

Christine S. Fagan
5 Toni Lynn Terrace
Middletown, Rhode Island 02842
May 15, 2021

Planning Director
Planning Department
Middletown Town Hall
350 East Main Road
Middletown, Rhode Island 02842

Dear Ron,

Attached is the petition regarding the proposed High Density Future Land Use designation of our neighborhood as well as related maps and individual letters. This was originally sent to the Town Council and is now being sent to you to present to the Planning Board. My neighbors and I are requesting that this documentation be considered by the Planning Board during the upcoming Public Hearing on June 9, 2021. Thank you for your assistance in this matter.

Kind regards,

A handwritten signature in cursive script, appearing to read 'C. Fagan', written in black ink.

Christine S. Fagan

TO: Middletown Town Council
FROM: Residents of 2, 3, 4, 5, 6, and 7 Toni-Lynn Terrace and 278 Reservoir Road
SUBJ: High Density Land Use Designation
DATE: March 31, 2021

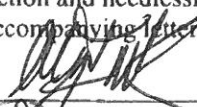
We, the undersigned residents of Toni-Lynn Terrace and 278 Reservoir Road, submit this petition to the Middletown Town Council to request that the High Density Future Land Use designation proposed for our properties be instead changed to Medium Density. All lots noted above measure at least 20,000 ft² except for 278 Reservoir Road, which measures over 30,000 ft². We believe that these properties should be designated as Medium Density to more accurately reflect the size and character of the lots. We understand that this change to the Middletown Comprehensive Community Plan (CCP) is being done to allow the Plan to consistently agree with the zoning designations. However, our current zoning designation was set at R-10 prior to the Toni-Lynn subdivision's development and lot sale. Even though we are designated as R-10, in reality we conform to and qualify for the R-20 zoning by definition. Property owners have worked hard to maintain the open space and natural character of this neighborhood by maintaining the R-20 dimensional requirements and our historic stone walls. We believe that the Town should recognize and respect that by assigning the Toni-Lynn Terrace a Medium Density Future Land Use designation.


The elevation of Toni-Lynn Terrace is above the Newport Water Department's water tank. Sitting at a higher elevation than the tank reduces water pressure and volume to the homes and for the single fire hydrant that services the entire neighborhood. If more compact development is allowed it would further degrade our overburdened water service and adversely affect the Fire Department's ability to provide fire protection for the neighborhood. Degraded fire protection poses a serious safety risk that would be worsened by allowing denser development on Toni-Lynn Terrace. We believe that changing Future Land Use from Low Density to High Density in the CCP will be detrimental to current and future residents of the neighborhood.


High Density Land Use is defined in the Comprehensive Community Plan as follows:

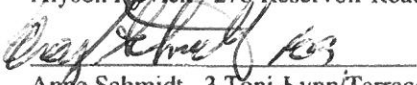
"High Density An average density of four dwelling units per acre or more will be found in most high density residential areas. Such high density areas are presently zoned R-10 (10,000 sf lots), RM (Residential Multi-family) or MT (Mobile Trailer) in Middletown. High density residential includes areas devoted to multi-family housing, duplexes or single family housing on lots generally one third of an acre or less and mobile home parks. The town no longer allows multi-family by right, and as a result, any application would require a special use permit. The majority of high density residential development can be found in Middletown's west side. The purpose of high density residential areas is to provide central, built-up areas of town that are convenient to shopping areas and make more efficient use of land. Benefits associated with high density residential development include less cost per capita for the installation of infrastructure, including roads and utilities, less cost per capita for the delivery of government and emergency services, and the social benefits of living in a neighborhood environment." CCP Page IX-9

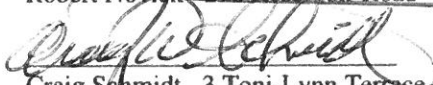
Toni-Lynn Terrace does not match the High Density Land Use description. We believe it makes more sense to assign it to Medium Density Land Use. A High Density Land Use designation needlessly introduces risk associated with fire protection and needlessly changes the character of neighborhood. Thank you for your consideration of our petition and the accompanying letters and maps.

