



TOWN OF COVENTRY, RI
DEPARTMENT OF PLANNING & DEVELOPMENT

STAFF REPORT

Project Name:	The Woods at Red Brook Phase 3
Plan Type:	Major Land Development
Plan Review Phase:	Final Plan
Owner:	Offshore Development, LLC
Applicant:	Red Brook Builders
Address:	April Court
Plat / Lot / Zone:	AP 24 Lot 125 Zone R-20
Existing Use:	Undeveloped (forested)
Proposed Use:	Residential Development
Description:	Applicant proposes to develop a 36-unit multifamily residential project consisting of eight buildings, accessed by a 24' paved right-of-way. 5 of the 36 units will be deed-restricted as affordable housing.

BACKGROUND

This item previously came before the Planning Commission as a Preliminary Plan application at the July 28, 2021 meeting for a proposed Planned Development of an 8.3-acre subject parcel located at AP 24, Lot 125. The applicant subsequently received Preliminary Plan approval in a decision dated August 26, 2021. The applicant submitted a Final Plan Application in May 2023, but due to back and forth correspondence between the applicant and Town Staff, the Final Plan has not been deemed ready for a decision until this point.

The Preliminary Plan decision included two (2) stipulations that have proven untenable. They are as follows:

2. *That the applicant confer with the WW fire marshal for public safety/emergency response issues related to the development.*
3. *That the applicant shall comply with the recommendation contained in the RAB Engineers Traffic Report for the installation of warning signs of potential turning vehicles on New London Turnpike in proximity to the intersection with April Court.*

These stipulations in the Preliminary Plan decision were sourced directly from the West Warwick Planning Board's advisory opinion following their review of the project on June 7, 2021. (The Coventry Planning Commission's original Master Plan decision included a stipulation that the applicant seek West

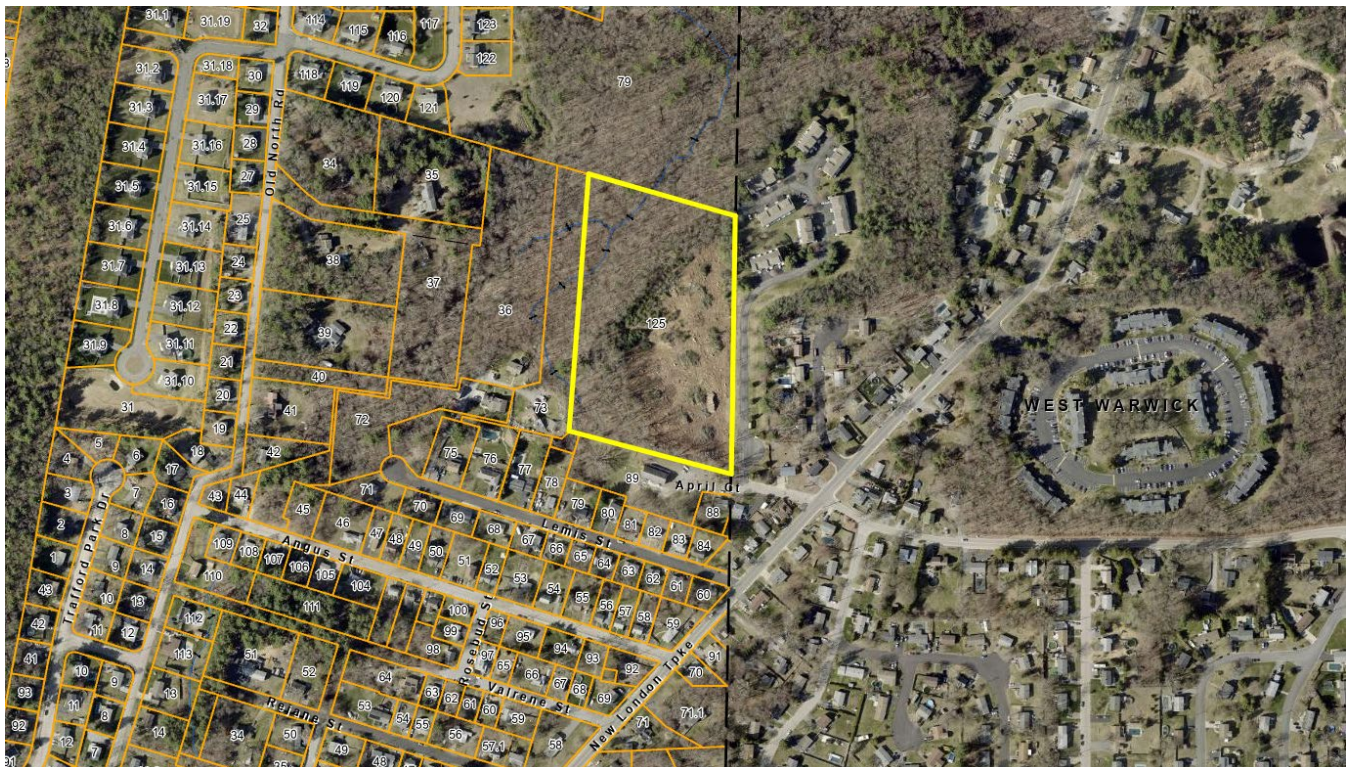
Warwick's advisory opinion, as the subject parcel lies on the town line and is only accessible through the town of West Warwick.)

