



Joelle C. Rocha, Esq.
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February 19, 2025

VIA EMAIL

Planning Commission
Town of Coventry
c/o Doug Mclean
Director of Planning and Development
1670 Flat River Road
Coventry, R.I. 02816
dmclean@coventryri.gov

**Re: Bond Reduction Recommendation at the February 26, 2025
Planning Commission Hearing**

Dear Hon. Planning Commission Members:

As you know, I represent D2 Homes, Inc. (“D2”), who is the developer and record owner of the remaining lots at the development known as the Oaks at Hope Furnace (“OAHF”) on property formerly known as known as Assessor’s Plat 97, Lot 6 and Assessor’s Plat 89, Lot 3 (“Property”). The OAHF is a residential cluster development approved by this Board in 2022, for thirty-two (32) single family house lots and associated infrastructure. As set forth in detail herein, my client is requesting the following from this Commission this evening as it relates to the bond request:

Reject the recommendation to deny the October, 2024 requested bond reductions and reduce the bonds accordingly, as set forth herein.

By way of background and clarification, for the record, we provide the following:

1. On November 19, 2014, this Planning Commission (“Planning Commission”) granted Master Plan Approval for a major subdivision project to develop 32 single-family lots in a residential cluster development at the Property (the “Project”).

2. On June 23, 2021, this Planning Commission granted Preliminary Plan Approval for the Project.

3. The Planning Commission issued a written decision memorializing its preliminary plan approval of the Project, which was recorded in the Town's land evidence records on August 26, 2021.

4. On January 10, 2022, D2 applied for final plan approval directly to the Town Planner ("Application"). As instructed in the Preliminary Plan Approval, the Town Planner was to administratively consider and approve the Application.

5. On July 27, 2022, this Project went before the Planning Commission for approval of project phasing and setting bonds for the subdivision. D2 was authorized to construct the development in three (3) phases. Phase 1 was comprised of ten lots (Lot Nos. 1-5 and 28-32). Phase 2 was comprised of nine lots (Lot Nos. 6-8, 17, and 23-27). Phase 3 was comprised of thirteen lots (Lot Nos. 9-16 and 18-22). The Planning Commission set the total bond amount at \$1,739,050.00. Bond phases were set as follows:

- a. Phase 1: \$949,750.00
- b. Phase 2: \$200,550.00
- c. Phase 3: \$588,750.00

See attached **Exhibit A**.

6. For nine (9) months, the Town Planner delayed, denied, and fought having to grant Final Plan Approval to D2. D2 was forced to file suit against the Town, captioned *D2 Homes, Inc. v. Town of Coventry*, KC 2022-0775. The lawsuit was settled whereby D2 obtained its final plan approval and the Town paid D2 a portion of its fees and damages.

7. On May 24, 2023, D2 went before the Planning Commission and was heard for a request for Phase 1 bond reductions. Town Engineer Joseph Levesque ("Levesque") inspected the construction activities at the Project and recommended Phase 1 bonds be reduced. The Planning Commission unanimously voted in favor of a reduction from \$949,750.00 to \$593,750.00. **Of that amount, \$379,000 was attributable to drainage in Phase 1 in accordance with the Town Engineer's worksheet.**

See attached **Exhibit B**.¹

8. After the posting of the required public improvement bond, on June 8, 2023, the record plat for Phase 1 of the OAHF subdivision was recorded.

9. After the posting of the required public improvement bond, on October 24, 2023, the record plat for Phase 2 of the OAHF subdivision was recorded.

¹ The decision mistakenly states it was May 24, 2022.

10. **On November 7, 2023**, the Town Engineer recommended a further reduction of the Phase 1 and Phase 2 bonds based on his inspection, which noted:

- The roadway subbase and binder w/ asphalt curbing has been completed for Phases 1 and 2.
- **The drainage system has been completed for Phases 1 and 2.**
- Sidewalk construction is 58% complete.
- All electrical handholes and conduits have been installed for Phases 1 & 2. Payment has been made by Developer to NE Energy to furnish and install UG transmission lines and transformers.
- Installation of the two (2) fire cisterns has been completed. Both are filled with water.
- Home construction has commenced. The homes on Lots 29, 31 and 32 have been constructed and the foundation for the home on Lot 4 has been completed.
- The ROW for Phases 1 and 2 has been cut/filled and fine graded.

See **Exhibit C.**

11. On November 15, 2023, the Planning Commission further reduced the bonds for Phases 1 and 2 in accordance with the Town Engineer's November 7, 2023 Memo and spreadsheet, as follows:

Phase 1 reduction to: \$473,200.00
Phase 2 reduction to: \$98,410.00

See **Exhibit D.**

12. **Despite the notation in the Town Engineer's Memo and spreadsheet that the drainage in Phases 1 and 2 were complete, the Town Engineer recommended, and the Planning Commission withheld 20% of the bond amount with respect to drainage, or a total of \$293,000.00.² The Phase 2 bond contains no amounts for drainage.**

² The 20% amount was the Town's maintenance bond level.

See **Exhibits C** and **D**.

13. On November 15, 2023, the Planning Commission also reduced the Phase 3 bond to \$252,230. The Town Engineer's worksheet notes that the Phase 3 drainage is 100% complete, but it retains 20% of the bond amount for drainage (\$19,800).

See **Exhibit E** for meeting minutes and Town Engineer's Phase 3 worksheet.

14. As a result of the November 15, 2023, bond reductions, a total of **\$823,840** was held by the Town for the completion of the OAHF, broken down by phase as follows:

Phase 1: \$473,200

Phase 2: \$98,410

Phase 3: \$252,230

Of these bond amounts a total of \$312,800 relates to drainage, or approximately 38% for Phases 1 and 3.

15. After the posting of the required public improvement bond, on August 2, 2024, the record plat for Phase 3 of the OAHF was recorded.

The bond Requests at Issue:

16. On October 17, 2024, Bob Deblois, a principal of D2 Homes, emailed Town Planner McLean and Town Engineer Levesque as follows:

We are installing the top-coat of asphalt on Phase 1 at Hope Furnace on Wednesday 10/23. Upon completion on the same day, all construction on Phase 1 will be completed. As such, please schedule necessary inspections for a bond reduction to the 20% one-year maintenance level and schedule me for the Planning Commission meeting of November 20, 2024 for the bond reduction and start of the one year maintenance period. Also, please arrange inspections of Phases 2 & 3 of Hope Furnace for bond reductions and schedule those for Planning Commission reductions on the 11/20 meeting as well.
Thanks,

17. The Town Planner responded the same day, stating:

Hi Bob,
Joe will conduct the inspections as his schedule allows and prepare a memo with his findings. We'll see where the project

stands after his review. If everything is in order, we will put you on the next available planning commission agenda.

Thanks,
Doug

18. On November 11, 2024, Deblois again emailed McLean and Levesque asking for a status:

Hi Doug,
What is the status of the inspection and bond reduction for Phase 1 Hope Furnace?
Also, see the attached certification that lot corner markers were installed.

19. On November 12, 2024, McLean responded, without disclosing that an inspection had actually occurred on October 31, 2024:

Hi Bob,
Thanks for this update. The project is still under review by Joe and Kevin.

Thanks,
Doug

20. On November 18, 2024, a month after the original request, and almost 3 weeks after an inspection allegedly revealed items to address, Deblois emailed McLean and Levesque asking for a status update:

Hi Joe,
Could you let me know the status of the inspection for the maintenance bond for Phase 1 and general bond reductions for Phases 2 & 3 that was requested on October 17 and inquired about on November 11.

21. Levesque responded the next day, stating:

Mr. Deblois,

Structural issues with the Phase I stormwater drainage system were identified during our recent inspection, requiring further investigation. We will be in touch to discuss next steps when this process is completed.

Joe

22. Deblois responded the same day:

Joe,
Could you give me an idea what you are talking about so that I can look into it also please. Is there a reason I am being kept in the dark?

No response was provided, despite confirmation in November 2023, over a year ago, that the drainage infrastructure was completed.

23. Subsequently, Deblois visited Town Hall to seek answers. He spoke with Levesque who reiterated a broad stormwater issue and stated the issue was in the Solicitor's hands and that the Solicitor was hiring an engineering consultant to perform testing on the drainage system. When DeBlois inquired about what engineer was being hired and what testing was being conducted, Levesque indicated that he was told by Solicitor not to discuss the issue.

24. Still having no response or other information, over two months after the request to process the bond reductions/releases, on December 17, 2024, counsel for D2 contacted Levesque and McLean inquiring as to why bond reductions were being delayed. Counsel further provided notice that the Town did not have permission to inspect, test, or enter the Property until information was provided as to the alleged issues, the desired resolution, and an explanation for why none of the bond releases for any of the three phases had been effectuated.

25. On that same day, December 17, 2024, counsel for the D2 submitted a public records request to the Town in an attempt to obtain information regarding the alleged issues with the drainage infrastructure at the OAHF.

26. The Town interpreted counsel's December 17, 2024, email as not allowing inspections related any activities, including to building permits. In response to this, counsel sent another email on December 20, 2024, clarifying that the instruction on December 17, 2024, did not include inspections related to the homes under construction, i.e. building permits.

27. In response, the Town Planner maintained the vague statement that:

"Structural issues with the Phase I stormwater drainage system were identified during our recent inspection, requiring further investigation. We will be in touch to discuss next steps when this process is completed."

The Town Planner asserted that “this property requires more investigation to provide you with the additional details/direction you are seeking.”

28. After some additional back and forth on December 20, 2024, with counsel for D2 repeatedly requesting information regarding the alleged issues with the drainage system, including a request to “[p]lease provide the notes or report from the first inspection that led to this allegation in the first place,” the Planner emailed:

I believe you have already submitted an APRA request to this end. We will respond to that request.

29. On December 31, 2024, nine days after the record request was sent, the Town Clerk emailed and provided the cost for the retrieval and copying of the documents to be \$175.00 representing 12 hours for retrieval and copying for 70 pages of documents.

30. A check for the records was provided the same day, on December 31, 2024. Counsel inquired as to when the documents would be ready, to which the Town Clerk responded that the documents would be ready by **January 31, 2025**.

31. On January 3, 2025, counsel inquired as to the status of the documents, since an extension of the time to respond to our APRA request had not been requested. The Town Clerk responded, admitting she had not requested an extension, and advising she was exercising one and repeated that the 70 pages of documents would be ready on or before January 31, 2025.

32. On January 16, 2025, the Town Engineer issued a memo to the Town Planner regarding the October bond release/reduction requests, who in turn issued a Memo to the Planning Commission and placed the matter on the January 22, 2025, Planning Commission agenda.

33. The Town Engineer, in his memo, in addition to misstating the remaining bond amounts, asserted that he had inspected all phases on October 31, 2024, and repeated the blanket statement that “structural issues with Phase I stormwater drainage system were identified by the Town Engineer during the inspection, requiring further investigation.” In addition, he asserted that the Town had hired a consulting engineer to further review the issues but noted that counsel for the D2 would not allow permission to enter, test or inspect, and **he recommended the bond reductions be denied until “the Phase I stormwater drainage system investigation is completed.”**

34. The Town Planner echoed the Town Engineer’s recommendation.

35. Both memos erroneously assert that the Phase 3 bond amount was never reduced, disregarding the November 15, 2023, Planning Commission reduction of the same, and assert to the Planning Board that the Phase 3 bond amount currently is \$588,750.