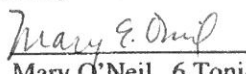

Alyson Novick 278 Reservoir Road

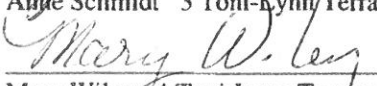

Robert Novick 278 Reservoir Road

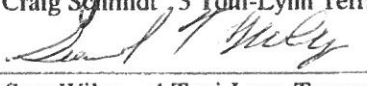

Nick Pasyanos 2 Toni-Lynn Terrace

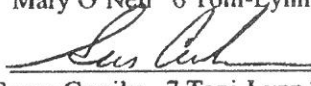

Anne Schmidt 3 Toni-Lynn Terrace

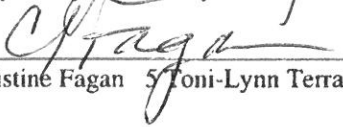

Craig Schmidt 3 Toni-Lynn Terrace


Mary O'Neil 6 Toni-Lynn Terrace


Mary Wiley 4 Toni-Lynn Terrace


Sam Wiley 4 Toni-Lynn Terrace


Susan Cweika 7 Toni-Lynn Terrace


Christine Fagan 5 Toni-Lynn Terrace


Stephen Fagan 5 Toni-Lynn Terrace

Robert and Alyson Novick
278 Reservoir Rd
Middletown, RI 02842
401-222-9660

31 March 2021

Paul Rodrigues,
Terri Flynn,
Thomas Welch,
Theresa Santos,
Dennis Turano,
Barbara Von Villas

Dear Members of the Middletown Town Council:

We oppose the land use designation change to the Middletown Comprehensive Community Plan's Future Land Use Plan (Map L-4) for our parcel (278 Reservoir Rd) from Low Density Residential to High Density Residential and recommend that it be changed to Medium Density. We are joined in our opposition to the proposed CCP changes by our neighbors residing on 2, 3, 4, 5, 6 and 7 Toni-Lynn Terrace.

Our neighborhood is located at an elevation that is situated above the Newport Water Department's water storage tank on Reservoir Road. We and our neighbors require water pressure booster pumps to increase the water pressure in our homes. More importantly, the lack of water pressure and water volume deleteriously affects the water pressure and water volume available at the only fire hydrant on Toni-Lynn Terrace. Clearly, if allowed, a more densely built neighborhood would further stress an already overburdened water service.

At my request, the water pressure at the fire hydrant located on Toni-Lynn Terrace was measured in 2019 by the Newport City Water department. It was found to provide a static water pressure no greater than 12 psi at a low water volume. The National Fire Protection Association (NFPA) recommends a static water pressure of no less than 20 psi and flow rates of no less than 500 gallons per minute (gpm) where distances from the hydrant is more than 100 ft. Many health departments do not permit the use of residual pressures of less than (20 psi). Of primary concern is failure to maintain sufficient residual pressure to prevent developing a negative pressure at any point in the supplying mains. Negative pressure could result in collapse of the mains or the back-siphonage of polluted water.

At that current measured value, both water pressure and water volume would be inadequate to fight a fire and would significantly impede our Fire department from providing sufficient fire protection to the residents of Toni-Lynn Terrace and 278 Reservoir Rd. I recommend that the water volume and water pressure at the Fire hydrant that services Toni-Lynn Terrace be retested to verify, support, and document my previous findings and to consider these findings when assigning the new Residential Density designation for Toni-Lynn Terrace and 278 Reservoir Rd.

Robert and Alyson Novick
278 Reservoir Rd
Middletown, RI 02842
401-222-9660

The existing lack of water pressure and water volume at the fire hydrants already presents a serious threat to the neighborhood by hampering the town's fire department ability to provide the necessary fire protection. This critical safety consideration should strongly influence your decision to increase the development density from low density to high density. A high-density designation would allow more highly compacted development and would exacerbate the water pressure problems currently experienced in the Toni-Lynn Terrace/278 Reservoir Rd. neighborhood and put property and lives at risk.

