

**DECISION**  
**PRELIMINARY PLAN – REINSTATEMENT**  
**“Willow Lakes Independent Living”**

**DATE OF HEARING:** June 26, 2024

**OWNER/APPLICANT:** LRT New London Ave Development, LLC

**SITE LOCATION:** New London Turnpike (AP 16, Lot 3)

**ZONING DISTRICT:** R-20 (Residential)

**DESCRIPTION:** Owner/Applicant is requesting a reinstatement of Preliminary Plan approval for a Major Land Development/Comprehensive Permit Application (written decision dated April 13, 2022)

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This matter came before the Planning Commission on June 26, 2024 for a reinstatement of prior approval (see the written decision dated April 13, 2022, labeled “Attachment A”) to develop an independent living community with assisted living and memory care facilities on the subject parcel.

Due to a change of ownership and other factors, the applicant inadvertently allowed the prior approval to lapse before submitting a Final Plan application. Consistent with their request for a reinstatement of the prior approval, the applicant did not propose any changes to the version of the project which the Commission reviewed as a Preliminary Plan application in 2022.

Consistent with Article VIII, Section 6, of the Subdivision Regulations, Staff determined the project was eligible for a reinstatement because it met the requisite conditions. Accordingly, Staff resubmitted the February 9, 2022 Staff Report unchanged and offered the same Recommendation and Stipulations (Conditions of Approval) which their predecessors offered at the time.

***It is hereby DECREED:***

Upon motion made by Secretary Anderson, and seconded by Member Smith, the Planning Commission **GRANTS** the Preliminary Plan reinstatement request, consistent with the stipulations and requests for waivers contained within the original written decision dated April 13, 2022, and subject to the condition that the Town Engineer’s comments as relayed in the June 17, 2024 Technical Review Committee report be added to the stipulations to be addressed for Final Plan. (These are listed below as Stipulations 6-12.)

### Stipulations

1. The Applicant shall obtain approval from Kent County Water Authority for the public water connection.
2. The Applicant shall receive approval from the Coventry Sewer Subcommittee, if required.
3. The Applicant be allowed to proceed to Final Plan administratively.
4. The Planning Director's Report is incorporated into this Decision.
5. The Town Engineer's Report, dated April 21, 2021 shall be incorporated into this decision. It is noted that all 12 items in the report were satisfied.
6. Basin-A, Sand Filter-A1 and Sand Filter-A2 should be protected from silty runoff during construction by surrounding each structure with silt fence (or equal) until the upland areas are stabilized. Please show the silt fence enclosure on the SESC Plan, Sheet 6 of 12.
7. On the SESC Plan, Sheet 6 of 12, the existing catch basins within New London Turnpike shall be protected with silt sack inserts. The proposed straw bale inlet protection and filter fabric protection is not appropriate for use on that roadway. Please show this detail on Sheet 7 of 12 in lieu of the straw bale detail. Please add a note to the plans stating all of the proposed silt sack inserts on New London Turnpike shall remain in place until the all disturbed areas associated with the sidewalk construction and site construction are complete.
8. The Applicant should clarify if the two small courtyards within the new building will have drainage systems and what types of surface covers will be proposed.
9. Add a note to the Sewer Notes stating all manholes, gravity sewer lines and force mains shall be tested according to the procedures specified in the West Warwick Standard Sanitary Sewer Requirements. A representative from the Town of Coventry shall be present for all of testing.
10. On the Offsite Sidewalk Plans, please add a note stating "Any damage to the existing roadway, existing roadway drainage system, right-of-way areas, driveways and walkways caused by construction of the new sidewalk must be repaired by the Developer/Contractor at no cost to the Town. Driveway pavement that is within the sidewalk pathway which is in poor condition must be replaced." Also, I recommend a pre-construction survey be conducted with the Contractor and the DPW prior to construction to document pre-construction conditions.
11. Proposed grading design must be added to the Offsite Sidewalk Plans. It appears retaining walls may be necessary to keep the limit of work within the New London Turnpike right-of-way.
12. A Coventry Sewer Connection Permit Application, West Warwick Sewer Pretreatment Application and a Coventry Soil Erosion Permit Application still need to be submitted for the project.

