



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: Request of Michael J. Richards, Esq., representing George P. Lewis Family Limited Partnership III for release of subdivision performance security for the Lewis Drive Subdivision, Tax Assessor's Plat 125, Lots 947, 948, 949, 950 in accordance with Section 703 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land. And Recommendation to the Town Council regarding acceptance of Lewis Drive for town maintenance in accordance with Section 703.5 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.

The developer of the above referenced subdivision is requesting final release of the remaining performance security held by the Town. He is also requesting that the town accept the subdivision road for maintenance. Consistent with Section 703.3 of the subdivision regulations, the Town Engineer must certify completion of the required improvements. The Town Engineer has provided the attached memo dated June 28, 2021. The Engineer indicates two areas of concern, but he believes the areas can be secured with the required 1-year maintenance bond.

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Performance Security Bond Release

An affirmative vote of the Planning Board is required to release the security. Under the requirements of Article 7 of the subdivision regulations the Board must also notify the subdivision property owners and abutters, and the Roads & Utilities Advisory Committee prior to authorizing final release of the performance security. The required notice has been provided to these individuals.

The original amount of the performance security required by the town was \$211,246.87, and was reduced to \$42,246.81 in December of 2019 after approval from the Planning Board. Should the board agree to the final release of the remaining amount, the developer must post a maintenance bond with the town, which will be retained for one year in order to ensure the durability of the infrastructure. Once the maintenance bond is posted, the performance security will be released.

Recommendation to the Town Council

The planning board is asked to make a recommendation to the Town Council regarding the acceptance of Lewis Drive for town maintenance. If accepted by the Town Council for town maintenance the Town will retain a 1-year maintenance bond equal to at least 10% of the original performance security, or \$21,124.88 to ensure durability of the infrastructure.

Please contact me with any questions.

cc. Town Administrator
Town Engineer
DPW Director
Finance Director