36. On Friday, January 17, 2025, at 6:31 pm, the Town Planner emailed DeBlois alerting him that the bond request was on the Planning Commission agenda for the following Wednesday, for a negative recommendation.

37. The Town posted the Planning Commission agenda to the Secretary of State on the morning of January 17, 2015, which relevant agenda item provided:

8. BOND REDUCTION

8.1 "The Oaks at Hope Furnace"

Owner: D2 Homes, LLC

Applicant: Hope Furnace Land Company, LLC

*Bond Reduction for Approved and Recorded Phases of 32-Lot Cluster
Subdivision w/ Street Creation*

AP 97, Lot 6 & AP 89, Lot 3; Zone RR2

Hope Furnace Road

38. Counsel for the D2 provided a letter to the Planning Commission noting her unavailability for the Planning Commission hearing, correcting the record with the facts set forth above, and requesting that the Planning Commission:

- Instruct the Planner and Town Engineer to provide the details regarding the October 31, 2024, inspection so that my client can examine the issue and work with the Town Engineer is a resolution is needed;
- Continue the bond reduction request as it related to the stormwater (drainage) items to the February meeting; and
- Reduce the bonds accordingly, as the vast majority of the amounts being held do not related to drainage and there is zero authority for the Town to hold these bond amounts hostage.

39. At the January 22, 2025, hearing, the Planning Commission ultimately voted to continue the matter to February 26, 2025.

40. On January 31, 2025, the Town produced the documents from the APRA Request dated December 17, 2024.

41. For the first time, the October 31, 2024, a two page Inspection Report was provided in this APRA response and contained exactly sixteen (16) items, many of which are maintenance bond issues or wholly unrelated from drainage.

42. Having seen the Inspection Report for the first time, Deblois was able to engage with contractors and seek estimates for the costs of correcting each issue listed in the Inspection Report. The reasonable estimates to complete or correct all issues identified on the October 31, 2024, Inspection Report amount to a grand total of \$21,000; a far cry from the bonded amounts being withheld by the Town.

See Exhibit F.

Phase 1 release and maintenance period

As noted, the Phase 1 bond is for a total of \$473,200, broken down in the Town Engineer’s November 2023 spreadsheet as follows:

Subdivision: **The Oaks at Hope Furnace** Phase 1 Progress Update: November 2023
 Date: 11/17/2023
 Number of Lots: 10 (Phase I)
 Developer: D2 Homes Address: 420 Scahettawren Road
 (20 Robert Duffres (401)261-8397) North Kingstown, RI
 Inspection Fee (2% of the Original Total Estimated Cost) = \$16,956.00
 Phase 1 Bond Amount = \$489,750.00 Date Reported:

Risk Estimate:

Task	Quantity	Unit	Unit Price	Total Price	% Complete	% Bond Remaining	\$ Remaining
General/HVAC:							
Emission Control/Layout/Gen Cont.	1	LS	\$17,000.00	\$17,000.00	100.00%	20.00%	\$3,400.00
As-Built Survey/Bounds	1	LS	\$7,500.00	\$7,500.00	0.00%	100.00%	\$7,500.00
Cleaning & Grubbing	1	LS	\$24,000.00	\$24,000.00	100.00%	20.00%	\$4,800.00
Topsoil Strip/Work Strip	1	LS	\$17,000.00	\$17,000.00	100.00%	20.00%	\$3,400.00
Exc. For R.O. Adj. & Final Grade	1	LS	\$20,000.00	\$20,000.00	100.00%	20.00%	\$4,000.00
Loam & Seed Work	1	LS	\$20,000.00	\$20,000.00	0.00%	100.00%	\$20,000.00
Landscaping	1	LS	\$21,150.00	\$21,150.00	0.00%	100.00%	\$21,150.00
Custom	1	LS	\$69,000.00	\$69,000.00	100.00%	20.00%	\$13,800.00
			Subtotal*	\$248,750.00			\$49,750.00
Utilities							
Electric/Communication	1	LS	\$6,000.00	\$6,000.00	100.00%	20.00%	\$1,200.00
			Subtotal	\$6,000.00			\$1,200.00
Crainings:							
Pipe, Mfg and C&B	1	LS	\$225,000.00	\$225,000.00	100.00%	20.00%	\$45,000.00
Basin A	1	LS	\$175,000.00	\$175,000.00	100.00%	21.00%	\$37,800.00
Basin B	1	LS	\$24,500.00	\$24,500.00	100.00%	20.00%	\$4,900.00
Basin C	1	LS	\$65,000.00	\$65,000.00	100.00%	20.00%	\$13,000.00
			Subtotal*	\$490,000.00			\$99,700.00
Roadway:							
Subbase	1	LS	\$34,000.00	\$34,000.00	100.00%	20.00%	\$6,800.00
Border	1	LS	\$93,000.00	\$93,000.00	100.00%	20.00%	\$18,600.00
Top	1	LS	\$97,000.00	\$97,000.00	0.00%	100.00%	\$97,000.00
Sidewalks	1	LS	\$27,500.00	\$27,500.00	50.00%	14.00%	\$14,850.00
			Subtotal	\$178,500.00			\$38,250.00
			ORIGINAL TOTAL*	\$648,750.00			
						UPDATED TOTAL*	\$473,200.00

In November 2023, all items in Phase 3 for “public infrastructure” or at least the bonded items, except for the as-built survey/bounds, the landscaping, loaming and seeding of the right of way, the top coat of the roadway, and sidewalks were reduced to maintenance levels at that time, or 20% for two years.³ As of January 1, 2025, the Town can no longer hold more than 10% for the

³ While the Town regulations allowed the Town to hold the maintenance bond for two years (with a reduction to 10% after the first year) state law always limited the maintenance bond timeframe to one year. See R.I. Gen. Laws § 45-23-46.

maintenance period of one year. Currently, the Town is holding approximately 50% of the Phase 1 bond, for no reason other than an assertion that there are issues with the stormwater system, which is discussed below.

In the interests of a resolution, and without waiving any rights, as the maintenance period on the vast majority of this bond started in November 2023 and is over, D2 seeks the following:

A release of the Phase 1 bond and a retention of 10% as a maintenance bond until November 2025, at which time items on the Inspection Report from October 31, 2024 shall be completed for full release effective by November 15, 2025. That would mean the Town would hold a maintenance bond of \$94,975, an amount far in excess of the remaining maintenance items and punch list from the October 31, 2024 memorandum.

Phases 2 and 3 Bond Reductions

The recommendation to deny the bond reductions for Phases 2 and 3 asserts no valid basis for issues with Phases 2 and 3; rather, staff seeks to have this Commission deny all the bond releases and reductions requested in all three phases because of purported issues with the stormwater system in Phase 1. There is no valid bases to withhold bond reductions on these two phases and the bond reductions should be granted accordingly. In fact, there are no drainage amounts included in the Phase 2 bond, nor have there been any issues highlighted with drainage/stormwater in other phases.

The Town is holding a total of \$350,640 in bonds for Phases 2 and 3. We are seeking reductions as follows based on the amount completed to date:

Phase 2, reduction from \$98,410 to \$57,480.

Phase 3 reduction from \$252,230 to \$121,825.

Stormwater in Phase 1

Much significance has been made to this Commission about alleged structural issues with the stormwater system in Phase 1, based on an October 31, 2024, inspection by the Town Engineer that simply reads:

Significant structural issues noted in sections of the overflow weir of Infiltration Pond A. The largest eroded section was approximately 12'x20' in area. A second eroded section was approximately 6'x15' in area. Boulders as large as 4' were observed. All fines have washed out of the eroded areas and

have settled at the bottom of Infiltration Pond A. Additional areas of rutting were observed in the weir. Additional investigation required to determine extent of structural issues in entire drainage system.

Due to the complete lack of cooperation and professionalism it took D2's counsel almost 4 months to obtain this inspection report, our detailed examination of these alleged issues has to be done smack in the middle of the winter and snow cover, for issues that can only be resolved in the spring—issues which are not as significant as the Town Engineer is asserting. Staff has made much of the fact that we halted inspections on this issue in December but failed to note to the Planning Commission the complete refusal to provide additional information and even the inspection report, for months for no reason whatsoever---months where D2's contractors and engineers could have addressed these alleged issues with the Town Engineer.

After review by our engineer and contractor, these issues can be resolved in the spring, for less than \$10,000. The cited issue occur within a private drainage system and internally to that system only, with no evidence whatsoever of a greater impact. In fact, without any basis whatsoever, despite doing a full inspection of the whole project, the Town Engineer asserts that there needs to be an inspection of the "entire drainage system." As noted, the entire drainage system was accepted and complete by November 2023. After that, maintenance issues can be and will be dealt with accordingly and is the very reason for the maintenance period.

There is no basis whatsoever for the refusal to release **\$823,840** in bonds for this Project. As detailed above, **\$293,000** has been held for the drainage system in Phase 1 since November 2023, when it was deemed complete. There is also no basis and no authority for the holding of this amount for these alleged issues. Any issues related to drainage highlighted by the Town Engineer in his inspection easily can be dealt with from the \$94,975 that would be held in a maintenance bond for Phase 1 and there is no evidence to the contrary.


The Town has no authority whatsoever to hold the bonds hostage. That is not the purpose of obtaining a public improvement guarantee. On that note, the Town is holding D2's bonds for alleged issues with private infrastructure, for which there is no statutory authority to do so, as bonds are to be posted for public improvements only. *See* R.I. Gen. Laws § 45-23-46. The purpose of a bond is for the Town to call the bond and utilize it if the developer goes defunct and fails to finish the Project. There is no authority whatsoever, to just hold bonds into perpetuity.

The continued holding of these bonds without a valid basis has and will continue to detrimentally impact my client.

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Thank you in advance for your attention to this matter. I remain available to discuss these issues at the February meeting.

Very truly yours,



Joelle C. Rocha

Attachments

EXHIBIT A

Chairman Ronald Flynn
Vice Chair Richard Kalunian
Secretary Chuck Smith
Glenn Anderson
John Preiss
Sherry Elderkin
James Kenney II
Kevin Reyes
Michael Burke

**Planning Commission
Minutes July 27, 2022**

1670 Flat River Road
Coventry, RI 02816

**Meeting Convened via Zoom Video Conference and
Broadcasted via Live Stream
and Telephonically for the Public**

Meeting Called to order at 6:30 pm by Acting Chairman Richard Kalunian

Members Present: Acting Chair Richard Kalunian, James Kenney, Glenn Anderson, Kevin Reyes and John Preiss

Members Absent: Chuck Smith, Michael Burke, Chairman Ronald Flynn, Sherry Elderkin.

Also Present: Planning Director Herbert Durfee, Associate Planner John Studley, Assistant Town Solicitor D'Agostino

Pledge of Allegiance and Emergency Evacuation procedures.

PUBLIC INFORMATIONAL MEETING

Acting Chairman Kalunian announced two agenda items will be continued to August 24, 2022:

PUBLIC INFORMATIONAL MEETING

Master Plan/Development Plan Review: "2305 New London Turnpike Development"

Owner: Coventry Realty, LLC c/o Allen H. Cicchitelli

Applicant: Same

Proposed Development of a New Three-Unit Commercial Building w/Drive-thru Window for One Restaurant/Coffee House Unit.