In a letter dated August 7, 2025, John Mulhearn, whose company, Shoreline Properties, Inc. was the applicant at the time of Preliminary Plan approval, explained that he was unable to satisfy Stipulations #2 and #3, both of which required action on the part of West Warwick that ultimately proved to be outside of the applicant's control. Mr. Mulhearn subsequently sold the rights to this development to the current applicant, Red Brook Builders, earlier this year.

Staff have determined that bringing the Final Plan application before the Planning Commission offers an opportunity for the Commission to consider both the nature of the inter-municipal coordination issues that have delayed this project and the potential merits of issuing a Final Plan decision that consciously declines to carry Stipulations #2 and #3 forward into the Final Plan decision.

Finally, as the applicant is not proposing any changes to the development concept relative to what it was at Preliminary Plan, and as the project is vested under the Zoning Code as it existed several years ago, please note that portions of the following Staff Report were sourced directly from the Preliminary Plan Staff Report and that references to certain sections of the Zoning Code may no longer be current.

SITE AND EXISTING CONDITIONS

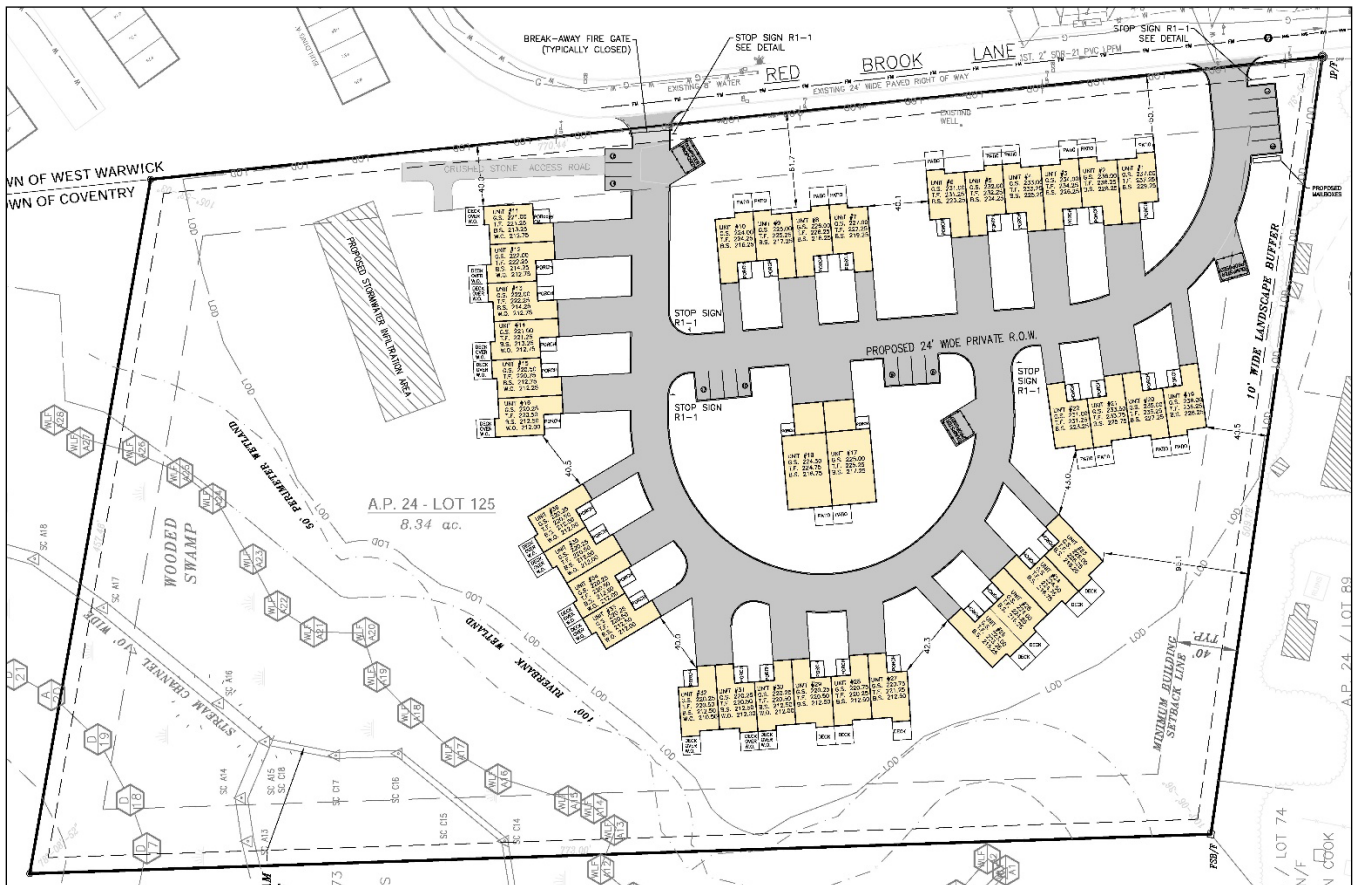


The subject property is located in a Planned Unit Development (PUD) Zoning District on April Court. The proposed development is surrounded primarily by single family residential homes in the R20 zoning district. North of the subject property is Red Brook Landing, a 36-unit multi-family development that sits just over the West Warwick line. Because of the location of the property, the only way to access the future development is through West Warwick via Nooseneck Hill Road and April Court. The total acreage of the subject parcel is approximately 8.3 acres.

The proposed site is vacant land that is composed of both upland and wetland features. The existing topography of the subject property slopes to the northwest of the property towards wetland features. The property contains a wooded swamp with a 50' perimeter wetland, a stream that is approximately 10' wide, and a 100' riverbank wetland.