### Waivers and Variances to be granted by the Planning Commission:

1. Lot Coverage as defined in Section 603.A (Table 6-1, including 05 and Table 6-7); Section 1460; Section 1481.
2. Waivers for wheel blocks, as discussed in tonight's meeting identified in Section 1208.
3. Waiver of the Intensity Regulations in Section 1440.

4. Waiver of General Development Regulations in Section 920B.
5. A physical relief waiver on the survey monuments "sufficient boundary markers shall be adequate".
6. A waiver of Article XIV.F.2, Slopes & Walls, as discussed and based on what's shown on the plans, provided the Applicant will look at fencing where wall heights are excessive.

Items recommended for the Town Council to waive:

1. Fair Share Development fees for the 31 affordable units
2. Building Permit fees
3. Soil Erosion Certificate fees
4. Soil Erosion Inspection fees
5. Sewer Assessment fee for the 31 affordable or low-to-moderate income units
6. Preliminary and Final Application fees for the 31 low-to-moderate affordable units
7. DPW Sewer Connection Application and Sewer Connection Inspection fees, which total about \$300
8. Recording fees
9. Stenographer fees
10. Real Estate Taxes shall be either deferred or abated until the project receives a Certificate of Occupancy.

In issuing this Decision, the Planning Commission makes the following Findings of Fact:

**(A) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.** Coventry's affordable housing rate (by the State's definition) is 5.4%, compared with 8.3% in Rhode Island overall. The Town of Coventry and the CHA should continue to secure all available resources to provide housing for low-income groups, particularly senior citizens, the handicapped and disadvantaged families, including:

- Section 8 Certificates and Vouchers
- Section 8 Substantial Rehabilitation and Moderate Rehabilitation Programs
- Section 202/Section 8 Elderly Housing Program
- Section 202/Section 8 Handicapped Housing Program
- Permanent Housing for the Handicapped Program

The 2005 Affordable Housing Plan Goals states that "While Coventry does currently have housing for the elderly, families, single persons and special needs populations, there is a concern that new housing is focused mainly on single family homes out of the price range of most Coventry residents" (p. 34).

**(B) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local**

concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing. The proposal was granted waivers on two Special Use Permits; for multifamily use and for "Physical Therapy and other Health Related Services" in the R-20 Zoning District. The proposed density of dwelling units (1 unit per 2670 sf) exceeds the standard baseline density for the R-20 zone (one dwelling unit per 20,000 sf) as well as the absolute maximum development density permitted under the Zoning Ordinance for the R-20 zone for cluster/multi-family development (one dwelling unit per 10,000 ft.<sup>2</sup>).

- (C) All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units. The applicant has identified that the independent living units that will be low-moderate income, will be distributed throughout the independent living units and identical in all aspects to the "market rate" units.
- (D) There will be no significant negative environmental impacts from the proposed development as shown on the plan presented, with all required conditions for approval. No significant environmental impacts are anticipated.
- (E) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community. No significant health or safety impacts are anticipated.
- (F) The proposed development will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60 (5). The proposed development will have adequate and permanent physical access to a public street (New London Turnpike).
- (G) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans. No new lots are being created as a result of this Major Land Development.

The following votes were cast on the matter:

Chair Ronald Flynn	Aye
Vice Chair Rick Kalunian	Aye
Secretary Glenn Anderson	Aye
Member James Kenney III	Aye
Member John Preiss	Aye
Member Chuck Smith	Aye

Six Ayes, no Nays. Motion carries.

Signed:



Ronald Flynn, Chairman

7-10-24  
Date

TOWN OF COVENTRY, R.I.  
Jul 10, 2024 02:01P  
JOANNE P. AMITRANO, TOWN CLERK

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.