

RECORDED
Middleton Planning Board
Date: 6/1/2021

**BARDORF &
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May 27, 2021

Mr. Ronald M. Wolanski
Director of Planning and Economic Development
Town of Middletown
350 East Main Road
Middletown, RI 02842

Re: Lewis Family Partnership III – Bailey Avenue/Lewis Drive, Four (4) Lot
Minor Subdivision;

Request for Certification under Section 703.3 of Middletown's Rules and
Regulations Regarding the Subdivision and Development of Land

Dear Mr. Wolanski:

This office represents the George P. Lewis Family Limited Partnership III, the subdivider of the referenced four (4) lot subdivision on Bailey Avenue, Middletown, Rhode Island.

Please accept this correspondence as our client's formal Request for Certification pursuant to Section 703.3 of Middletown's Rules and Regulations Regarding the Subdivision and Development of Land.

The original bond of \$211,246.87 was reduced to \$42,246.87 in December 2019. The reduction to the performance bond was approved by the Middletown Planning Board based on the report of Town Engineer Warren Hall that listed the following three "outstanding items" that required remediation before the performance bond would be released:

1. Re grading swale and adjusting catch basin grades;
2. Re set water valves; and
3. Loam and seed all disturbed areas in Spring of 2020.

All three of these items have been now been addressed.

On April 22, 2021, I met on site with Mr. Warren Hall and Mr. Robert Hanley at Lewis Drive. Mr. Hall and Mr. Hanley identified four (4) conditions that required remediation before the Engineering Department would approve the release of the performance bond:

1. Water valve cap on North side of Lewis Drive not flush;
2. Rut on grass shoulder on North side of Lewis Drive;
3. Two (2) scrape marks on cape cod berm on North side of Lewis Drive; and
4. Depression in pavement at the south end of Lewis Drive.

Regarding item 1, the cap has been reset and now sits flush.

Regarding item 2, the Town of Middletown has been maintaining and mowing the perimeter of Lewis Drive since the Spring of 2020. When our client inspected this area in March 2021, there were no ruts in the grass. I have attached a photograph from March 2021 that confirms this. Any damage to the grass subsequent March 2021 was likely caused by landscapers engaged by the owner of either 15 Lewis Drive or 27 Lewis Drive.

Regarding item 3, the scrapes that are of issue are de minimis in nature and do not affect the functionality of the berm. The section of berm in question will in all likelihood become the access point to a residence built at 15 Lewis Drive.

Regarding item 4, the depression is de minimis and should not delay the issuance of a Certificate of Completion.

The subdivision and required improvements have been dutifully completed by our client. The items described above raised by the town's Engineering Department are insignificant, purely aesthetic and in no way affect the functionality of the improvements.

If any further information is needed, please contact me directly.

Sincerely,

BARDORF & BARDORF



Michael J. Richards, Esq.

Cc: Peter Lewis;
Warren Hall;
Peter Regan, Esq.