A review of the Soil Analysis reveals that this property is primarily comprised of Canton and Charlton fine sandy loams (ChB); Merrimac-Urban Land Complex (MU); Canton Urban Land Complex (CB); and Ridgebury, Leicester, and Whitman soils (RF). The Ridgebury, Leicester, and Whitman soils are poorly suited for community development because of the high water table. No construction is proposed to take place in this poorly suited soil group.

PROPOSED CONDITIONS



The proposed project envisions 36 residential condominium units on the property, 5 of which shall be affordable units. Although these units will be affordable, this application is not being submitted as a Comprehensive Permit Application. Below is a breakdown of the buildings by type, size and bedrooms:

- Number of Buildings: 8
- Number of 2 Unit Buildings: 1
- Number of 4 Unit Buildings: 4
- Number of 6 Unit Buildings: 3
- Number of Residential Units: 36
- Number of Two Bedroom Units: 36 (100%)
- Total Number of Bedrooms: 72
- Total Number of Affordable Units: 5

Section 1400 of the Coventry Zoning Ordinance defines a Land Development Project as *“a project in which one or more lots, tracts, parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses.”* Land Development Projects still adhere to the regulations set forth in the Coventry Subdivision and Land Development Regulations. In this case, Article V which outlines the approval process for Major Land Developments and Major Subdivisions.

Because this project is a Condominium Development with multiple dwellings units on a single lot of record, the Applicant must refer to Section 1430 of the Coventry Zoning Ordinance, *“If a use is not permitted in the underlying zoning district, the Applicant may apply for a Special Use Permit or a Use Variance, as applicable, or obtain a zone change from the Town Council, by establishing a Planned Development or Planned Business Park District, in accordance with R.I.G.L. 45-23-61 (b) as amended. The approved zone change shall be designated on the Coventry Zoning Map.”* The Applicant appeared before the Coventry Town Council and received a rezone of the subject property from R-20 to Planned Unit Development (PUD). Ordinance No. 02-09-272 became effective on June 8, 2020.

