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via electronic mail

Douglas McLean
Director of Planning and Development
Town of Coventry
1675 Flat River Road
Coventry, RI 02816
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**Re: Final Plan Application – Willow Lakes Independent Living
Assessor’s Plat 16, Lot 3
New London Turnpike, Coventry, RI
Request for Height Waiver / Adjustment**

Dear Mr. McLean:

On behalf of the applicant, LRT New London Ave Development, LLC, we respectfully submit this letter to provide additional background and clarification regarding a requested height waiver and/or adjustment associated with the Final Plan application for the Willow Lakes Independent Living project located at Assessor’s Plat 16, Lot 3 on New London Turnpike.

Project Background and Approval History

The Willow Lakes Independent Living development has been before the Coventry Planning Commission through multiple stages of review pursuant to the Rhode Island Low and Moderate Income Housing Act (R.I.G.L. §45-53).

The project received Master Plan / Comprehensive Permit approval on September 4, 2019, at which time the Planning Commission approved the concept of an independent living community including assisted living and memory care components. The approval included a commitment that 25% of the residential units would qualify as low- and moderate-income housing, consistent with the objectives of the Act.

Following the Master Plan approval, the project proceeded through the preliminary plan stage and received preliminary approval. Due to a change in ownership and the passage of time, the applicant subsequently requested reinstatement of the preliminary approval. The Planning

Commission granted that reinstatement on June 26, 2024, confirming that the project remained consistent with the previously approved design and that no substantive changes to the development were proposed.

The present submission represents the Final Plan phase of the development review process and provides the detailed engineering and architectural documentation necessary for implementation of the project in accordance with the approvals previously granted by the Commission.

Nature of the Development

The proposed development is an independent living residential community designed for senior residents, consisting of multiple residential buildings along with associated amenities and supporting site improvements.

The project has been designed to maintain a residential character appropriate to the surrounding area. The buildings incorporate pitched roofs, dormers, and articulated façades intended to reduce perceived building mass and provide architectural variation. Importantly, the residential buildings remain three stories in height, consistent with the concept presented to and approved by the Planning Commission during earlier stages of review.

The development will provide a meaningful contribution to the Town's housing supply, including the previously approved mix of market-rate and low- and moderate-income units integrated throughout the community.

Height Waiver / Adjustment

During preparation of the final architectural and construction drawings, it was determined that the pitched roof configuration associated with the architectural design results in portions of the buildings exceeding the dimensional height limitation applicable to the zoning district when measured pursuant to the zoning ordinance definition of building height.

The buildings remain three stories in height and the overall building footprints, massing, and unit counts remain fully consistent with the plans previously reviewed and approved by the Planning Commission. The exceedance results from the architectural roof form and the final grading conditions reflected in the construction drawings, rather than from any increase in the number of stories or density of the development.

The Property is located in an R-20 Residential Zoning District, which provides for a maximum building height of 35 feet. Accordingly, the applicant respectfully requests a dimensional height waiver and/or adjustment from the applicable height limitation to allow a maximum building height of Sixty (60) feet.

While the architectural elevations indicate that the actual roof height may measure slightly below that figure, the applicant is intentionally requesting relief to Sixty (60) feet on a conservative basis in order to ensure that the request fully encompasses the potential height measurement under the ordinance's definition of building height.

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|---------------|----------------|---------------------------|
| • Building 1: | Height 60 feet | Relief Requested: 25 feet |
| • Building 2: | Height 54 feet | Relief Requested: 19 feet |
| • Building 3: | Height 54 feet | Relief Requested: 19 feet |

Prior Oversight

The applicant acknowledges that the height waiver was not expressly requested during the preliminary plan phase. The need for the waiver became apparent only after preparation of the final architectural elevations and grading plans and the application of the ordinance's height measurement methodology.

This omission was therefore an oversight rather than a change in project design. The buildings themselves remain consistent with the architectural concept presented during earlier stages of review.

Authority to Consider the Waiver at Final Plan

The applicant respectfully submits that the requested height waiver is appropriately considered by the Planning Commission as part of the Final Plan review.

Under the Rhode Island Low and Moderate Income Housing Act, the local review board acts as a consolidated permitting authority and is empowered to grant relief from local zoning requirements where necessary to permit an approved affordable housing development.

In addition, Rhode Island's Land Development and Subdivision Review Enabling Act (R.I.G.L. §45-23) establishes a staged review process consisting of master plan, preliminary plan, and final plan approval for major land development projects. The Final Plan stage primarily confirms that the project complies with the plans and conditions previously approved and resolves remaining technical matters necessary for construction.

Rhode Island land-use practice distinguishes between major modifications and minor modifications to previously approved projects. A major modification generally involves changes that materially alter the fundamental characteristics of the development, such as:

- changes to the number of dwelling units;
- significant changes to building footprints or site layout;
- alterations to circulation patterns or infrastructure; or
- other changes that substantially affect the intensity or design of the project.

By contrast, minor modifications typically involve dimensional adjustments that do not alter the essential design or intensity of the development previously approved by the permitting authority.

The requested height waiver clearly falls within the category of a minor dimensional adjustment, because:

- the number of residential units remains unchanged;
- the building footprints and locations remain unchanged;

- the site layout, circulation, and infrastructure remain unchanged; and
- the buildings remain three stories, consistent with the design previously reviewed by the Commission.

The requested relief therefore does not alter the character, density, or fundamental design of the development previously approved at the Master Plan and Preliminary Plan stages.

Because the requested relief constitutes a limited dimensional adjustment necessary to implement the previously approved design, it may appropriately be considered by the Planning Commission at the Final Plan stage without requiring the application to return to preliminary plan review.

Requiring the project to return to an earlier stage of review for a limited dimensional adjustment that does not affect the approved development program would not advance any substantive planning objective and would be inconsistent with the streamlined review process contemplated under Rhode Island land-development law and the Low and Moderate Income Housing Act.

That said, out of an abundance of causation and in accordance with Rhode Island General Laws, the Applicant will be noticing/advertising the project as a **public hearing**, not a public meeting. **This notice will comport with the notice/advertising requirements of a preliminary application and accordance with Rhode Island General Laws and the local ordinance.**

Reasonableness of the Requested Waiver

The requested height waiver is reasonable and appropriate for several reasons:

1. The buildings remain three stories, consistent with the concept previously reviewed by the Planning Commission.
2. The modest increase in height results primarily from the pitched roof architecture, which enhances the residential character of the development and reduces perceived building mass.
3. The requested relief does not increase the number of dwelling units, building footprint, or density beyond what has already been approved.
4. The building design is consistent with other recently permitted multifamily and senior housing developments in the immediate area that incorporate similar roof forms and building heights.

For these reasons, the requested relief represents a minor dimensional adjustment necessary to implement the project as previously approved while maintaining appropriate architectural design.

Conclusion

The Willow Lakes Independent Living project has progressed through multiple stages of Planning Commission review and remains fully consistent with the approvals previously granted.


The requested height waiver represents a limited dimensional adjustment resulting from the architectural roof design and final grading and does not constitute a substantive change to the approved development.

Accordingly, the applicant respectfully requests that the Planning Commission consider and grant the requested height waiver and/or adjustment to allow a maximum building height of sixty (60) feet as part of the Final Plan approval.

- Building 1: Height 60 feet Relief Requested: 25 feet
- Building 2: Height 54 feet Relief Requested: 19 feet
- Building 3: Height 54 feet Relief Requested: 19 feet

Please feel free to contact us should the Planning Department require any additional information or clarification.

Sincerely,



Michael D. Resnick, Esq.