



## Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

To: Paul A. Croce, Chairman  
Planning Board members

From: Rita Lavoie, Principal Planner

Date: July 1, 2021

Re: **Public Hearing** – Application of Juan Campos for Preliminary Plan approval of a 5-lot subdivision including extension of an existing town road. The property is located at the end of Serenity Drive, with frontage also on Maidford River Road, and is identified as Tax Assessor's Plat 120, Lots 68-A & 68-B.

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The applicant is requesting Preliminary Plan approval for the 5-lot conventional subdivision of approximately 318,972 sq.ft. of developable land. The property is in the R-40 zoning district. In March of 2020 the Planning Board granted Master Plan approval of the 5-lot conventional subdivision including a waiver to construct a 350-foot extension of Serenity Drive which will be 22-feet wide where 26-feet is required by Town regulations. This configuration would provide the required street frontage for all five lots of the conventional design. The proposed road would terminate in a 90-foot cul-de-sac partially on private property. No connection to Maidford River Road is proposed.

It appears that the proposed lots would meet the dimensional requirements of the Middletown Zoning Ordinance, including the minimum lot area of 40,000 sq.ft., and minimum frontage of 150 feet, or 50 feet on a cul-de-sac turnaround. The lots would be served by and public water and sewer. There are wetlands located on proposed lots 1 and 3.

The application was referred to the appropriate departments and committees for final comments. The Middletown Tree Commission responded with no concerns. The Newport Water Department sent a letter dated June 28, 2021, indicating that the proposed water main as presented is not acceptable, however a preliminary water availability letter was issued.

**The Middletown Technical Review Committee (TRC) is scheduled to review this application on July 13, 2021, any recommendations from the TRC will be forwarded to the planning board once the TRC review is complete.**

The Planning Board provided the following conditions of master plan approval:

1. Prior to recording of the Final Plan, the existing sewer line on the subject property shall be removed or abandon in place in accordance with Middletown DPW specifications. **Will be reviewed during the Middletown Technical Review Committee (TRC) meeting**
2. Prior to Preliminary Plan approval, design of the proposed sewer line and access within the associated easements must be reviewed and approved by the Director of Public Works. **Will be reviewed during the TRC meeting**

3. If a public water line is to be extended to the proposed development a fire hydrant be placed within the proposed cul-de-sac turnaround or elsewhere as approved by the Fire Department, to be included on the plans prior to Preliminary Plan approval. **Provided**
4. The date of wetland delineation should be noted on the plan. If the wetland delineation is no longer valid, a new wetland delineation should be performed, and the plans should be updated prior to preliminary plan submission. **Provided**
5. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153. A note to this effect must be provided prior to preliminary plan submission. **Provided**
6. New lots will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided prior to preliminary plan submission. **Provided**
7. The applicant shall comply with requests of the Conservation Commission, including the following:
  - a. Provide municipal water, municipal sewer, and gas service to the subdivision. **Provided**
  - b. Water quality device as well as a stormwater detention device, and use of pervious surfaces to the extent possible to be included in the stormwater management plan. **Provided**
  - c. Due to the proximity to the Maidford River, minimal use of fertilizer and lawn chemicals is recommended, a note this effect to be added to the plan. **Provided**
8. The applicant shall comply with the town's stone wall preservation ordinance regarding existing walls on the property and the restoration of the segment of stone wall at the end of Maidford River Rd. which was previously removed. **Provided via note on plan**
9. Street trees shall be provided in accordance with town regulations and included on the Preliminary Plan. **Provided**
10. The existing sewer line located on proposed Lot 5 shall be removed or abandoned in place subject to the approval of the DPW director. **Will be reviewed during the TRC meeting**
11. Prior to Preliminary Plan approval the Town Planner shall verify the calculation of lot yield used on the Master Plan, conservation plan option. **Calculations provided on sheet C-4**
12. The dwelling to be constructed on proposed Lot 3 shall be located as far to the west as possible to limit potential impact on the wetlands located on the property. Such location shall be indicated on the Preliminary Plan. **Provided**

**Recommends conditions of preliminary plan approval:**

1. Prior to final plan approval the maintenance and sewer easements must be reviewed and approved by the Town Solicitor
2. Prior preliminary plan approval repayment of fees and advertising costs must be submitted
3. Prior to final plan approval a landscape maintenance plan including a schedule of initial and ongoing activities to be undertaken by the property owner, homeowners association or other appropriate party if a landscape plan is proposed, as required by [§523](#)

**Required findings** (Subdivision rules and regulations section 403):

The following is a list of the required findings the Board must make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

**The Preliminary Plan application was certified complete on June 16, 2021. The Planning Board must complete its review and render a decision within 90 days of certificate of completeness: September 14, 2021 otherwise the application will be deemed approved.** Please contact me with any questions regarding this matter.

Cc: Applicant  
Town Solicitor