Utilities

The Applicant is proposing water service via a connection to a Kent County Water Authority Supply. It was determined that a water meter and back flow box would be required for the development. These items will be located at the entrance of the development. Fire hydrants will be located as per the direction of the Anthony Fire Marshall. The Applicant has received the necessary approvals from the Kent County Water Authority.

The Applicant is proposing connection to public sewer. Each unit will be serviced by an environmental one grinder pump that discharges to a low-pressure force main that connects to the public sewer system located on Red Brook Lane. The applicant received approval from the Coventry Town Council for the proposed sewer tie-in on September 28, 2020. Resolution NO. 67-20-5185.

Electric, communications and gas services will be supplied to the proposed subdivision from existing services on Red Brook Lane.

ZONING

The subject property is situated in an R20 Zoning District. The Town of Coventry Zoning Ordinance defines the R20 – Residential District as *“quiet, higher density residential areas of the Town, plus certain undeveloped areas where similar residential development will likely occur in the future. Public water is generally available and public sewers are planned. Public facilities and a wide range of services are available.”*

Below are the Dimensional Regulations as established by the Town of Coventry Zoning Ordinance for an R20 Residential District.

TABLE 6-7 – R-20 Dimensional Regulations

Residential R20	Minimum Lot		Minimum Setback			Maximum Lot Coverage
	Area	Frontage	Front	Side	Year	
Single Family Dwelling	20,000	120	35	20	40	20%
Single Family Dwelling (No Public Water)	43,560 (1 Acre)	150	40	40	60	20%
Commercial Nursery or Greenhouse	5 Acres	175	45	50	90	10%
Other Permitted Uses	20,000	120	35	20	40	20%
Two Family Dwelling	30,000	175	35	20	40	20%
Two Family Dwelling (No Public Water)	60,000	175	40	50	70	15%

NOTE: Maximum building height for all R districts shall be thirty-five (35) feet.

Town Zoning Regulations also require a minimum of 2 parking spaces for each dwelling unit. The applicant has proposed one outdoor and one garage parking space for each unit. An additional 16 parking

spaces are proposed for overflow parking. In total, the applicant proposes 88 parking spaces where 72 are required by code.

The Planning Department does see any Zoning issues with the layout as it has been proposed and presented.

PERMITTING

The following list represents the full approval process for this project. As this project is at the Final Plan stage, other approvals are in-hand.

1. Town of Coventry
 - a. Planning Commission
 - i. Master Plan Approval/Recommendation to Town Council
 - ii. Preliminary Approval
 - iii. Final Approval
 - b. Town Council (Zone Change and Sewer Tie-In)
 - c. Town Engineer (Soil Erosion and Sedimentation Control Permit)
2. Town of West Warwick
 - a. Sewer Approval
 - b. Planning Commission advisory opinion
3. Anthony Fire District
4. Kent County Water Authority
5. Rhode Island Department of Environmental Management
 - a. RIPDES Permit
 - b. RIDEM Freshwater Wetlands Preliminary Determination

WAIVERS

The Planning Commission granted the following waivers through its Preliminary Plan decision, consistent with its authority and the relevant guidelines:

1. Article VII, C.6 Financial Guarantees- we are requesting no improvement guarantees
(Bonding)

2. Article XIII, B.3 Street Rights-of-way Width forty (40') feet.
3. Article XIII, B.6 Private Streets – we are requesting private streets.
4. Article XIII, B.13 Street Trees – we are requesting relief from this standard. The project will provide a landscape plan prepared by a registered landscape architect but may have different locations, types and sizes than those specified in the regulations.
5. Article XIII, B.15 Monuments – we are requesting no additional monuments other than what is currently in place.
6. Article XIII, B.16 Lot Corner Markers – we are requesting no lot corner markers as all the proposed units are on the existing parcel, not 36 individual parcels.
7. Article XIII, B. 17 Sidewalks/bikewalks – we are proposing no sidewalks and no bikewalks.
8. Article XIII, B. 18 Bicycle Paths – no bicycle paths are proposed.
9. Article XIII, B. 19 Curbing at Intersection Fillet Curves – bituminous concrete 'cape cod' type berms are proposed in lieu of precast concrete.
10. Article XIV, B. 1 Street Dimensions – we are proposing driveways with a 24' width and 1' cape cod berms on each side for a total driveway width of 26'.
11. Article XIV, C Curbs – bituminous concrete curbs are proposed in lieu of the specified precast concrete curbs.