AP 7, Lot 15; Zone II

2305 New London Turnpike

AND

PUBLIC HEARING

Development Plan Review: “Steve’s Bounce House”

Owner: P & R Properties, LLC – Michelle Ross

Applicant: Same

Proposed 1000 sf Office Building and two (2) 5000 sf Storage Buildings

AP 5, Lot 14.2; Zone BP

Centre of New England Boulevard.

APPROVAL OF MINUTES

June 16, 2022

June 22, 2022

Member Reyes made a motion to approve the minutes. The motion was seconded by Member Kenney.

All voted aye. Motion passes.

RATIFICATION OF DECISIONS

“Residences at Boyd Brook”

Owner: Green Light Farm, LLC

Applicant: Green Light Farm, LLC

Preliminary Plan Approval of Proposed 64-Unit Residential Condominium Development That Would Include 48 Market Rate Units and 16 Affordable Units

AP 330, Lots 30 and 81; Zone RR3 Rural Residential

Town Farm Road

Member Kenney made a motion to approve the ratification. The motion was seconded by Member Anderson. Member Preiss abstained.

All voting voted aye. Motion passes.

“The Huntley Building”

Owners: D & S Development Group, LLC & Steven R. Gorman

Applicant: D & S Development Group, LLC, c/o David J. Gorman

Development Plan Approval of a 4-Unit Commercial Storage Building

AP 38, Lots 67 & 68; Zone GB

Arizona Street.

Member Reyes made a motion to approve the ratification. The motion was seconded by Member Kenney. Member Preiss abstained.

All voting voted aye. Motion passes.

“Blackrock Ridge”

Owner: Gervasio Family Real Estate, LLC c/o Thomas Gervasio

Applicant: Same

Approved Preliminary Plan for a 2-Lot Minor Subdivision

AP 79, Lot 94; Zone R-20

401 Blackrock Road.

Member Reyes made a motion to approve the ratification. The motion was seconded by Member Kenney. Member Preiss abstained.

All voting voted aye. Motion passes.

“Rock Hill Estates”

Owner: Laura T. Freeman & Sharon A. Tatalo

Applicant: Same

Approved Preliminary Plan for a 2-Lot Minor Subdivision with 1 Existing House

AP 318, Lot 201; Zone RR2

528 Phillips Hill Road.

Member Reyes made a motion to approve the ratification. The motion was seconded by Member Kenney. Member Preiss abstained.

All voting voted aye. Motion passes.

BOND SETTING & PHASING

“The Oaks at Hope Furnace”

Owner: D2 Homes Inc.; Robert DeBlois, Manager

Applicant: Hope Furnace Road Land Company, LLC; Robert DeBlois, Manager

Preliminary Plan Approved 32 Single Family Residential Cluster Subdivision with Street Creation to be Built in 3 Phases on Combined Lots

AP 89, Lot 3 & AP 97, Lot 6; Zone RR2

Hope Furnace Road

Individual bonds to be set for each phase are as follows:

Phase 1 = \$949,750

Phase 2 = \$200,550

Phase 3 = \$588,750

The owner of D2 Homes Inc., Robert DeBlois, Manager came forward to state he submitted an itemized list of cost to the planning department and town engineer. He noted this is the first time he is seeing the numbers were changed. The total is the same at \$1,739,050 but for some reason they list a substantial amount more in Phase 1 than the original paperwork he submitted and has had no communication about the change since. He stands by the numbers he submitted. Acting

Chairman Kalunian stated the Town Engineer sent a memo on July 21, 2022 to the Planning Department, and read the basis for the changes that are stated in the memo. Phase 1 Bond estimate did not include the cost to construct sediment for Bay A, sand filter A, and infiltration pond A, and the drainage network from approximately 12 plus 60 to Station 28, plus 33, which is where the sediment for Bay A is, and the Phase 1 Bond amount should be changed to the higher number. Phase 2 has no new drainage and should be changed to \$200,550 which is a reduction, Phase 3 the cost to sediment for Bay A, sand filter A, infiltration pond A, and the drainage network from approximately 1260 to 20 plus 33, was deducted. It appears that some of the numbers were shifted to account for drainage work they believe will be constructed in Phase 1. Mr. DeBlois again stated he should have been notified of changes, as in the memo, and was unaware this was on the agenda until he called today to ask if they were. The reason Basin A is in Phase 3 is because it's actually in Phase 3. He did not bring the plans to the meeting, but there is no requirement for the drainage to go in Phase 1, it all goes to Basins B and C. Mr. DeBlois went on to say he would like to get through tonight and meet with staff to discuss the numbers, perhaps shifting them around later and come back. It seems like they are front loading the job. Acting Chairman Kalunian responded that in all fairness as well as to empathize with Mr. DeBlois, Mr. Levesque recently started with the town as the Engineer. Mr. DeBlois noted he had met with Mr. Levesque recently on another issue with the job and therefore he had the opportunity to bring this to his attention. Acting Chairman Kalunian is unsure what got things to this point but he is sure it can be resolved. He added it is not clear how they got to this point, but it can be resolved and asked if Mr. DeBlois which he would prefer to continue it to next month or go with the recommendations which can then be amended. Mr. DeBlois stated the Planning Director has made it known that he will not give final approval even though the plans have been in their office for over six months. He would like to go forward with the recommendations tonight since setting the bond will get him to a final approval as long as he can reserve the right to amend it. Acting Chairman Kalunian clarified he suggested maybe they can amend it, it is not a guarantee. Mr. DeBlois needs to meet with the staff before the Bonds are posted to resolve this, and the Commission will be willing to reconsider. Mr. DeBlois stated he has no intention on posting these bonds for quite some time which is why he did not agree to having to set them before final approval. They are only doing work. Acting Chairman Kalunian asked if it would benefit or harm to continue to next month. Mr. DeBlois stated proceeding now then amending later would be best.

Acting Chairman Kalunian noted to the members that in addition to the Bond there are phasing plans. Mr. DeBlois stated the phasing plan was part of the preliminary and deferred to staff for confirmation. Director Durfee stated they are approving tonight the actual phasing allowing the project to be done in phases according to the bond amounts being posted. Acting Chairman Kalunian noted they are tied to each other, and this is reiterated to be sure and asked if there was anything else to discuss. Mr. DeBlois stated for clarification since some staff are new there was a conversation at the preliminary stage about him selling a piece of property to an abutter. Member Kenney stated he remembered. It wasn't committed unless they got together on price and terms, which has happened. He will be doing that so he wanted to make sure Director Durfee was aware of that. They are selling a piece of open space to the abutter. The final plan will reflect this piece of open space deeded to the abutter. Acting Chairman Kalunian suggested they will probably have to do an Administrative subdivision. Mr. DeBlois stated he does not know what the process is but it is his contention that it is part of this subdivision because they already told them about it

and it has been on the plans. Acting Chairman Kalunian stated he believes the other party must go through the process of an administrative subdivision and that Mr. DeBlois and the abutter can work that out together. Mr. DeBlois agreed and reiterated he wanted Director Durfee to be aware of it.

Acting Chairman Kalunian stated the Bond will be set in the amounts outlined, and according to the specified phases, in the memorandum from town Engineer Joseph Levesque dated July 21, 2022 to Planning Director Herbert Durfee and the Planning Commission. It will also include combining lots AP 89, Lot 3 & AP 97, Lot 6 and authorize construction of the project in the 3 phases as outlined in their packet.

Member Kenney made a motion to approve combining the 2 lots, construction of the project to be in 3 phases with the bond amounts as stated in the memo from Engineer Levesque dated July 21, 2022. The motion was seconded by Member Reyes.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

RECOMMENDATION TO ZONING FOR SPECIAL USE PERMIT

“Desrosiers - 20 York Drive”

Applicant: Dwain L. Desrosiers Jr.

Owner: Same

Applicant is Seeking a Special Use Permit to Construct a Second Floor, 2 Car Garage with Driveway & Farmers Porch

AP 22, Lot 20; Zone: R-20

Mr. Dwain Desrosiers Jr. came forward to present his plan. It is to add a second floor to the existing single floor ranch, which is going to turn the existing one-car garage into a kitchen and add a two-car garage to the opposite side of the house, while building a farmer’s porch on the front of the house. This will become the entrance to the garage because there will not be an entrance from inside the house, there will be a door on the farmer’s porch. An architectural rendering was displayed for viewing by all. Mr. Desrosiers continued to say he is requesting relief because the zoning was originally 10 feet when it was built, and it is now 15 feet. A two - car garage that is 24x24 feet will make it 13 feet on one side. The frontage to the farmer’s porch will be 20 feet, instead of 25. The existing overhang on the garage is 4 ½ feet, which wouldn’t be much different than what is going to be added to the front of the house. Member Kenney asked if there will be a whole second floor added. Mr. Desrosiers confirmed this. Member Kenney noted he counted 3 bedrooms on the second floor and two bedrooms on the first floor. This will mean going from a 2-bedroom house to a five-bedroom house. Mr. Desrosiers confirmed this. Member Kenney asked about the septic system. Mr. Desrosiers stated he had spoken to the original

designer of the septic system Glenn Skurka from Amber Construction who said it is possible to expand it, along with speaking to Bill Rice who referred him to Ken Cole who is a designer that gave him guidance for the project. He was advised before doing a dig test dig test on the backyard to check for viability of the expansion. Member Kenney noted the town has the data on the houses. Mr. Desrosiers stated he had done that as well as going to the DEM website. The house was designed for 3 bedrooms, has 3 galleys, a 1000-gallon tank, which needs upgrading to a 1500-gallon tank with more galleys. A 1500-gallon tank is designed for a 4–5-bedroom house so he went for the 5-bedroom. Acting Chairman Kalunian noted they want to be sure he is aware of this, as there may be stipulations to which Mr. Desrosiers stated yes.

There were no further questions or comments.

Member Kenney made a favorable motion to approve the Special Use Permit and will include the Planning Director's Report. The OWTS need to be investigated before the project can be approved. Member Reyes seconded the motion.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

Acting Chairman Kalunian stated to Mr. Desrosiers he needs to obtain the Special Use Permit from Zoning next. Mr. Desrosiers thanked the Commission.

“903 Tiogue Avenue”

Applicant: Dmitry Gelfand / DG Holding LLC

Owner: Same

Applicant is Seeking a Special Use Permit to Convert an Existing Office Suite Into One Residential Apartment on the Second Floor Above His Dental Practice

AP 29, Lot 21; Zone: GB.

Mr. Jean Boulanger, 1035 Main St., stepped forward representing the applicant/owner Dr. Dmitry Gelfand. Mr. Belanger stated the Doctor would like to convert the current 750sq ft. rental office space on the second floor into an apartment with a kitchen and bedroom. There will be no exterior or parking changes. Member Kenney noted the utilities were not addressed on the submitted plan and asked how that will change. Acting Chairman Kalunian asked if there will be separate utilities to the apartment. Mr. Belanger stated it has not yet been planned. Currently everything is included with the existing set up. They may rent the apartment with the utilities included. Acting Chairman Kalunian asked if this property was tied to the sewer. Mr. Belanger was not sure, but believes it is. Acting Chairman Kalunian noted they can defer to zoning on that and then confirmed there is adequate parking and that they will get what they need from the Fire Marshall. Mr. Belanger stated he would.

There were no further questions or comments.

