

PLANNING DEPARTMENT MEMORANDUM

TO: Coventry Planning Commission

FROM: Doug McLean, Director of Planning and Development

DATE: May 21, 2026

SUBJECT: Staff Analysis of Proposed Amendments to the Subdivision and Land Development Regulations

Town staff propose amendments to the Coventry Subdivision and Land Development Regulations as attached to the end of this memorandum. The amendments will primarily focus on Article VII – Guarantees of Public Improvements, Section C.2 – Required Form, which currently states: “Allowable guarantees shall include cash, performance bonds, letters of credit or other form of surety as approved by the Planning Commission and the Coventry Director of Finance.”

The proposed amendments will modify the acceptable forms of “Financial Security”, to be proposed and defined through new code as introduced in Ordinance 2026-07, which is currently under review by the Town Council. The proposed financial security code to be established as a new Chapter 123 of the Town’s general legislation is further discussed in a separate Staff Memorandum on the associated proposed zoning code amendments, dated May 21, 2026. A single condition of approval has been added to the staff recommendation below to create a “sunrise date” for these proposed Subdivision amendments so that it’s adoption will be concurrent with Town Council’s anticipated adoption of Ordinance 2026-07.

In addition, this amendment offers minor revisions to sections within Article IV, Article XII, and Article XIII of the Subdivision and Land Development Regulations that reference the terms “bond”, “improvement guarantee”, and “maintenance guarantee” to ensure greater consistency across the entire document.

Purposes of Local Subdivision and Land Development Regulations

The Planning Commission should consider how the proposed amendments to the Subdivision Regulations align with the purposes established in state law. RIGL § 45-23-30 states that:

“Land development and subdivision review ordinances, regulations and rules shall be developed and maintained in accordance with this chapter and with a comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which complies with § 45-24-27 et seq. Local regulations shall address the following purposes:

(1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;

(2) Promoting high quality and appropriate design and construction of land developments and subdivisions;

(3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;

(4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

(5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;

(6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;

(7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

(8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.”

Staff Analysis and Recommendation

Planning staff have reviewed the required standards for local Subdivision and Land Development Regulations, and find that these proposed amendments are consistent with them:

- These amendments especially align with purpose (2) which calls for local regulations to promote *“high quality and appropriate design and construction of land developments and subdivisions”* given its focus on allowable guarantees for infrastructure construction work.

Staff analysis on the overall concept of moving toward the new acceptable forms of “Financial Security” are further discussed in a separate Staff Report on associated proposed zoning code amendments, dated May 21, 2026.

Staff recommends that the Planning Commission **adopt** the proposed amendments to the Coventry Subdivision and Land Development Regulations, with the condition of approval below.

Condition of Approval

1. These proposed amendments to the Coventry Subdivision and Land Development Regulations will take effect upon Town Council approval of Ordinance 2026-07 (Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123 [“Financial Security”]).

**Proposed Amendments to Coventry Subdivision and Land Development Regulations for consideration at the Planning Commission Public Hearing on May 27, 2026.
Public Comments will be taken.**

ARTICLE IV - SPECIAL REQUIREMENTS

A. Residential Cluster Developments

5. Open Space

...

(page 23)

g. The applicant or developer shall provide for and establish a homeowners' association as a nonprofit organization or other legal entity under the laws of Rhode Island for the use, care and maintenance of all such lands and improvements. Membership in the association shall be mandatory for all landowners within the residential cluster development, and each lot shall be entitled to equal representation. The association shall be formed prior to conveyance of the first lot. The last ten (10) percent of the maintenance guarantee ~~bond~~ shall not be released until the developer can show proof to the Planning Commission that a homeowners association meeting has been held. The assessment of dues and/or fees for structural improvements requires the affirmative vote of more than two-thirds of the homeowners association membership.

ARTICLE VII - GUARANTEES OF PUBLIC IMPROVEMENTS

C. Procedures for Financial Guarantees

...

(page 60-61)

2. Required Form - The acceptable forms of Financial Security are authorized and defined in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123. The security and reliability of the person, persons or company furnishing the Financial Security ~~financial instrument~~ shall be established by the Town Finance Director. ~~Acceptance of the financial instrument with associate~~ Approval of an improvement and/or maintenance guarantee by the Planning Commission, with associated Financial Security, ~~and the recording of such action in the meeting~~ shall constitute a binding agreement between the principal, the guarantor, and the Town of Coventry, Rhode Island. This shall enable the Town to gain timely access to the secured funds, for cause. ~~Allowable guarantees shall include cash, performance bonds, letters of credit or other form of surety as approved by the Planning Commission and the Coventry Director of Finance.~~

3. Duration and Releases - The guarantee shall be conditioned on the faithful completion or construction and installation of all required improvements to the land within a period

of one (1) year. At the expiration of the final plan approval period, if all required improvements are complete, eighty (80) percent of the improvement guarantee shall be returned to the subdivider. Any other releases or reductions in the guarantee amount may be authorized at any time prior to the expiration of final approval. Partial ~~bond~~ releases of the Financial Security as described in the previous section shall take place a maximum of four (4) times per phase. A written request for release or reduction of any improvement guarantees shall be made to the Administrative Officer, who shall refer such request to the Planning Commission. After inspection of all required improvements, the Town Engineer shall recommend that the Planning Commission (a) authorize the Finance Director to return all improvement guarantees to the subdivider, (b) that the amount of the guarantee being held by the Town be reduced to cover the estimated cost of remaining improvements, up to eighty (80) percent of the total cost of improvements; or (c) that no releases or reductions be made. The Planning Commission shall act on all such releases or reductions of improvement guarantees. (Amended - October 28, 1998)

ARTICLE XII – APPEALS

D. Appeals to the Superior Court

2. Appeals of Enactment or Amendment of Regulations

...

(page 76)

c. The appeal shall not stay the enforcement of the regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of an acceptable form of Financial Security ~~a-bond~~, and make such other orders as it deems necessary for an equitable disposition of the appeal.

ARTICLE XIII – DEVELOPMENT DESIGN AND PUBLIC IMPROVEMENT STANDARDS

K. Standards for Development in Village Commercial Zones

5. Village commercial development guidelines.

...

(page 108)

l. Improvement guarantee ~~Performance bond~~. In cases of significant projects having a substantial impact upon a village, the Planning Commission may require an improvement guarantee (in an acceptable form of Financial Security as authorized and defined in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123) to be provided by the applicant to ensure that the project will be completed in accordance with the approved plans and conditions imposed by the Commission.