Findings of Fact

Staff has conducted an orderly, thorough, and expeditious technical review of this Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as in the Town of Coventry's Subdivision and Land Development Regulations, and finds as follows:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."

1. The Comprehensive Plan's Future Land Use designation for the subject parcel is Medium-Density Residential. While this density level is associated with one dwelling unit per half-acre, the cumulative density of the proposed development was approved through the previous Master and Preliminary Plan decisions on the record.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, "The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance."

2. The subject parcel is zoned R-20 (Residential).
3. The project received approval through the previous Master and Preliminary Plan decisions for the proposed 36-unit multifamily residential development.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Code.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, "There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval." (emphasis added)*

5. No significant environmental impacts are anticipated based on the information provided through the record at each submittal phase.
6. The June 2025 update of the Rhode Island Natural Heritage map shows that the subject parcel falls within a Natural Heritage Area overlay.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, "All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement."

7. The subject parcel will enjoy adequate permanent physical access to one public right-of-way (April Court).
8. The development will provide for safe and adequate circulation for vehicular traffic as well as for emergency vehicles.

Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the Town of Coventry's Subdivision and Land Development Regulations.

Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Final Plan application, subject to the conditions denoted below.

Conditions of approval

1. Upon completion of the major infrastructure components, an “as built” plan will be submitted. The “as built” shall include the location, elevation and datum of the benchmark used for the survey; the topographic/contour information for detention ponds, underground infiltration systems and swales; location and elevations of spillways, check dams, weirs, outlet structures, manholes and outfall aprons; location and elevation of edge of roadway pavement and roadway surface, roadway openings and asphalt berms; location of any underground and/or overhead lines, above ground mounted electrical & communication transformers, cabinets, etc.; location of all street light pole base locations (if applicable); location of fire cisterns and locations of granite bounds and iron rods.
2. To the extent applicable, upon project completion, an “as-built” plan will be required from an applicable structural or geotechnical engineer to certify that constructed retaining walls and steep slopes, to the extent constructed, meet all required standards, regulations and specifications, and are shown on an as-built plan.
3. Reports and/or Certificates of Conformance (“COCs”) of the engineer of record (“EOR”) shall be required for only the following items in the manner as set forth below and subject to the limitations set forth below:
 - a. Roadway infrastructure, including asphalt, base and top courses
 - b. Newly installed drainage infrastructure being installed as part of the project
 - c. Cuts and fills within the roadway cross-section including the roadway shoulder
 - d. Processed gravel within the roadway cross-section including the roadway shoulder
 - e. Grading of the asphalt within the roadway cross-section including the roadway shoulder
 - f. Outside the roadway cross section, as set forth below, the EOR shall certify that the grading of the site is in general conformance with the approved RIDEM plans and that surface water flows as intended and the drainage is going to its intended destination.

COCs shall not be required for items being inspected by or installed by another public agency or utility that performs its own inspections, including sewer, water, electric, CATV, Phone, and natural gas.