Member Anderson made a favorable motion to grant the Special Use Permit, including the Planning Director's Report, with the conditions that it does have adequate ingress and egress provided via an existing drive with permanent physical access to York Drive and does not generate more traffic and does not impact the safety, welfare or morals of the public. Member Reyes seconded the motion.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

“Glamp Frogmore - 2260 Victory Highway”

Applicant: Amy Barrett and Justin Peters

Owner: Same

Applicant is Seeking a Special Use Permit to Operate a Tent "Glamping" Business
AP 304, Lot 12; Zone: RR5.

Mr. Justin Peters, 2260 Victory Highway, came forward to present his plan. They live on a 20-acre property and during the pandemic he created a fancy campsite in a section of wooded area. It was rented out through third-party sites like Airbnb which are geared to camping and glamping. Due to the success, they built a second smaller site nearby. The original intent was not to be a business but more to generate income by renting out part of the property. Of the two sites one sleeps 4-6 people, the other 2-4 people, with a substantial canvas tent built on a platform. These are erected by them in the spring and removed in the fall, renters do not set up their own equipment. Acting Chairman Kalunian asked if they bring their own air mattress or sleeping bags. Mr. Peters stated the glamping tent has a king size bed, couches, rugs and lanterns, with accessories. Some bring bedding, but it is set up to include a made bed upon arrival. There are no utilities, water or power. Acting Chairman Kalunian noted the terminology. Mr. Peters stated it is fancy camping, or glamorous camping. Acting Chairman Kalunian asked if there have been any notable incidents with parties or police being called. Mr. Peters stated there was one incident last year when one guest had a health issue, they called rescue and his father-in-law who is a neighbor, is an EMT and was helpful. Mr. Peters stated there was not much appeal for this to teenagers due to the size. The rental websites used, who have to approve any last-minute changes, know those users are often the ones that are the riskier party type guests. Most of their guests are from northern New England, locally or passing through on a family vacation. Member Anderson asked if they use the town trash system. Mr. Peters said they ask the guests to bring their trash out, there are bins for disposal, and they have not had any excessive amounts than what fits in the bins. Member Anderson noted in the report there are self-composting toilets, and asked Director Durfee if there are permits that need to be obtained from RIDEM. Director Durfee noted it would be best practice to obtain the necessary permits for these. Mr. Peters stated he would be happy to do so. Member Anderson asked how long they have been doing this and would there be expansion. Mr. Peters said it's been approximately 2 ½ years with two sites, the

property is large with one neighbor being the Audubon Refuge and a large empty lot on the other. This is not his occupation and it's the size workload they can manage themselves.

There were no further questions or comments.

Acting Chairman Kalunian entertained a motion to approve, this is a Glamping business, which means a style with amenities and in some cases, resort style services not usually associated with camping.

Member Anderson made a favorable motion to move this forward to Zoning Board of Review to obtain a Special Use Permit, as the size and scope shown as presented as a business in that it will not be detrimental to the rural character of RR5, in this case District 1.

Stipulations:

- *That any necessary permits are obtained from RIDEM for the self-composting toilets.*
- *No signs promoting the business on the road.*

The findings of fact are as follows:

- *There is sufficient ingress and egress. The traffic from two campsites should be negligible.*
- *The proposal is consistent with the Comprehensive Plan.*
- *The project should have no impacts to the public health, safety, welfare and morals if the applicant is issued a Special-Use Permit.*

Additionally noted that a Town Council Permit/ Camping License will be required.

Member Reyes seconded the motion.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

OLD BUSINESS FOR DISCUSSION AND/OR ACTION

As stated he stated previously, Acting Chairman Kalunian advised the following are being continued/rescheduled to August 24th:

PUBLIC INFORMATIONAL MEETING

Master Plan/Development Plan Review: “2305 New London Turnpike Development”

Owner: Coventry Realty, LLC c/o Allen H. Cicchitelli

Applicant: Same

Proposed Development of a New Three-Unit Commercial Building w/Drive-thru Window for One Restaurant/Coffee House Unit.

AP 7, Lot 15; Zone II

2305 New London Turnpike

AND

PUBLIC HEARING

Development Plan Review: “Steve’s Bounce House”

Owner: P & R Properties, LLC – Michelle Ross

Applicant: Same

Proposed 1000 sf Office Building and two (2) 5000 sf Storage Buildings

AP 5, Lot 14.2; Zone BP

Centre of New England Boulevard

NEW BUSINESS FOR DISCUSSION AND/OR ACTION

Pre-Application/Sitewalk: “Windrow Plat”

Owner: Brett D. Windrow, David J. Skurka

Applicant: David J. Skurka

Proposed Minor Residential 2-Lot Single Family Home Subdivision

AP 324, Lot 100.1; Zone RR3

Town Farm Road.

Mr. Sam Suorsa from Coventry Survey Company stepped forward to present the owner/applicant’s plan with schematics displayed. Mr. Suorsa stated the property is on the south side of Town Farm Road, which is adjoining Johnsons Pond, consisting of 9.33 acres. The soils are outwash material, the parcel is largely vacant except for a small single-story cabin, an existing hayfield. The balance of the land is a pine grove. There are two proposals, the first being preferred. It is a 2-lot frontage subdivision, Lot 1 would have 3.85 acres, Lot 2 would have 5.48 acres. The lots will equally split the frontage on Town Farm Road, with existing frontage meeting town requirements. Each lot would require variances of 112.5 feet. Both parcels propose a four-bedroom dwelling serviced by a private well and OWTS. The alternative proposal, which is not preferred would be to put a 350-foot road in to service the parcels, making the lot sizes 3.5 acres, and 5 acres, with each having frontage, same 4-bedrooms with well and septic. The next step is to schedule a site walk, and to answer any questions. Acting Chairman Kalunian asked for clarity on the variance of percentage for frontage from zoning. Associate Planner Studley stated for the variance it would have to go to Zoning for approval, unless they fall below the 25% it would be exempt, in this case it does not. Chairman Kalunian then pointed out the requirements of the Zoning Board is that it is for hardship not a financial gain. Acting Chairman Kalunian stated, without objections from members, they will not need a formal site walk, they can rely on GIS mapping and the plan. Acting Chairman Kalunian noted there was a previous

request for the neighboring lot, 100.4. Mr. Suorsa stated this was for a two-lot subdivision which this is not part of, these are two different applicants. A transaction may have occurred between properties, as they were trying to streamline the process for the initial work. This is the brother and a friend who live next door and may be partners.

Acting Chairman Kalunian asked for clarity on what the next step would be. They don't go to Zoning until they receive a first approval such as Master Plan from the Planning Board to which Mr. Suorsa is agreeable to. Acting Chairman Kalunian finds that puts the Planning Board in a position of approving a project ahead when they don't know if the application is acting on a hardship or for financial gain and he is wondering if Public Works or anyone else has weighed in regarding it may be better for the town to not create the additional road. Attorney D'Agostino explained, Master Plan would be an additional step they could take prior to Zoning Board approval. They can evaluate the application on the merits before them so they could get an approval from Planning conditional upon the Zoning Boards approval and then they come back to Planning with Preliminary. Mr. Suorsa stated he had seen this done previously. Acting Chairman Kalunian noted he did not recall seeing anything with this big of a variance. Mr. Suorsa stated they understand that they are cutting the frontage in half. Acting Chairman Kalunian noted there are likely many lots in town that exceed the minimums for frontage and is reluctant to set precedent but respects the process, they will take care of the site walk in the next 30 days, and then they can revisit the Master Plan. Mr. Suorsa stated this is agreeable. Member Anderson asked if this would be a private driveway. Mr. Suorsa stated is would with each house having a private driveway. Member Anderson stated it shows a 40-foot width public right-of-way, seeking clarity. Acting Chairman Kalunian noted there are two proposals, one showing the plan with the cul-de-sac, while the report refers to requirements and considerations for the short road with a cul-de-sac with the two lots, meeting zoning requirements. If this is done, the town must maintain the road which will be a financial consideration. They need to find what is in it for the town, during which subsequent meetings will have a public hearing to find what the neighbors' opinions are. There are two plans, needing a site walk with a visit or viewing it with GIS to examine the area, then address it at Master Plan.

There were no further questions or comments.

A motion was made by Member Kenney to accept the Staff Report for the pre-application submittal. Member Reyes seconded the motion.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

Pre-Application/Sitewalk: "Blackrock Condominiums"

Owner: Murray Street LLC c/o Michael Bahone

Applicant: Murray Street LLC c/o Attorney Tom Cronin

Proposed Comprehensive Permit for a Major Residential Development Consisting of 17 3-Bedroom Condominiums w/25% Affordable Units

AP 63, Lot 49; Zone R-20
Murray Street & Irene Lane

Attorney John Brunero, 1070 Main Street, Coventry came forward for the owner to present the proposal. He stated the property is serviced by both Kent County Water and Coventry Sewer. The application is a comprehensive permit which consists of 25% affordable units, with similar type units neighboring it. He invited questions and would plan for a sitewalk if they think it's needed. Acting Chairman Kalunian noted it would be his recommendation. He then questioned if they would be removing the old leach fields that used to be located on that property and tying into sewers on Murray Street. Attorney Brunero stated yes, and they understand they will need to obtain permits from DEM. Acting Chairman Kalunian asked if it was the same owners as the neighboring property to which it was answered yes. Acting Chairman Kalunian asked if they are all 3-bedroom units. Attorney Brunero stated yes. Acting Chairman Kalunian stated they could do a site walk and come back with other questions. Member Preiss noted the development will be connected to the sewer on Boston Street. Attorney Brunero confirmed this. Member Preiss asked if connected, will other houses be able to connect along the public right-of-way. Mr. Brunero stated it would have to be installed so as not to impede on other properties as it is part of the town sewer infrastructure. Member Anderson asked if this gets connected are other residents required to tie in. Director Durfee replied they would as a result of the ordinance, and owners who recently installed septic systems would receive a waiver of time. The Sewer Committee would address this with the individuals affected. Member Anderson noted the developer will be confronted with opposition due to the costs. Attorney Brunero stated they are aware of this challenge and having dealt with it previously, pointed out it is a sleeping problem as the old cesspools and ISDS need addressing. Acting Chairman Kalunian asked Mr. Durfee for clarity on the timeline for tying into the sewer for the existing properties. Mr. Durfee stated they have a certain period of time once it is available. Acting Chairman Kalunian asked Mr. Durfee for clarity on assessments once it is installed. Mr. Durfee stated no, they will be subject to a user fee. Member Anderson noted the benefits of the sewer to the neighboring residents. Attorney Brunero stated in Warwick residents can request relief from the Committee, and if they buy a house with a cesspool, they have one year after closing to install a new line to the sewer.

There were no further questions or comments.

A motion was made by Member Anderson to accept the Staff Report on the Black Rock Condominiums pre-application submittal. The motion was seconded by Member Kenney.

Roll call vote:

<i>Member Reyes</i>	<i>aye</i>
<i>Member Kenney</i>	<i>aye</i>
<i>Member Anderson</i>	<i>aye</i>
<i>Member Preiss</i>	<i>aye</i>
<i>Acting Chairman Kalunian</i>	<i>aye</i>

All voted aye. Motion passes.