Based on this fire safety issue alone, it is clear that further residential development poses a significant danger to residents by further inhibiting the town's fire department's ability to provide adequate fire protection to the neighborhood. It would not benefit current or future residents of the neighborhood to change to a High-Density Residential designation and we request that the proposed change to high-density be rejected on 278 Reservoir Rd and for the Toni-Lynn addresses.

We understand that our neighborhood is not the only neighborhood in Middletown under pressure by developers to subdivide and build high density residential housing. Your decision on this issue affects many aspects of Middletown's ability fund and manage the town. But it should be recognized that changing the development density from low to high also affects resident's comfort and enjoyment of their property and the town's ability for its fire department to provide adequate fire protection.

We believe that designating Toni-Lynn Terrace as a high-density development area just to make it consistent with the lower (Western) part of Reservoir is a mistake and fails to recognize and protect the unique character of the Eastern portion of the NW121 plat, and the larger lot sizes in the neighborhood. We request the Town Council to proceed with restraint, resist poorly thought-out changes or administrative short-cuts. Doing so has the potential to squander Middletown's irreplaceable resources and diminishes its aesthetic value. We believe changing the noted addresses from Low Density Residential to High Density Residential is unwarranted and unwanted by its residents, will change the existing attractive character of our neighborhood and increase further unwanted development of Middletown's quickly vanishing open space.

All the lots on Toni-Lynn Terrace, including our property on 278 Reservoir Rd., meet or exceed the requirement for R-20 zoned lots. We request correcting the current zoning designation from R-10 to an R-20 designation and assigning the properties along Toni-Lynn Terrace as Medium Density Residential. Doing so will correct previous planning and zoning assignments as R-10. In addition, it will make it consistent with aesthetic character of the Eastern portion of Plat NW121.

We urge you to consider the current coarse inequities and inconsistencies in zoning, the unique lot sizing of these properties and the critical safety issues surrounding the lack of water

Robert and Alyson Novick
278 Reservoir Rd
Middletown, RI 02842
401-222-9660

pressure and water volume at the only fire hydrant servicing Toni-Lynn Terrace/278 Reservoir when rendering your decision.

Please, do not approve this inequitable and egregious change to our neighborhood.

Thank you.

Respectfully



Robert and Alvson Novick

From: nicholas pasyanos nickpasyanos@gmail.com
Subject: 4/5 public hearing Proposed future land use code
Date: March 31, 2021 at 11:28 AM
To: Christine S. Fagan cstritzfagan@cox.net

Nick Pasyanos
2 Toni Lynn Terrace
Middletown, Rhode

Island

March 31, 2021

Middletown Town Council
Town Hall
350 East Main Road
Middletown, Rhode Island 02842

Dear Members of the Middletown Town Council:

I am writing in opposition to the proposed change in the Future Land Use designation of my property and that of my neighbors. We are all in agreement on this issue. I have lived at 2 Toni Lynn Terrace for over 35 years on a lot that is 22,748 square feet. All the lots in this neighborhood are at least 20,000 square feet which contributes significantly to the character of this location. While the lots are zoned R-10, that is not the reality. If you are going to tie the Future Land Use designation in the Comprehensive Community Plan to the current zoning designation, it is important to get the current zoning designation right. In this case it is wrong. The proper designation would be R-20 which would correspond to Medium Residential Density as the Future Land Use designation. I am appealing to the Council to take steps to help rectify this situation.

Adequate water pressure and volume for the only fire hydrant on the street is a significant safety issue as Toni Lynn Terrace and 278 Reservoir Road are at an elevation above the city water tank. Pumps are required to bring water to the hydrant as well as to our homes in order to have adequate water pressure. Increased development in this location would create a safety hazard for current and future residents of this neighborhood.

As taxpayers, we pay taxes on lots, none of which are under 20,000 square feet. The Town should zone our properties accordingly and, thereby, establish appropriate Future Land Use designations. I hope you will advocate for myself and my neighbors to make this right. Thank you for your consideration.

Sincerely,
Nick Pasyanos



March 31, 2021

Craig and Anne Schmidt
3 Toni-Lynn Terrace
Middletown, RI 02842
Cschmidt33@cox.net, C: 860-227-3857

Dear Middletown Town Council,

We are writing this letter **to state our objection** to the Proposed Future Land Use Code from Low to High Density Residential.