4. Responsibilities of the EOR:

- a. Review of any civil/site related shop drawings, samples and other submittals of the contractor as required by the approved construction contract documents.
- b. Review and approval of all testing procedures necessary to verify the required specifications in the approved construction contract documents (i.e. soil compaction, bituminous asphalt compaction/temperature testing, infiltration testing, etc.). The engineer shall notify the owner, town engineer and contractor of the results of all tests and the required corrective measures (if any) which need to be taken.
- c. The EOR or his or her representative shall provide the necessary professional services and be present on the construction site on a regular and periodic basis to determine that, generally, the work is proceeding in accordance with the documents (including all applicable supervision/inspection required in notes and call-outs on the plans) approved as part of the Final Plan Submission.
- d. The EOR shall submit monthly progress reports with pertinent comments to the town engineer. Upon completion of the work, the EOR shall submit a final report that attests to the satisfactory completion of the project in accordance with the approved construction plans.
- e. COCs. Utilizing the state of Rhode Island's Project Certification form (Section 128.0), the applicable EOR shall certify that he/she has prepared or directly supervised the preparation of the drawings, computation, and specifications concerning the proposed project and to the best of his/her knowledge, such drawings, computation, and specifications meet all acceptable engineering practices and laws for the proposed project. He/she shall also certify that they shall perform the necessary professional services, referenced below, and be present on the construction site on a regular and periodic basis to determine that the work is completed in accordance with the documents approved as part of the Final Plan Submission and shall be responsible for items listed below.
 - i. Drainage: The EOR shall inspect and certify that the new drainage structures, piping, and backfill which are being constructed as part of this Project shall conform with the approved final construction plans and specifications. This shall be limited to those sections of the drainage not yet installed. Regarding drainage already installed on the site by the previous developer, the applicant shall provide a camera inspection indicating that those structures and pipes are in a clean, clear, and working condition.
 - ii. Cuts and Fills: The material for cuts and fills of the roadway sub-base will be the natural site material. The EOR will certify that this material is suitable as a roadway sub-base and will inspect and certify its compaction prior to asphalt. In the event

material needs to be imported for sub-base, the EOR shall certify that it meets the RIDOT standards for such usage. For areas outside the roadway, the EOR will certify that the materials used for fill are suitable in content and placement on the site, as well as consistent with the approved plans and engineering best practices.

- iii. Processed Gravel: The EOR will inspect and certify that the processed gravel used prior to asphalt is suitable per RIDOT standards.
 - iv. Asphalt, Base and Top Courses: The EOR will inspect and certify the asphalt used as both a base and top course meets the RIDOT standards.
 - v. Grading: The EOR will certify that the grading of the site is in general conformance with the approved RIDEM plans and that surface water flows as intended on those plans to its intended destination.
5. The applicant agrees that should it lower the top of foundation or basement slab grades as shown on the approved plans, that it will conduct ground water testing on that individual unit, in accordance with applicable rules and regulations and witnessed by a licensed soil evaluator.
6. The subject project shall be divided into two (2) groups for the purpose of the submission of COCs, which groupings shall be identified by the developer. Each grouping will consist of eighteen (18) units. Except as set forth in this Paragraph, certificates of occupancy ("CO") shall be issued as each unit is completed. A COC shall be required to be submitted to the Town in sequential order for groups 1 and 2. The Town must approve the COC for the first group before the applicant can receive a CO for the second group. For example, the applicant must submit and receive approval of a COC for all site work relating to the first 18 units (group 1) prior to the Town issuing a CO for the 19th unit. The applicant must submit and receive approval of a COC for any remaining areas of the project (group 2) prior to the Town issuing the last 2 COs for the project. A COC may be submitted as soon as all site work is completed for a certain group. The applicant may submit COCs as early as desired to ensure no delay in issuing COs. The COC shall certify all project construction associated with the group is in accordance with Paragraph 4(e). All final landscaping shall be addressed in the 2nd and final COC, but the final coat of asphalt shall be installed as soon as the houses are complete and weather permits. Upon submission of the COC, the Town engineer shall have no more than seven (7) days to confirm that the COC complies with the requirements set forth in these conditions.
7. The Office of the Town Engineer will continue to conduct CO final inspections as currently performed. In instances where the applicant is seeking a CO for a unit where the existing grades are substantially different than the approved grades from the subdivision approval and the RIDEM permit upon which the project is based, the following shall be required:
- a. A revised grading plan from the EOR serving as an "as-built" of existing grades for the unit;

- b. A stamped letter from the EOR stating that the grade changes from the approved subdivision plan will not alter stormwater impacts on the site/buildings, will not affect the RIDEM permit, and will not require subsequent approvals by RIDEM or other state agencies.
- 8. All Fair Share Development Fees shall be paid in full prior to the issuance of a certificate of occupancy or other final action authorizing the intended use of a structure. A request for a waiver of impact fees may only be granted by the Town Council in their sole discretion.
- 9. Consistent with the applicant's proposal, the following five residential units constructed through this project shall be deed-restricted as affordable housing for a period of 30 years at 120% Area Median Income (as these are homeownership units): #3, #4, #8, #20, and #25. These units shall be constructed in the locations indicated on the site plan by the unit numbers listed in the preceding sentence, and during the normal pacing of construction for this development.