Acting Chairman Kalunian stated the members will go individually and view the site. It was agreed they would continue Pre-application in September to continue discussing the proposed project in relation to further questions the board may have such as regarding the number of

bedrooms with potential school-age children, along with the number of affordable units especially since there are only 5 board members present. Attorney Brunero would like to address as many issues as they can before the Master plan.

Pre-Application/Sitewalk: “Nooseneck Hill Self-Storage Coventry”

Owner: Nooseneck Hill Coventry, LLC – c/o Kimley-Horn and Associates

Applicant: Cole Watkins

Proposed 3-Story 75,000 GSF Climate Controlled Self-Storage Building to an Existing Storage Building Development

AP 10, Lot 31; Zone GB1

1920 Nooseneck Hill Road.

Attorney George Watson, of Robinson & Cole, 1 Financial St, Providence came representing the Applicant to explain the proposal. There is an existing self-storage facility at the same address, they propose building a 3-story, 75,000 sq. ft. climate-controlled structure for storage, at the front of the property. Acting Chairman Kalunian asked if there is a brand associated with it. Mr. Watson replied it was presently CubeSmart Storage brand and was unsure if that will apply to this new building. Acting Chairman Kalunian noted it is 25,000 sq. ft. per floor, 113 ft. wide by 219 sq. ft. long with a loading zone. Mr. Watson stated there is a loading zone in the rear, with three parking spots and one handicap spot on the west side. The building will be up to 35 ft. high. Member Kenney stated he liked how it was set back with the trees. Acting Chairman Kalunian asked if it requires on-site wastewater treatment or if there is a sewer tie-in. Mr. Watson stated no, however at the front around the driveway there is a place for a ISDS system, there may be one facility in the building, it is not used heavily. Acting Chairman Kalunian stated there is a line that may be to the rear of the site, the only variance needed for this will be for the number of loading spaces, which is in the Planning Director’s Report as it is not meeting the minimum requirement for loading spaces. Mr. Watson stated he was aware of this. Acting Chairman Kalunian conferred with the members about visiting the site in person. Member Anderson noted they could individually visit. The frontage is nice, and it may be the highest building in the area. It will stand out but is well within the permit. Acting Chairman Kalunian asked if the Master plan will show if it resembles the other branded buildings with windows in the area. Member Anderson noted it is in the Overlay District and very visible from the road. Mr. Watson noted they will be maintaining the trees as much as possible in the frontage area. Member Anderson noted this would help screen the building. Acting Chairman Kalunian noted the site walk will be most helpful. Member Anderson wondered if it will be higher than the trees, as they have a standard for that district. Member Preiss asked Attorney D’Agostino if he should abstain from voting since he is a customer of the business. Attorney D’Agostino stated this is not an easy question to answer as his own ethical obligations are your own personal obligations; and it would be advisable to recuse due to the financial obligation, and to fill out a recusal form to give to staff to be filed with the ethics commission. Mr. Watson asked if enough members will be able to vote. Attorney D’Agostino noted there are enough members to vote, technically even though they have voted it’s conceptual. There is no downside if they vote or not.

There was no further discussion or questions.

A motion was made by Member Kenney to accept the Staff Report on Nooseneck Hill Storage pre-application submittal. Member Reyes seconded the motion.

Member Preiss is recused.

Roll call vote:

Member Reyes aye

Member Kenney aye

Member Anderson aye

Acting Chairman Kalunian aye

All voting voted aye. Motion passes.

Acting Chairman Kalunian advised they will be doing site walks individually. Mr. Watson thanked the members and stated there is a security fence and asked them to reach out if they need access to the back of the property.

DIRECTOR'S UPDATE

Director Durfee noted a piece of legislation recently passed will take effect January 1, 2023:

A decision by the planning board to approve any land development or subdivision application requires a majority vote of the current planning board members present at the time of the vote.

Director Durfee stated he is working with the Town Manager on a Charter amendment to continue the way they are, and this affects the Zoning Board as well. Acting Chairman Kalunian asked if this would supersede the state law. Member Kenney stated it can be made more restrictive. Attorney D'Agostino stated the Charter is intended accordingly that would supersede it. Acting Chairman Kalunian asked if the Home Rule Charter has to go to Legislature. Attorney D'Agostino stated if the voters approve it then the Charter change is approved. Acting Chairman Kalunian asked if the makeup of 9 members for the Planning Commission is state law. Attorney D'Agostino stated it varies. Acting Chairman Kalunian noted the option the town could change the makeup. Director Durfee stated the same rules apply no matter the number of members.

Member Anderson asked for clarity on superseding with the Charter. Director Durfee stated he is working to continue the way they are. Acting Chairman Kalunian noted if enough members were not present to vote items would be tabled, like what happened tonight, which stifles development.

Acting Chairman Kalunian asked if there was anything on continuing education.

Director Durfee stated there will be training for 1-2 hours on various topics in addition to the required level of training they have once or every two years regarding the Open Meetings Act and the Public Records Act. At some point the Attorney General's office will have some video with a potential test. Director Durfee stated that he is trying to get AG training for all Boards and Commissions and volunteer committees in town so they understand what is and is not allowed under the state regulations. He then advised where to find the links to the videos, slides, PDFs and presentations for the OMA and other Acts. Acting Chairman Kalunian noted he was required to watch the videos for both OMA and ARPA requests and found the videos to be a very helpful format.

Director Durfee mentioned he is working on formatting the meeting motions and recommendations process with the Town Manager. Due to the volume of applications, it is slowed. They are still working on how to arrange it into staff reports. He favors the applicants

and engineers know what the recommendations are sooner so the areas where there are disagreements it can be addressed earlier to streamline the discussion times and apologized for not having it completed yet. Acting Chairman Kalunian stated he wanted to avoid motion sheets because it is important to read the applicable Findings of Facts into the motion in case there is a challenge in Superior Court to their decision other than a reference to the Planning Director's Report however he does feel there is room to streamline it. Member Anderson agreed it would be beneficial to streamline it. Director Durfee stated sometimes development expands undesirably which is why the Comprehensive Plan is important and they as visionaries must be good stewards for the town character.

PUBLIC COMMENT

There was no public comment or questions.

Member Kenney made a motion to adjourn. Member Anderson seconded the motion.

All voted aye.

Motion carries.

The meeting adjourned at approximately 8:00 p.m.

These minutes were prepared respectfully by Heather Korsu.

EXHIBIT B

INST: 00002491
BK: 2277 Pg: 550

DECISION
APPROVAL OF BOND REDUCTION FOR PHASE 1
"THE OAKS AT HOPE FURNACE"

DATE OF HEARING: May 24, 2022
APPLICANT: Hope Furnace Road Land Company, LLC
SITE LOCATION: Hope Furnace Road
AP 89, Lot 3 & AP 97, Lot 6
ZONING DISTRICT: RR2
APPROVAL TYPE: Construction Bond Reduction #1 – Phase 1

TOWN OF COVENTRY, R.I.
Jun 05, 2023 01:37P
JOANNIE P. AMITRANO, TOWN CLERK

This matter came to be heard before the Planning Commission on July 27, 2022 for the approval of the project Phasing Plan and the setting of a bond for the subject subdivision.

The applicant was authorized to construct the development in three (3) phases. Phase 1 will be Comprised of ten lots; Lot Nos. 1-5 and 28-32 of the proposed subdivision. Phase 2 will be comprised of nine lots; Lot Nos. 6-8, 17, and 23-27. Phase 3 will be comprised of the remaining thirteen lots: Lot Nos. 9-16 and 18-22. The Planning Commission set the total bond amount for infrastructure construction work at \$1,739,050.00.

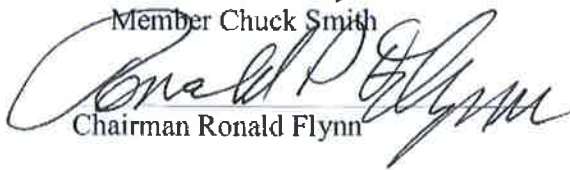
Phase 1 was set at \$949,750.00
Phase 2 was set at \$200,550.00
Phase 3 was set at \$588,750.00.

Town Engineer, Joseph Levesque, P.E. reviewed the construction activities as of May 17, 2023 and recommended only Phase 1 be reduced by \$356,000 at this time, from \$949,750 to \$593,750.

A motion was made by Member Reyes to approve the Town Engineer's recommendation to reduce the bond for Phase 1 to \$593,750. Motion seconded by Member Smith.

The following votes were cast on the matter:

Chairman Ronald Flynn	Aye
Vice Chairman Richard Kalunian	Aye
Member Glenn Anderson	Aye
Member John Preiss	Aye
Member James Kenney II	Aye
Member Sherry Elderkin	Aye
Member Kevin Reyes	Aye
Member Chuck Smith	Aye


Chairman Ronald Flynn

5-30-23
Date

Subdivision: The Oaks at Hope Furnace

Number of Lots: 10 (Phase I)
 Developer: D2 Homes
 c/o Robert DeBlois (401-268-5357)

Phase 1 Progress Update: May 2023

Address: 420 Scrabbletown Road
 North Kingstown, RI

Inspection Fee (2% of the Original Total Estimated Cost) = \$18,995.00

Phase 1 Bond Amount = \$949,750.00

Date Recorded: _____

Bond Estimate:

Task	Quantity	Unit	Unit Price	Total Price	% Complete	% Bond Remaining	\$ Remaining
General Items:							
Erosion Control/Layout/Gen Cond.	1	LS	\$17,000.00	\$17,000.00	100.00%	20.00%	\$3,400.00
As-Built Survey/Bounds	1	LS	\$7,500.00	\$7,500.00	0.00%	100.00%	\$7,500.00
Cleaning & Grubbing	1	LS	\$24,000.00	\$24,000.00	100.00%	20.00%	\$4,800.00
Topsoil Strip/Rock Strip	1	LS	\$57,000.00	\$57,000.00	100.00%	20.00%	\$11,400.00
Cut Fill R.O.W. & Fine Grade	1	LS	\$30,000.00	\$30,000.00	90.00%	28.00%	\$8,400.00
Loam & Seed ROW	1	LS	\$30,000.00	\$30,000.00	0.00%	100.00%	\$30,000.00
Landscaping	1	LS	\$21,250.00	\$21,250.00	0.00%	100.00%	\$21,250.00
Cistern	1	LS	\$60,000.00	\$60,000.00	90.00%	28.00%	\$16,800.00
			Subtotal=	\$246,750.00			\$103,550.00
Task Utilities							
Electric/Communication	1	LS	\$30,000.00	\$30,000.00	95.00%	24.00%	\$7,200.00
			Subtotal=	\$30,000.00			\$7,200.00
Task Drainage:							
Pipe, MHs and CBs	1	LS	\$225,000.00	\$225,000.00	90.00%	28.00%	\$162,000.00
Basin A	1	LS	\$175,000.00	\$175,000.00	10.00%	92.00%	\$161,000.00
Basin B	1	LS	\$39,500.00	\$39,500.00	75.00%	40.00%	\$23,700.00
Basin C	1	LS	\$55,000.00	\$55,000.00	75.00%	40.00%	\$33,000.00
			Subtotal=	\$494,500.00			\$379,700.00
Task Roadway:							
Subbase	1	LS	\$34,000.00	\$34,000.00	100.00%	20.00%	\$6,800.00
Blinder	1	LS	\$60,000.00	\$60,000.00	100.00%	20.00%	\$12,000.00
Top	1	LS	\$57,000.00	\$57,000.00	0.00%	100.00%	\$57,000.00
Sidewalks	1	LS	\$27,500.00	\$27,500.00	0.00%	100.00%	\$27,500.00
			Subtotal=	\$178,500.00			\$103,300.00
			ORIGINAL TOTAL=	\$949,750.00			UPDATED TOTAL= \$593,750.00

