and 2) for increasing the density of the property beyond the underlying zoning. Staff has reviewed both Dimensional Variance components of this application for conformance with required standards set forth in RIGL Section 45-24-41. Staff's findings are as follows:

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)"

1. The wetland features on the subject parcel constitute a unique characteristic that impacts how the buildings, roadways, and associated site amenities can be configured. The proposed layout makes efficient use of those portions of the site which are suitable for development, and avoids impacting wetland areas and other natural resources.

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

2. Many of the wetland features, as well as other notable site characteristics that render portions of the site unsuitable for development (i.e. steep slopes), were created while the property was utilized as a gravel pit under previous owners.

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"

3. The subject parcel's existing Zoning designation is R-20 (Residential), while its Future Land Use designation is Business Park. The proposed single-family residences are allowed uses within the R-20 zone; furthermore, when Zoning and Future Land Use conflict, Zoning takes precedence.
4. The Comprehensive Plan supports the creation and development of affordable housing in the community. The applicant is proposing to deed-restrict 20% of the units for affordable housing.
5. Although the proposal is technically a condominium development, its physical form will resemble a dense single-family subdivision: each residential unit will be contained within its own standalone structure. By virtue of the subject parcel's unique conditions, most of the development will be contained toward the center of the site, and those portions nearer to external property lines will be buffered by existing vegetation and/or supplemental plantings to provide additional screening.

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.”

6. Viewed in light of both the natural constraints imposed by wetlands and stormwater retention space, and the fact that the requested density bonus amounts to a 2% increase (equivalent of 1 unit) over the site’s theoretical yield, and taking the form of multiple single family dwellings sited on one lot, the relief sought appears minimal.
7. The applicant’s Zoning Narrative is well-conceived and provides a foundation of information for positive consideration of the requested Dimensional Variances.

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 Final Plan – Major Land Development application.

II. MAJOR LAND DEVELOPMENT

Findings of Fact

Staff has 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 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 Comprehensive Plan’s Future Land Use designation for the subject parcel is Business Park. Although this land use is primarily intended to host “retail, service, office and light industrial development,” the subject parcel has hosted a heavy industrial use for years. A residential development on this parcel would provide a more compatible land use with respect to the numerous single-family abutters.
2. The proposed development is consistent with several key aspects of the Comprehensive Plan’s intent for the Business Park land use designation, namely that development would be coordinated across multiple sites, with less intense uses serving to buffer more intense uses from the surrounding area. The proposed development bridges the intensity of land use

between the Centre of New England development to the west and the single-family neighborhoods to the north/east. Also, the Comprehensive Plan envisioned the Business Park land use (and corresponding floating zone) as a magnet for Planned Development projects, which more closely parallels the approach this proposal has taken than a traditional subdivision.

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 subject parcel is zoned R-20, which anticipates single-family residential structures on residentially-zoned land.
4. The applicant proposes to construct 75 detached single-family residential units on a single lot; this would also result in an equivalent cumulative density that exceeds R-20 standards by 2%. The proposal meets all other dimensional standards.
5. Master Plan approval is conditioned upon obtaining relief in the form of a Dimensional Variance.
6. 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)*

7. This finding pertains specifically to the final plan; however, no significant environmental impacts are anticipated based on the Master Plan level of detail required at this stage. Further details on environmental components and mitigations will be reviewed and addressed at future stages of review to demonstrate how the application complies with this same finding at each stage.
8. The March 2023 update of the Rhode Island Natural Heritage map shows that the subject parcel falls within a Natural Heritage Area overlay.

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.”

9. The subject parcel currently enjoys adequate permanent physical access to a public right-of-way (New London Turnpike). The applicant is also considering establishing secondary access points to New London Turnpike and Crompton Road.
10. The applicant provided a Traffic Statement with initial trip generation estimates for the proposed development as currently envisioned at the Master Plan stage. A Traffic Impact Study is anticipated at the Preliminary Plan stage of review to further demonstrate that the proposed development will provide for safe and adequate circulation for vehicular traffic as well as for emergency vehicles.