We recommend revising Toni Lynn Terrace from Low to Medium, vice High Use Residential in order to match the R-20 Zoning.

Toni Lynn Terrace cannot support a single additional structure since it is higher than the Newport County Water Tank. Water pumps are necessary in each home and are set to as high as 48-52 psi to maintain basic water pressure. Additional demands of water usage from future structures will potentially decrease available pressure to an unsupportable level.

If the objective is to “bring consistency between Future Land Use Plan and The Town’s Zoning Map”, then redesignating an *already maximized* land usage street from Low to High Density literally makes no sense.

Allowing this change to occur would communicate indifference to a unified group of permanent Middletown residents who present substantive Land Use and Zoning rationale against High Use redesignation.

Thank you


Craig & Anne Schmidt

Dear Members of the Middletown Town Council:

We are writing to register our opposition to the land use designation change to the Middletown Comprehensive Community Plan's Future Land Use Plan (Map L-4) for our parcel (4 Toni-Lynn Terrace) and for our neighbors' parcels (2, 3, 5, 6, 7 Toni-Lynn Terrace and 278 Reservoir Road) from Low Density Residential to High Density Residential. This change is detrimental to the town of Middletown for environmental, planning, and economic purposes.

Environmentally, the land on Toni Lynn Terrace has both soil with a high clay content, hence poor drainage, and a high water table. For individual homes, this means standing water in yards after rain, continuously running sump pumps and/or flooded basements and shallow roots for evergreens. The later leading to the danger of uprooted trees and property damage with high winds and rain. Most of the drainage for the area flows downhill into the Maidford River. Due to the soil composition, this water flows on or near the surface, leading to boggy soil and the flooding of land as it descends downhill and eventually to the area behind 2nd Beach and the beach itself.

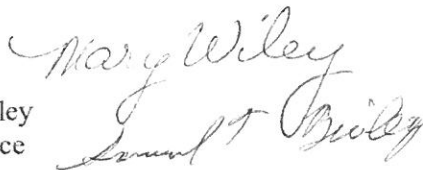
Given the above response of the land to rain and wind, the fact that all lots are at least 20,000 square feet and have been for almost 50 years, and the physical location of the area, changing the lots to High Density Residential in the comprehensive plan is detrimental to the town and all future residents of the area. High Density designation will increase runoff (water and sediment) and pollution flowing into the town water supply. Additionally, town assets such as the back half of Paradise Park, experience flooding after rain and are unusable even with the current density designation. The mitigation efforts to preserve these assets if density is increased would be a continuous expense for the town. All houses in this area (as well as the fire hydrant on Toni Lynn Terrace) are above grade to the water tank on Reservoir Road. This necessitates booster pumps to maintain a useable water pressure. High density land use will decrease the available water pressure, impinging on not only the quality of life for residents but also on their safety.

The effect of High Density Residential land use on the downslope of this area westerly to Newport's water supply and First Beach is a warning of future expenses that will be faced by Middletown when mitigation efforts are required during beach closures and reservoir contamination. The Middletown Comprehensive Plan should reflect concern for the health and safety of its residents, as well as preserving revenue generating assets such as Second Beach.

Based on Middletown's comprehensive plan definitions, Toni Lynn Terrace is a watershed area and soil in the area is limited in its ability to support high-density land use. This, along with all items mentioned above, make the proposed change to High Density Residential for the area against the comprehensive plan, places additional economic burdens on the town for the upkeep of the revenue generating beach, and is detrimental to the safety of the residents.

Sincerely,

Mary and Sam Wiley
4 Toni Lynn Terrace
Middletown RI
401-662-0051

Handwritten signatures of Mary Wiley and Sam Wiley in cursive script.