Installation of small quantity of frames, grates, pipe & flared end sections remaining
 Basin limits cleared
 Work remaining
 Work remaining, OCS installed

EXHIBIT C



Town of Coventry
Town Engineering Office
1675 Flat River Road, Coventry, RI 02816
Tel. 401-822-9182 Fax. 401-822-6236

MEMORANDUM

TO: Doug McLean, AICP – Director of Planning and Development

FROM: Joseph Levesque, P.E. – Town Engineer 

DATE: October 18, 2023

SUBJECT: Construction Bond Reduction #2
The Oaks at Hope Furnace
A.P. 97, Lot 6 and A.P. 89, Lot 3
Hope Furnace Road
Coventry, Rhode Island

The developer, D2 Homes has separated the project into three phases:

Phase 1 – Lots 1-5, 28-32 (10 Lots)
Phase 2 – Lots 6-8, 17, 23-27 (9 Lots)
Phase 3 – Lots 9-16, 18-22 (13 Lots)

The original bond for the entire project set by the Planning Board was \$1,739,050.00 and the portion for each phase would be:

Phase 1 Bond = \$949,750.00
Phase 2 Bond = \$200,550.00
Phase 3 Bond = \$588,750.00

The developer for the project is Hope Furnace Land Company, LLC. The contractor for the project is William Anthony Excavating, Inc. I have reviewed the construction activities to date for Phase 1 and Phase 2. There will be no reductions for Phase 3 at this time. A summary of the major items that have been completed are shown below:

- The roadway subbase and binder w/asphalt curbing has been completed for Phase 1.
- The roadway subbase has been completed for Phase 2.

- The drainage system for Phase 1 is substantially complete except for minor work at Basin A (temporary turf reinforcement mats required at overflow weir – vegetation is not fully established).
- Sidewalk construction is 40% completed (Phase 1).
- All electrical handholes and conduit have been installed for Phases 1 & 2. Payment has been made by Developer to NE Energy to furnish and install UG transmission lines and transformers.
- Installation of the two (2) fire cisterns is generally complete. Both are filled with water.
- Home construction has commenced. The home on Lot 32 has been constructed and the home on Lot 31 is being framed.

Based upon my inspection of the completed construction, I am recommending the bond amounts for Phase 1 and Phase 2 be reduced to the following amount:

New Phase 1 Bond Amount= \$479,450
 New Phase 2 Bond Amount = \$126,510

Existing Phase 3 Bond Amount = \$588,750
 New Total Project Bond Amount = \$1,194,710

Phase 1	Currently Retained=	\$593,750
	Recommended Retention=	\$479,450
	Amount to be Released=	\$114,300
Phase 2	Currently Retained=	\$200,550
	Recommended Retention=	\$126,510
	Amount to be Released=	\$ 74,040

A copy of the Phase 1 and Phase 2 Bond Reduction Calculation Work Sheets are attached.

Subdivision: The Oaks at Hope Furnace

Date: 11/7/2023
 Number of Lots: 10 (Phase I)
 Developer: D2 Homes
 c/o Robert DeBlois (401-268-5357)

Phase 1 Progress Update: November 2023

Address: 420 Scrambletown Road
 North Kingstown, RI

Inspection Fee (2% of the Original Total Estimated Cost) = \$18,995.00

Phase 1 Bond Amount = \$949,750.00 Date Recorded:

Bond Estimate:

Task	Quantity	Unit	Unit Price	Total Price	% Complete	% Bond Remaining	\$ Remaining
General Items:							
Erosion Control/Layout/Gen Cond.	1	LS	\$17,000.00	\$17,000.00	100.00%	20.00%	\$3,400.00
As-Built Survey/Bounds	1	LS	\$7,500.00	\$7,500.00	0.00%	100.00%	\$7,500.00
Clearing & Grubbing	1	LS	\$24,000.00	\$24,000.00	100.00%	20.00%	\$4,800.00
Topsoil Strip/Rock Strip	1	LS	\$57,000.00	\$57,000.00	100.00%	20.00%	\$11,400.00
Cut Fill R.O.W. & Fine Grade	1	LS	\$30,000.00	\$30,000.00	100.00%	20.00%	\$6,000.00
Loam & Seed ROW	1	LS	\$30,000.00	\$30,000.00	55.00%	56.00%	\$16,800.00
Landscaping	1	LS	\$21,250.00	\$21,250.00	0.00%	100.00%	\$21,250.00
Cistern	1	LS	\$60,000.00	\$60,000.00	100.00%	20.00%	\$12,000.00
			Subtotal=	\$246,750.00			\$63,150.00
Task							
Utlities	Quantity	Unit	Unit Price	Total Price	% Complete <td>% Bond Remaining</td> <td>\$ Remaining</td>	% Bond Remaining	\$ Remaining
Electric/Communication	1	LS	\$30,000.00	\$30,000.00	100.00%	20.00%	\$6,000.00
			Subtotal=	\$30,000.00			\$6,000.00
Task							
Drainage:	Quantity	Unit	Unit Price	Total Price	% Complete <td>% Bond Remaining</td> <td>\$ Remaining</td>	% Bond Remaining	\$ Remaining
Pipe, MHs and CBs	1	LS	\$225,000.00	\$225,000.00	100.00%	20.00%	\$180,000.00
Basin A	1	LS	\$175,000.00	\$175,000.00	100.00%	21.60%	\$37,800.00
Basin B	1	LS	\$39,500.00	\$39,500.00	100.00%	20.00%	\$31,500.00
Basin C	1	LS	\$55,000.00	\$55,000.00	100.00%	20.00%	\$44,000.00
			Subtotal=	\$494,500.00			\$293,400.00
Task							
Roadway:	Quantity	Unit	Unit Price	Total Price	% Complete <td>% Bond Remaining</td> <td>\$ Remaining</td>	% Bond Remaining	\$ Remaining
Subbase	1	LS	\$34,000.00	\$34,000.00	100.00%	20.00%	\$6,800.00
Blinder	1	LS	\$60,000.00	\$60,000.00	100.00%	20.00%	\$12,000.00
Top	1	LS	\$57,000.00	\$57,000.00	0.00%	100.00%	\$57,000.00
Sidewalks	1	LS	\$27,500.00	\$27,500.00	58.00%	54.00%	\$14,850.00
			Subtotal=	\$178,500.00			\$90,650.00
			ORIGINAL TOTAL=	\$949,750.00			UPDATED TOTAL= \$473,200.00

Subdivision: The Oaks at Hope Furnace

Date: 11/7/2023

Number of Lots: 9 (Phase II)

Developer: D2 Homes

c/o Robert DeBlois (401-268-5357)

Address: 420 Scrabbletown Road
 North Kingstown, RI

Phase 2 Progress Update: November 2023

Inspection Fee (2% of the Original Total Estimated Cost) = \$4,011.00

Phase 2 Bond Amount = \$200,550.00

Date Recorded:

Bond Estimate:

Task	Quantity	Unit	Unit Price	Total Price	% Complete	% Bond remaining	\$ Remaining
General Items:							
Erosion Control/Layout/Gen Cond.	1	LS	\$13,000.00	\$13,000.00	63.00%	50.00%	\$6,500.00
As-Built Survey/Bounds	1	LS	\$750.00	\$750.00	0.00%	100.00%	\$750.00
Clearing & Grubbing	1	LS	\$10,000.00	\$10,000.00	100.00%	20.00%	\$2,000.00
Topsoil Strip/Rock Strip	1	LS	\$35,000.00	\$35,000.00	100.00%	20.00%	\$7,000.00
Cut Fill R.O.W. & Fine Grade	1	LS	\$15,000.00	\$15,000.00	95.00%	24.00%	\$3,600.00
Loam & Seed ROW	1	LS	\$15,000.00	\$15,000.00	0.00%	100.00%	\$15,000.00
Landscaping	1	LS	\$9,250.00	\$9,250.00	0.00%	100.00%	\$9,250.00
Cistern	1	LS	\$0.00	\$0.00	0.00%	100.00%	\$0.00
			Subtotal=	\$98,000.00			\$44,100.00
Task Utilities							
Electric/Communication	1	LS	\$15,000.00	\$15,000.00	100.00%	20.00%	\$3,000.00
			Subtotal=	\$15,000.00			\$3,000.00
Task Drainage:							
Pipe, MHs and CBs	1	LS	\$0.00	\$0.00	0.00%	100.00%	\$0.00
Basin A	1	LS	\$0.00	\$0.00	0.00%	100.00%	\$0.00
Basin B	1	LS	\$0.00	\$0.00	0.00%	100.00%	\$0.00
Basin C	1	LS	\$0.00	\$0.00	0.00%	100.00%	\$0.00
			Subtotal=	\$0.00			\$0.00
Task Roadway:							
Subbase	1	LS	\$13,300.00	\$13,300.00	100.00%	20.00%	\$2,660.00
Binder	1	LS	\$32,000.00	\$32,000.00	100.00%	20.00%	\$6,400.00
Top	1	LS	\$30,000.00	\$30,000.00	0.00%	100.00%	\$30,000.00
Sidewalks	1	LS	\$12,250.00	\$12,250.00	0.00%	100.00%	\$12,250.00
			Subtotal=	\$87,550.00			\$51,310.00
			ORIGINAL TOTAL=	\$200,550.00			
			UPDATED TOTAL=				\$98,410.00

EXHIBIT D

INST: 00000473
Bk: 2293 Ps: 824

DECISION
APPROVAL OF BOND REDUCTION FOR PHASES 1 AND 2
“THE OAKS AT HOPE FURNACE”

DATE OF HEARING: November 15, 2023

APPLICANT: Hope Furnace Land Company, LLC

OWNER: D2 Homes, LLC

SITE LOCATION: Hope Furnace Road
AP 89, Lot 3 & AP 97, Lot 6

ZONING DISTRICT: RR-2

TYPE OF PROJECT: 32-Lot Residential Cluster Development

This matter originally came before the Planning Commission on July 27, 2022 for approval of a project Phasing Plan and the setting of a bond for the subject subdivision.

The applicant was authorized to construct the development in three (3) phases. Phase 1 would be comprised of ten lots (lots #1-5 and #28-32); Phase 2 would be comprised of an additional nine lots (#6-8, #17, and #23-27); and Phase 3 would be comprised of the remaining thirteen lots (#9-16 and #18-22).

The Planning Commission set the total bond amount for infrastructure construction work at \$1,739,050.00, itemized by phase as shown below:

Phase 1: \$949,750.00
Phase 2: \$200,550.00
Phase 3: \$588,750.00

Through a decision dated May 24, 2023, the Planning Commission subsequently reduced the Phase 1 maintenance bond to a retention balance to \$593,750.00, the first such reduction for the project.

In a memo to the Planning Commission dated November 7, 2023, Town Engineer Joseph Levesque, P.E. summarized his inspection of the project's construction status and recommended a second bond reduction be approved. This reduction would reduce the Phase 1 maintenance bond from \$593,750.00 to \$473,200.00; the Phase 2 maintenance bond would also be reduced from its original \$200,550.00 to a new retention balance of \$98,410.00.

