



## Town of Middletown Planning Department

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

To: Paul A. Croce, Chairman  
Planning Board members

From: Rita Lavoie, Principal Planner

Date: September 1, 2021

Re: **Public Informational Meeting** - Application of Horan Building Company for Master Plan approval of a 7-lot subdivision including a proposed new road and request for waivers from certain provisions of Article 5 and Article 6 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The property is located on the southwest corner of the intersection of Green End Ave. and Vaucluse Ave. and is identified as 208 Howland Avenue, Tax Assessor's Plat 129, Lot 53.

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**This matter was continued to the September 8, 2021 planning board meeting so that the applicant could provide a revised conventional design plan to include all information provided on the previously submitted conservation design plan. Updated plans have not yet been provided.**

The applicant for the above referenced subdivision is requesting master plan approval for a 7-lot conservation subdivision of land fronting on Green End Ave. and Howland Ave. Note that, as is now required the applicant has submitted both a conventional and conservation design concept, and is requesting approval of the conservation plan. The board may consider the conventional plan over the conservation plan in accordance with section 301 if the board finds that one or more of the following is true:

1. Employing conservation development for the subject property would not offer significant public and/or environmental benefits compared to the conventional plan.
2. Compared to the conventional plan, employing conservation development for the subject property would cause a nuisance to neighboring uses, and would be detrimental to the appropriate use of neighboring properties.
3. Compared to the conventional plan, employing conservation development for the subject property will not result in the protection of the unique natural features of the land, provide environmental benefits, such as reduced storm water runoff, or reduce infrastructure construction and maintenance costs.
4. The conservation plan would not create a neighborhood with direct visual and/or physical access to the protected open space.

The property consists of approximately 14 acres of land located in the R-40 zoning district. A substantial portion of the property is comprised of flagged wetlands which cannot be developed. Based on the density calculation for a conservation subdivision, the maximum number of possible lots is seven. It appears that the proposed lots would meet the dimensional requirements of the Middletown Zoning Ordinance. All lots would be served by onsite sewage treatment systems (OWTS) and private wells. Stormwater drainage measures are proposed but would not be fully designed until the Preliminary Plan stage of review.

## **TRC Review**

The TRC met to review the application on September 29, 2020. Following its review, the committee voted to provide a positive recommendation on the Master Plan submission to the Planning Board.

### **Recommended conditions of approval:**

If the Board wishes to approve the Master Plan application, the following recommended conditions of approval should be considered:

1. 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 on the preliminary subdivision plan prior to approval.
2. 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 on the preliminary subdivision plan prior to approval.

### **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.

Please contact me with any questions regarding this matter.

Cc: Applicant  
Town Solicitor