6 Toni-Lynn Terrace
Middletown, RI 02842

March 30, 2021

Middletown Town Council
350 East Main Road
Middletown, RI 02842

Dear Members of the Middletown Town Council:

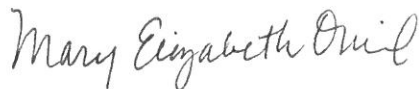
We oppose the land use designation change to the Middletown Comprehensive Community Plan's Future Land Use Plan (Map L-4) for our parcel (6 Toni-Lynn Terrace) and for our neighbors' parcels (2, 3, 4, 5, 7 Toni-Lynn Terrace and 278 Reservoir Road) from Low Density Residential to High Density Residential. This change will stress existing site characteristics and will be a detriment to already overtaxed public utilities.

Due to the high clay content and a high-water table, homes in our neighborhood have standing water in our yards and water percolating into basements throughout the spring and for days after heavy rainfalls. Increased density in this neighborhood would further stress the site characteristics. The added pervious surfaces (e.g., more lot coverage from additional driveways and buildings) would prevent stormwater infiltration and minimize the amount of aquifer recharge from stormwater runoff.

Additionally, as our neighborhood is at high elevation and above the water storage tank on Reservoir Road, we all require booster pumps to increase the water pressure in our homes. Without them, our appliances and plumbing would not function properly. A more densely built neighborhood would only stress an already overburdened water service.

It would not benefit current or future to change to a High Density Residential designation and we request that the proposal be rejected.

Sincere regards,



Mary Elizabeth O'Neil and Charles Earl

Stephen and Christine Fagan
5 Toni Lynn Terrace
Middletown, Rhode Island 02842
March 31, 2021

Middletown Town Council
Town Hall
350 East Main Road
Middletown, Rhode Island 02842

Dear Members of the Middletown Town Council:

We are writing to oppose the change of the designation of our property on the Future Use Land Map (L-4) from Low Density Residential to High Density Residential. This change is being proposed because our lot is zoned R-10 and ignores the fact that our lot is over 22,000 square feet. We are not alone in our objection, as our neighbors equally object. If allowed to change to High Density Residential, our neighborhood of eight homes would suddenly have the potential of becoming up to 17 residential units on the same land mass. This could be accomplished quite easily by turning existing homes into duplex homes using the same foundations. However, allowing this to happen would be in contradiction to the Middletown Comprehensive Community Plan (CCP) in both intent and spirit.

The CCP states the following:

“PROTECTION OF COMMUNITY CHARACTER

It is the town’s goal to maintain strong and unique neighborhoods with long-term viability and appeal. In order to achieve this goal, the town should protect residential neighborhoods from impacts of commercial development and promote high quality and appropriate design and construction of all land development projects and subdivisions. An issue that has resurfaced over time is that of residential infill and its impacts on the character of established neighborhoods. New residential construction often designed to maximize square footage and/or achieve water views, has resulted in structures out of scale with the existing traditional neighborhood character.” CCP Page IX-10

By changing our neighborhood designation to High Density Residential you would be **allowing** exactly what the CCP states above that you should be **preventing**. This change in Future Land Use represents an attack on our neighborhood, our community and our town values. We, as taxpayers of Middletown, look to you in leadership positions to **preserve our neighborhoods, to protect them and not let them be destroyed**. We therefore ask that you all do everything in your power to prevent this travesty from occurring as a **FUTURE** plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen and Christine Fagan', written in a cursive style.

Stephen and Christine Fagan

Susan Cwieka
7 Toni Lynn Terrace
Middletown, Rhode Island 02842
March 31, 2021

Middletown Town Council
Town Hall
150 East Main Road
Middletown, Rhode Island 02842

Dear Members of the Middletown Town Council:

Please acknowledge this letter as my opposition to the change of the designation of my property on the Future Use Land Map (L-4) from Low Density Residential to High Density Residential. If this change happens and our lot is rezoned, there is the potential for 17 residential homes where there are currently 8. This will add additional stress on the already low water pressure in our neighborhood due to the location of the street as well as other issues as outlined by several of my neighbors.

Additionally, allowing this to happen would be in contradiction to the Middletown Comprehensive Community Plan (CCP) in both intent and spirit.