Consistent with the Town Engineer's report and recommendation, upon motion made by Member Kenney, and seconded by Member Reyes, the Planning Commission voted

unanimously to reduce the Phase 1 maintenance bond to a new retention balance of \$473,200.00 and to reduce the Phase 2 maintenance bond to a new retention balance of \$98,410.00.

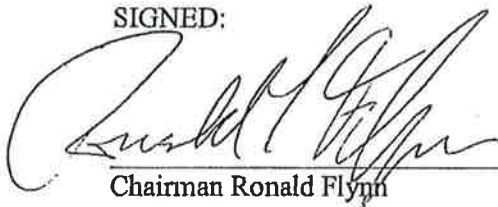
The following votes were cast on this matter:

Chairman Ronald Flynn	Aye
Secretary Glenn Anderson	Aye
Member Michael Burke	Aye
Member James Kenney II	Aye
Member John Preiss	Aye
Member Kevin Reyes	Aye
Member Chuck Smith	Aye

TOWN OF COVENTRY, R.I.
Jan 30, 2024 02:56P
JOANNE F ANITRANO, TOWN CLERK

Seven Ayes, No Nays. Motion passes.

SIGNED:


Chairman Ronald Flynn

1-30-24
Date

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.

EXHIBIT E

Chairman Ronald Flynn
Vice Chair Richard Kalunian
Secretary Glenn Anderson
John Preiss
Sherry Elderkin
James Kenney II
Kevin Reyes
Chuck Smith
Michael Burke

**Planning Commission
Meeting Minutes
Wednesday November 15, 2023
1670 Flat River Road
Coventry, RI 02816**

**Meeting Convened via Zoom Video Conference and
Broadcasted and Telephonically for the Public**

The meeting was called to order at 6:39 p.m. by Chairman Ronald Flynn.

Members Present: Chairman Ronald Flynn, Secretary Glenn Anderson, Michael Burke, Chuck Smith, Kevin Reyes, John Preiss, and James Kenney II

Members Absent: Vice Chair Richard Kalunian, Sherry Elderkin,

Also Present: Assistant Town Solicitor David Igliazzi, Planning Director Doug McLean, Principal Planner Alex Berardo

**Emergency Evacuation Instructions
Pledge of Allegiance**

Chairman Flynn announced a moment of silence in recognition of former Planning Commission Chairman Russell Crossman, who served the town for over fifteen years.

APPROVAL OF MINUTES

September 26, 2023, Meeting Minutes

September 27, 2023, Meeting Minutes

October 18, 2023, Special Meeting Minutes

A motion was made by Member Smith to approve the minutes from September 26, 2023, Workshop Minutes. Member Reyes seconded the motion. All voted Aye. Motion carries.

A motion was made by Member Kenney to approve the minutes from September 27, 2023, Regular Meeting. Member Reyes seconded the motion. All voted Aye. Motion carries.

A motion was made by Member Kenney to approve the minutes from October 18, 2023, Special Meeting. Member Reyes seconded the motion. All voted Aye. Motion carries.

APPROVAL OF 2024 MEETING CALENDAR

A motion was made by Member Preiss to approve the Planning Commission Meeting Calendar 2024, as written. Member Kenney seconded the motion. All voted Aye. Motion carries.

RATIFICATION OF DECISIONS

“1 Ken Ray Drive Plat”

Owners: FXS Construction Inc.

Applicant: Same

Ratification for Preliminary Approval of a Proposed 2-Lot Minor Subdivision with 1 Existing House and 1 Garage

AP 45, Lot 5; Zone VMC

1 Ken Ray Drive

A motion was made by Member Smith to approve the Ratification for Preliminary Approval of a Proposed 2-Lot Minor Subdivision with 1 Existing House and 1 Garage. “1 Ken Ray Drive Plat”

Owners: FXS Construction Inc. Applicant: Same. AP 45, Lot 5; Zone VMC. 1 Ken Ray Drive.

The motion was seconded by Member Kenney. All voted Aye. Motion carries.

1 YEAR EXTENSION REQUEST OF PRIOR APPROVAL

1 Year Extension Request of Approval: “The Huntley Building”

Owners: D & S Development Group, LLC & Steven R. Gorman

Applicant: D & S Development Group, LLC, c/o David J. Gorman

Previously Approved Development Plan Review and Administrative Merger of Lots 67 & 68 to Construct a 4-Unit Commercial Storage Building

AP 38, Lots 67 & 68; Zone GB

Arizona Street

Attorney Thomas Cronin, 1070 Main Street, Coventry, came forward to explain the status, delayed due to the expense and availability of supplies. There were no questions at this time.

A motion was made by Member Smith to approve the 1 Year Extension Request for “The Huntley Building”.

Owners: D & S Development Group, LLC & Steven R. Gorman. Applicant: D & S Development Group, LLC, c/o David J. Gorman. Previously Approved Development Plan Review and Administrative Merger of Lots 67 & 68 to Construct a 4-Unit Commercial Storage Building. AP 38, Lots 67 & 68; Zone GB. Arizona Street. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

BOND REDUCTION

“The Oaks at Hope Furnace”

Owner: D2 Homes, LLC

Applicant: Hope Furnace Land Company, LLC

Bond Reduction for Approved and Recorded Phases of 32-Lot Cluster Subdivision w/Street Creation
AP 97, Lot 6 & AP 89, Lot 3; Zone RR2
Hope Furnace Road

The Town Engineer recommends the maintenance bonds be reduced to the following:
Phase 1 to be reduced by \$120,550.00 to a retention balance of \$473,200.00.
Phase 2 to be reduced by \$102,140.00 to a retention balance of \$98,410.00.

Chairman Flynn asked if the numbers written are correct. Director McLean confirmed the numbers are correct.

*A motion was made by Member Kenney to approve the Bond Reduction for Approved and Recorded Phases of 32-Lot Cluster Subdivision w/Street Creation for "The Oaks at Hope Furnace". Owner: D2 Homes, LLC. Applicant: Hope Furnace Land Company, LLC. AP 97, Lot 6 & AP 89, Lot 3; Zone RR2. Hope Furnace Road. The Town Engineer recommends the maintenance bonds be reduced to the following:
Phase 1 to be reduced by \$120,550.00 to a retention balance of \$473,200.00.
Phase 2 to be reduced by \$102,140.00 to a retention balance of \$98,410.00.
The motion was seconded by Member Reyes. All voted Aye. Motion carries.*

"The Oaks at Hope Furnace"

Owner: D2 Homes, LLC

Applicant: Hope Furnace Land Company, LLC

Reduction to Bond Setting for Approved, but not yet Recorded, Phase of 32-Lot Cluster Subdivision w/Street Creation

AP 97, Lot 6 & AP 89, Lot 3; Zone RR2

Hope Furnace Road

The Town Engineer recommends the maintenance bond estimate be reduced to the following:
Phase 3 to be reduced by \$336,520.00 to an estimated retention balance of \$252,230.00.

*A motion was made by Member Smith to approve the Bond Reduction for Approved, but not yet Recorded, Phase of 32-Lot Cluster Subdivision w/Street Creation. "The Oaks at Hope Furnace". Owner: D2 Homes, LLC. Applicant: Hope Furnace Land Company, LLC. AP 97, Lot 6 & AP 89, Lot 3; Zone RR2. Hope Furnace Road. The Town Engineer recommends the maintenance bond estimate be reduced to the following:
Phase 3 to be reduced by \$336,520.00 to an estimated retention balance of \$252,230.00.
The motion was seconded by Member Kenney. All voted Aye. Motion carries.*

RECOMMENDATION TO ZONING FOR SPECIAL USE PERMIT

"Zabatta Garage - 270 Hopkins Hill Road"

Owners: Joseph Zabatta

Applicant: Same

Requesting a Special Use Permit for a 30' X 60' Steel Garage Associated with the Existing Non-conforming Residential Use in an Industrial Zone

AP 21, Lot 101; I-1 (Industrial 1)

Attorney Thomas Cronin, 1070 Main Street, Coventry, came forward to explain the plan and answer questions. Attorney Cronin described the details of the property and the pre-existing non-conforming house that is located

here. There is also a pool, a pool shed, and a detached two-story garage. The garage is located less than five feet from the rear boundary of the property. Surrounding abutters are a large-scale condominium development, and residential across the street. The proposed garage will be built next to the existing garage, which will be single-story, made of steel, with the color to match the house. This will be for the storage of classic cars. The request is to proceed to zoning. Member Kenney asked what the height of the building will be. Attorney Cronin stated twelve to fourteen feet high.

A favorable motion was made by Member Kenney for the Special Use Permit to Zoning for "Zabatta Garage - 270 Hopkins Hill Road". Owners: Joseph Zabatta. Applicant: Same. Requesting a Special Use Permit for a 30' X 60' Steel Garage Associated with the Existing Non-conforming Residential Use in an Industrial Zone AP 21, Lot 101; I-1 (Industrial 1). The Director's Report will be included with the motion. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

"DiMuccio Garage - 300 Perry Hill Road"

Owners: Stephen and Amy DiMuccio

Applicant: Same

Requesting a Special Use Permit for a 24'x36'x18'2" garage to be located in the front yard.

AP 310, Lot 176; RR-5

With applicant not present, Director McLean stated this does have a potential additional variance, but can be acted upon. Chairman Flynn suggested a continuance, as the Board prefers to see the applicant in person.

A motion was made by Member Smith to continue "DiMuccio Garage - 300 Perry Hill Road".

Owners: Stephen and Amy DiMuccio. Applicant: Same. Requesting a Special Use Permit for a 24'x36'x18'2" garage to be located in the front yard. AP 310, Lot 176; RR-5 to the December 20, 2023 regular meeting. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

OLD BUSINESS FOR DISCUSSION AND/OR ACTION

None at this time.

NEW BUSINESS FOR DISCUSSION AND/OR ACTION

Development Plan Review: "Proscap Landscaping"

Owners: Backstreet Holdings, LLC c/o John Pontarelli

Applicants: Same

Proposed 9,000 s.f. Commercial Building and a Detached 800 s.f. Sales Structure

AP 10, Lot 40.11; Zone GB1/SPD (Special Planning Overlay District)

2043 Maple Root Road

PUBLIC HEARING

Attorney Stephen Moretti, 1140 Reservoir Avenue, Cranston, came forward to answer questions and explain the plan. There is access from Maple Root Road, Harkney Hill Road, and Nooseneck Road. They are in agreement with the Staff Report and complying with all recommendations. The paved gravel area will be addressed by the engineer, regarding requirements.

Sam Hemenway, Engineer, Garofalo & Associates, 85 Corliss Street, Providence came forward to answer questions and explain the plan. The image of the plan was displayed for all to view. Mr. Hemenway stated the plan has not changed much, except they have acquired permits, and added details describing the plan. The agreement to utilize the entrance, that was viewed on the site walk in March, has been formalized. This will remain a shared entrance with an upgrade planned, with an RIDOT permit approval. The building will be served by an OWCS septic system, which has been approved with a permit issued, along with existing water service with the intent to reuse this service to connect the building. There is an existing meter permit there presently. The lighting ordinance is addressed with the lighting plan submitted, consisting of lights mounted to the side of the building, which will illuminate the work areas, with this being a daytime business. The applicant would be amenable to any other recommendations. The reclaimed gravel paving section indicates 10 inches of gravel base are required under parking areas, which has been clarified.