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. Master Plan approval is conditioned upon strict adherence to the associated Dimensional Variance Application as presented and approved.
2. The applicant shall deed-restrict 20% of the units developed through this project as low- and moderate-income housing for a period of 30 years at 120% Area Median Income for homeownership units or at 80% Area Median Income for rental units, and such low- and moderate- income units shall be equitably distributed throughout the development, consistent with RI Housing standards.
3. The applicant shall provide letters confirming water and sewer availability/issues with its Preliminary Plan application.
4. A Traffic Impact Study shall be submitted with the Preliminary Plan application.
5. The applicant shall submit a Soil Erosion and Sedimentation Control Plan, a Grading Plan, a Utility Plan, and a Drainage Plan with its Preliminary Plan application.
6. The applicant shall show the location of Historic Cemetery #CY105, as well as its associated 25-foot buffer, on its Preliminary Plan set. No ground disturbances of any kind, including plantings to provide vegetated screening, shall occur within the cemetery or its buffer.

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.



TOWN OF COVENTRY
Department of Planning & Development
1675 Flat River Road, Coventry, RI 02816
Phone (401) 822-9184 Fax (401) 822-6236

TECHNICAL REVIEW COMMITTEE REPORT

DATE: November 12, 2024
PROJECT NAME: "New London Preserve"
PROPERTIES: AP 7, Lot 25; AP 8, Lots 2, 3, & 9; AP 16, Lot 133
ADDRESS: New London Turnpike
ZONE: R-20 (Residential)
OWNER/APPLICANT: Alpha Holdings, LLC

This matter came before the Coventry Technical Review Committee at its November 12, 2024 meeting as a Master Plan Application for a Major Land Development project with associated Dimensional Variances in accordance with Article V, § D.4. of the Coventry Subdivision & Land Development Regulations.

An application and plan were submitted for review on October 17, 2024, with a supplementary revision to the Project Narrative following on November 6, 2024. The applicant proposes to develop 75 detached, single-family condominium units, each of which would be roughly 2,500 SF in size and include an attached two-car garage. The project will also include pedestrian walkways, lighting, landscaping, visitor parking areas, and other site amenities.

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

New London Preserve - Project Narrative.pdf
New London Preserve - Zoning Narrative.pdf
New London Preserve - Plan Set.pdf

TOWN ENGINEER

Project Narrative

4.1 Requested Land Development Regulation Waivers

- 1) Engineering takes no exception to a 24' roadway width in lieu of the required 30' width.
- 2) Engineering takes no exception to the use of bituminous berm in lieu of the required concrete curbing.
- 3) Engineering does not support the use of bituminous concrete sidewalks in lieu of concrete sidewalks.

General

- 1) The adequacy of the existing sewer infrastructure in New London Turnpike requires investigation and confirmation. Process is on-going.
- 2) Upon project completion, a Certificate of Conformance (COC) and a Section 128 Project Certification Form shall be submitted by the Engineer of Record (EOR).

PRINCIPAL PLANNER

- RI Historical Cemetery #CY105 (Varnum Mitchell Cemetery) is located on a portion of the subject property currently/formally identified as AP 16, Lot 138. The applicant stated in its Project Narrative that no work is proposed within 25 feet of any visible elements of the cemetery; however, the cemetery's location is not shown in the Plan Set, as required in the application checklist, and Sheet L-1 shows a roadway and plantings for a vegetated buffer are both proposed for the immediate vicinity of the cemetery. The applicant shall revise the site plan to show the location of the cemetery and its required 25-foot buffer to confirm that no ground disturbance of any kind is proposed within the protected area.
- The applicant shall provide a traffic study at Preliminary Plan submission.
- Peer reviews for specific aspects of the proposal, including but not limited to traffic, stormwater, environmental, and construction, may be initiated at future stages as needed.

PUBLIC WORKS DIRECTOR

- Ensure that the embankment supporting the wetland complex at the northeast corner of the site is considered during construction to protect against exacerbating existing runoff onto neighboring properties.

FIRE REPRESENTATIVE

- No Fire comments at this time.

POLICE CHIEF

- A traffic study should be completed that includes the other potential projects in the area.

PLANNING COMMISSION CHAIR

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