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Sincerely,

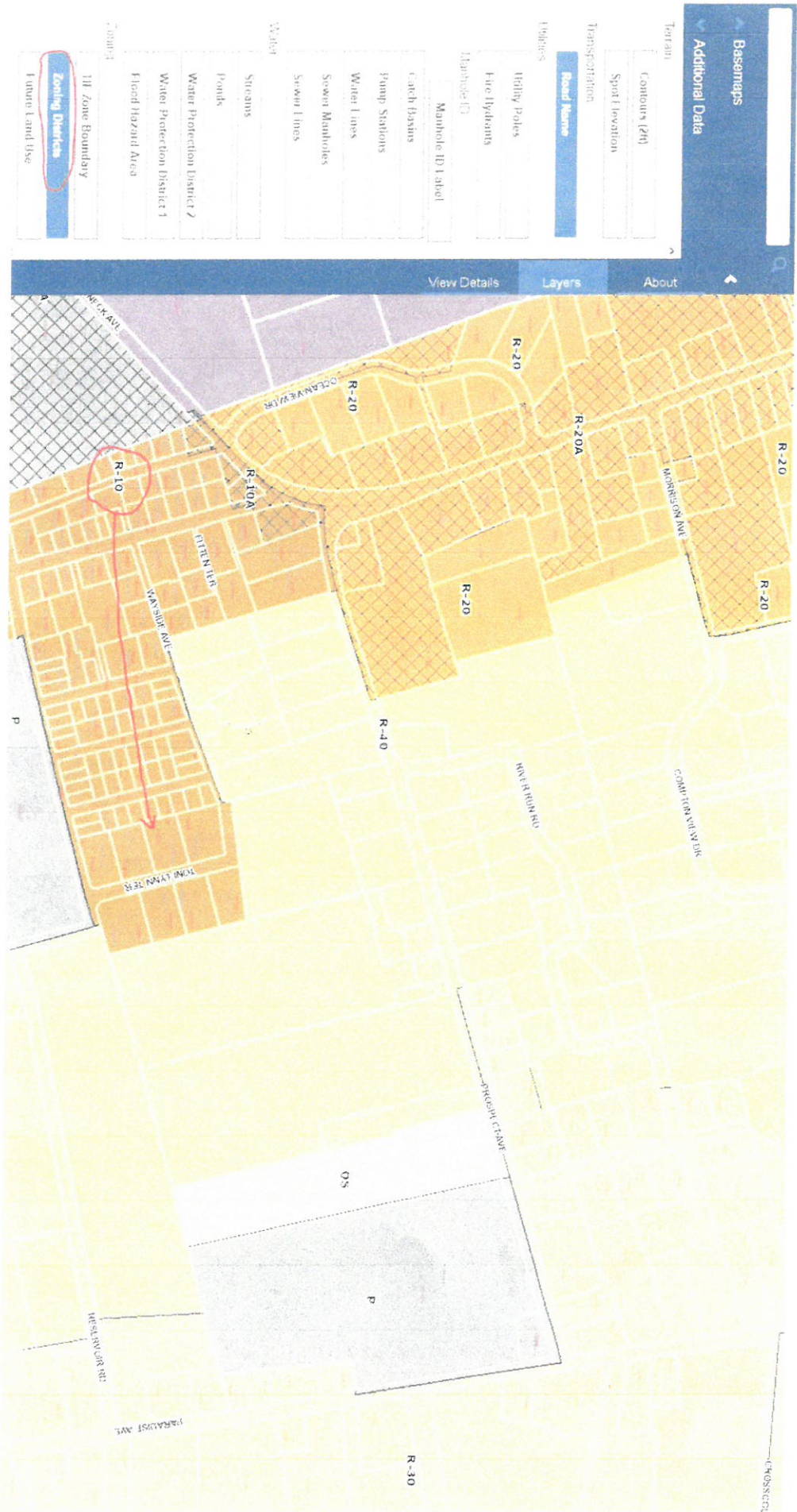
Susan C. Cwieka

Figure 1. Plat Map Book 121 NW



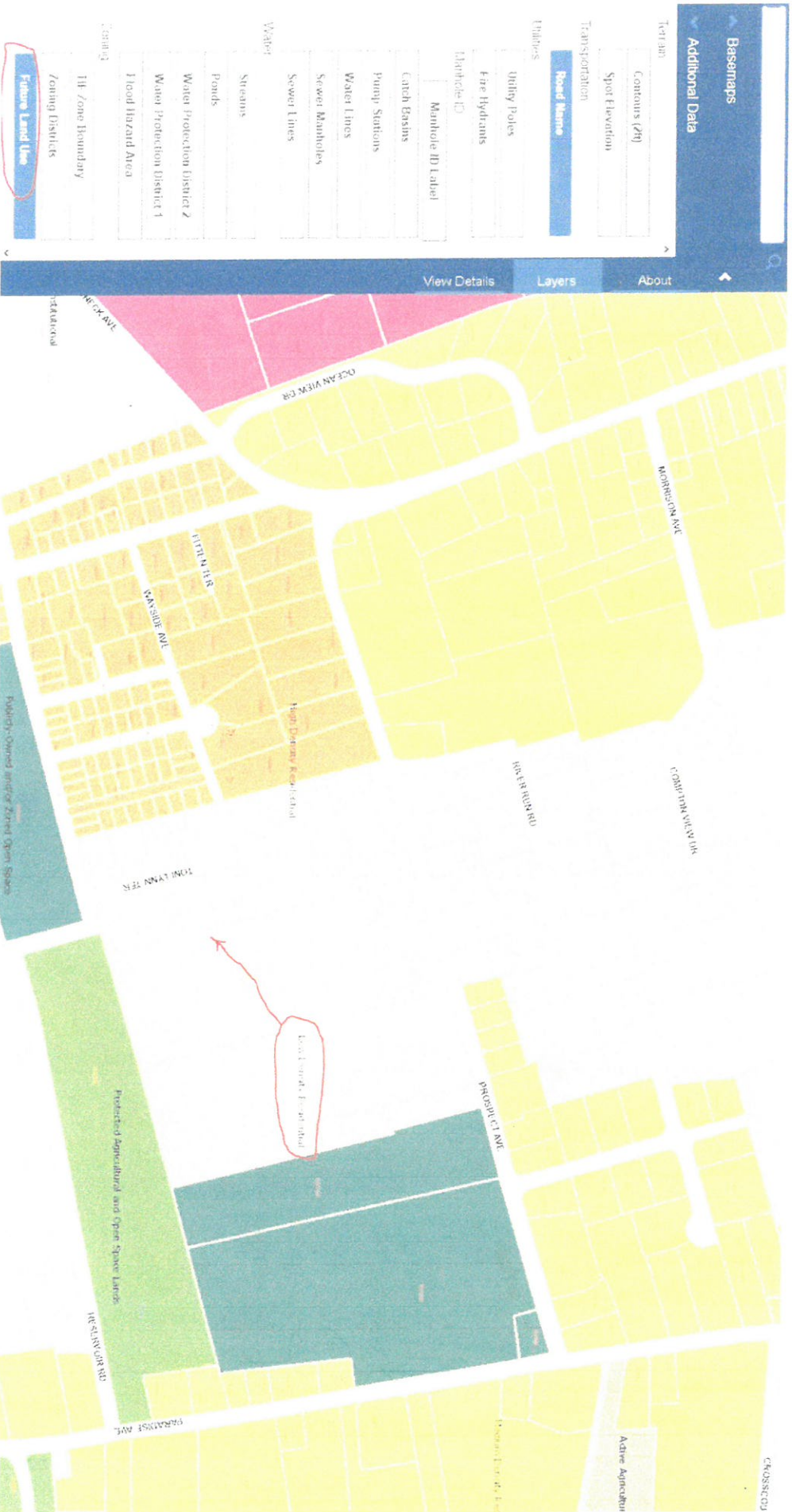
Source: https://planning.middletownri.com/wp-content/uploads/sites/8/2020/01/Plat_Map_Book_121NW.pdf

Figure 2. Current Zoning Districts



Source: Town of Middletown's Interactive Geographic Information System, https://hosting.tighbond.com/middletownri_public

Figure 3. Future Land Use



Source: Town of Middletown's Interactive Geographic Information System, https://hosting.tighebond.com/middletownri_public