Chairman Flynn asked if the retail parking on Nooseneck Hill Road, will be impervious asphalt, noting it would be preferred to have asphalt here due to the nature of the expected conditions of use. Mr. Hemenway stated the handicap spaces will be asphalt. Chairman Flynn stated his concern that this part of the plan should all be asphalt. Attorney Moretti stated they will follow this recommendation. Secretary Anderson asked if the lighting will be sufficient for employee parking. Mr. Hemenway stated they believe it will be sufficient to spread at the location noted. Secretary Anderson asked about access to the bathroom.

John Pontarelli, 910 South Road, East Greenwich, came forward to state a port-o-john could be placed in a discreet location. Mr. Pontarelli then stated the typical hours of operation, reassuring the board they will be good neighbors and provide adequate access to the building or the portable option. Chairman Flynn noted this is low impact.

Member Preiss asked if the entrance on Harkney Hill Road remains under consideration now or in the future. Mr. Pontarelli stated no. Discussion took place about the removal of the Harkney Hill Road entrance on the plan.

A motion was made by Member Smith to Open the Public Hearing. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

Jackie Bryans, 28 Maple Root Road, came forward to request a fence be installed in between the building and his property.

Attorney Moretti stated the plan shows a forty-foot fully landscaped buffer with trees. Mr. Pontarelli explained the planned vegetative buffer in detail, which will also aid in reducing noise pollution. Discussion took place about the vegetation. Director McLean asked for clarity on if this would be an additional planting that is not shown on the plan. This would be good to include as a condition of the approval of the plan, as Mr. Pontarelli is making a good faith gesture. Mr. Pontarelli stated there will be ten-to-twelve-foot arborvitae, Green Giant variety which is deer resistant. They will be staggered in double rows through the rear of the building. Director McLean noted this will be added and would be a better outcome than a fence.

Roger Leclerc, 8 Maple Root Road, came forward to state his appreciation that the entrance has been removed from the plan, as discussed, and the vegetative buffer is more desirable than a fence. There is still a concern about the amount of traffic that travels on Maple Root Road.

A motion was made by Member Smith to Close the Public Hearing. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

Secretary Anderson asked if the Applicant is in agreement with the six conditions in the Staff Report, noting there may be an added condition for bathroom facilities. Mr. Pontarelli confirmed this. Chairman Flynn added the asphalt area in the front of the building, also. Director McLean noted there are two conditions to add to the

Staff Report, which were read, concerning the parking area to be impervious asphalt, the type of plantings and their location.

A motion was made by Secretary Anderson to approve the Development Plan Review, for both Preliminary and Final, for "Proscape Landscaping". Owners: Backstreet Holdings, LLC c/o John Pontarelli. Applicants: Same Proposed 9,000 s.f. Commercial Building and a Detached 800 s.f. Sales Structure. AP 10, Lot 40.11; Zone GB1/SPD (Special Planning Overlay District). 2043 Maple Root Road. The lot size is 5.2 acres. There will be landscape materials storage and parking. This member agrees with the Staff findings. This proposal is consistent with eh standards and required findings of facts set forth in the RIGL section 45.2360, as well as the town of Coventry subdivision/ land division development regulations. Including with the Staff Report, which articulated the findings, with the conditions of approval to include the two discussed and added, to be included in the Director's Report. This motion is to adopt the Staff recommendation, as well as the Finding of Facts of conditions of approval and articulating the Staff Report. Full transparency, this is a positive approval of this project, the details of the Staff Report are publicly available on the Town website followed by the link for the Agneda Packet for tonight's meeting. The motion was seconded by Member Kenney. All voted Aye. Motion carries.

RECOMMENDATION TO TOWN COUNCIL - ORDINANCE 2023-4

Recommendation on Proposed Ordinance 2023-4 to amend the Town's Zoning Code to address new state law mandates that will go into effect on January 1, 2024.

Director McLean gave a brief overview, stating that this addresses stat law mandates that goes into effect January 1,2024. The document image example was displayed for all to view. Several members have attended workshops. A positive recommendation is suggested. Staff have identified potential changes since the ordinance was first read, these changes must be heard and considered at the hearing.

Secretary Anderson asked what they are viewing. Director McLean stated they are looking at the subdivision regulations, representing the zoning changes in front of the Town Council, to be voted on them November 28, 2023.

A motion was made by Member Smith to make a positive recommendation for the zoning ordinance regulations amendments, known as 'Ordinance 2023-4'. The motion was seconded by Member Reyes. All voted Aye. Motion carries.

PUBLIC HEARING

Coventry Subdivision and Land Development Regulations

Consideration and vote on Proposed Amendments as advertised and/or revised at the Planning Commission's discretion to address new state law mandates that will go into effect on January 1, 2024.

Director McLean stated this is new information, with no workshop being had yet. Director McLean then explained key policy considerations on a point-by-point basis with an overview. This has undergone multiple changes. The document image was displayed for all to view. Each item was explained in more detail. Chairman Flynn expressed his appreciation for the work that went into this from Staff, noting how much easier it is to read being condensed this way. Adaptive Reuse was next explained in more detail with examples. DPR standards and how this will change were explained. Additional amendments in the coming year may occur. The process of waiving regulations was explained in detail, citing examples and how the process may occur. Flexibility for this

is an asset. Code adjustments were explained, which was highlighted in the text displayed. Peer Review is part of this. This will result in a more well-vetted project when presented, resulting in a more efficient process. An example was discussed. Chairman Flynn asked if this would be an appropriate time to address the postal regulations, as they no longer want mailboxes in subdivisions.

Ashley Sweet stated they have written confirmation from the post office that states their requirements, noting this could change, and getting a written notice form the local post office could be used as a condition of approval. Discussion took place about where this is problematic, needing further examination. The process for addressing waivers was explained next, with examples. These changes should be reviewed and considered as part of the package, inclusive of these specific changes. They should anticipate more changes.

A motion was made by Member Kenney to open the Public Hearing. The motion was seconded by Member Smith. All approved. Motion carries.

No one wished to speak.

A motion was made by Member Smith to close the Public Hearing. The motion was seconded by Member Kenney. All approved. Motion carries.

A motion was made by Member Smith to adopt the Town of Coventry Proposed Amendments to the Land Development and Subdivision Regulations as presented. The motion was seconded by Member Reyes. All approved. Motion carries.

DIRECTOR'S REPORT

No other updates.

PUBLIC COMMENT

No one wished to speak.

ADJOURNMENT

A motion was made by Member Reyes to adjourn the meeting. The motion was seconded by Member Kenney. All approved. Motion carries.

The meeting was adjourned at approximately 8:10 p.m.

These minutes were prepared and submitted by Heather Korsu.

Subdivision: The Oaks at Hope Furnace

Number of Lots: 13 (Phase III)
 Developer: D2 Homes
 c/o Robert DeBlouis (401-268-5357)

Phase 3 Progress Update: November 2023

Address: 420 Scrabbletown Road
 North Kingstown, RI
 Bond Estimate Reduction

Inspection Fee (2% of the Original Total Estimated Cost) = \$11,775.00

Phase 3 Bond Amount = \$568,750.00

Date Recorded: Not Recorded

Bond Estimate:

Task	Quantity	Unit	Unit Price	Total Price	% Complete	% Bond Remaining	\$ Remaining
General Items:							
Erosion Control/Layout/Gen Cond.	1	LS	\$16,000.00	\$16,000.00	57.00%	54.00%	\$8,540.00
As-Built Survey/Bounds	1	LS	\$7,500.00	\$7,500.00	0.00%	100.00%	\$7,500.00
Clearing & Grubbing	1	LS	\$28,000.00	\$28,000.00	100.00%	20.00%	\$5,600.00
Topsoil Strip/Reck Strip	1	LS	\$64,000.00	\$64,000.00	100.00%	20.00%	\$12,800.00
Cut Fill R.O.W. & Fine Grade	1	LS	\$36,000.00	\$36,000.00	76.00%	39.00%	\$14,040.00
Loam & Seed ROW	1	LS	\$30,000.00	\$30,000.00	0.00%	100.00%	\$30,000.00
Landscaping	1	LS	\$23,750.00	\$23,750.00	0.00%	100.00%	\$23,750.00
Cistern	1	LS	\$60,000.00	\$60,000.00	100.00%	20.00%	\$12,000.00
			Subtotal=	\$265,250.00			\$114,330.00
Utilities							
Electric/Communication	1	LS	\$35,000.00	\$35,000.00	100.00%	20.00%	\$7,000.00
			Subtotal=	\$35,000.00			\$7,000.00
Drainage:							
Pipe, MHs and CBs	1	LS	\$99,000.00	\$99,000.00	100.00%	20.00%	\$19,800.00
Basin A	1	LS	\$0.00	\$0.00	0.00%	0.00%	\$0.00
Basin B	1	LS	\$0.00	\$0.00	0.00%	0.00%	\$0.00
Basin C	1	LS	\$0.00	\$0.00	0.00%	0.00%	\$0.00
			Subtotal=	\$99,000.00			\$19,800.00
Roadway:							
Subbase	1	LS	\$35,000.00	\$35,000.00	100.00%	20.00%	\$7,000.00
Binder	1	LS	\$63,000.00	\$63,000.00	100.00%	20.00%	\$12,600.00
Top	1	LS	\$60,000.00	\$60,000.00	0.00%	100.00%	\$60,000.00
Sidewalks	1	LS	\$31,500.00	\$31,500.00	0.00%	100.00%	\$31,500.00
			Subtotal=	\$189,500.00			\$111,100.00
			ORIGINAL TOTAL=	\$568,750.00			
			UPDATED TOTAL=	\$252,230.00			

EXHIBIT F



CERTIFIED MINORITY BUSINESS ENTERPRISE

William Anthony Excavating, Inc.

RI Contractors Registration #6341 • RI Utility Contractor #38541 • Minority MBCN #1084

February 5, 2025

D2 Homes LLC

SCOPE OF WORK: Punch List (Complete) @ THE OAKS AT HOPE FURNACE Ph1

WORK AS FOLLOWS:

1. R&D Silt Sock (cut and spread @ woodland edge) +/-2500 lf \$1,250.00
2. Trash Rack 14" x 6" @ OCS-C4 AG1212-44 \$900.00
3. Loam and Seed touch up edges 1200' x 10'+/- \$2,666.00
4. Clean sediment @ WQ B&C \$500.00
5. Repair Pretreatment Swale B side slope \$1200.00
6. Millings?
7. Cut and replace End of Pipe @ WQ-B 6" ADS- \$100.00
8. Sidewalk – 16'x5' Remove and replace \$1200.00
9. Sidewalk – 8' x 5' Remove and replace \$600.00
10. Loam and Seed Cassidy Trail #6&12 – 265sy \$1600.00
11. Ledge Outcrop @ Lot 15 is off ROW
12. Cut and replace End of Pipe @ WQ-B 6" ADS- \$100.00
13. Clean silt @ Sediment Forebay A \$1750.00
14. Rutting on Pond A Access Road – regrade \$1600.00
15. Repair eroded section Pond A \$4500.00
16. Repair sinkholes in Pond A \$2500.00

Total estimated price for above noted items is #20,466.00

Warranty items to be rectified in the spring weather permitting.