



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

To: Planning Board members

From: Ron Wolanski, Town Planner

Date: May 1, 2023

Re: Application of Robert Reed, Jr. & Jonna Reed for Final Plan approval of a 2-lot minor subdivision of land. Property located at 74 Honeyman Ave., Plat 114, Lot 503.

The applicant for the above referenced subdivision is requesting Final Plan approval for a 2-lot minor subdivision of land fronting on Honeyman Ave. The 65,714 square foot property is located in the R-20 zoning district. The lots would be served by private wells and public sewer. Parcel A would contain an existing single-family dwelling, while Parcel B would contain an existing garage structure which is proposed to be converted to a single-family residence. Each lot would have a new paved driveway for access. The existing paved driveway would be removed.

The proposed lots would meet the dimensional requirement for minimum lot area. Parcel A would have approximately 43,026 sq.ft. of land, while Parcel B would have approximately 22,688 sq.ft. of land where 20,000 square feet is required. Parcel B would not meet the minimum requirement for street frontage, as 106.2 ft is provided where 120 feet is required. Since Preliminary Plan approval was granted by the Planning Board in December the applicant has requested and was granted the necessary zoning relief by the Zoning Board of Review (attached) to allow the plan to proceed.

Recommended Condition of approval:

Four of the five conditions of the Preliminary Plan approval (attached) have been satisfied. The one remaining condition, to be addressed at the time of construction, should be applied to the approval for the Final Plan:

1. At the time of construction of the new driveways and removal of the existing driveway, the existing driveway stormwater drain shall be properly abandoned, subject to the approval of the Building/Zoning Official

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. In *italics* are my comments based on my initial review of the plan. 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; *The proposed*

use is consistent with the Comprehensive Plan designation for the area – medium-density residential.

2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance; *Required zoning relief has been granted by the Zoning Board of Review.*
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; *It appears that the plan will not result in significant negative environmental impacts.*
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; *Based on the information provided, it appears that the proposed development lots would contain sufficient buildable area.*
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 lots would have frontage and access from a public street.*

Please contact me with any questions regarding this matter.

Cc: Applicant

STATE OF RHODE ISLAND**TOWN OF MIDDLETOWN****NEWPORT, SC.****ZONING BOARD OF REVIEW**

IN RE: Petition of Robert & Jonna Reed for a Variance from Section 603 to create a new lot with frontage of 106.20 ft where 120 ft. is required and to convert an existing garage into a primary residence with a setback of 15 ft. where 20ft. is required. Said real estate is located at 74 Honeyman Avenue and further identified as Lot 503 on Tax Assessor's Plat 114.

DECISION

This matter came on to be heard and was approved by the Board at a hearing on February 28, 2023. Petitioners were represented by their Attorney, David P. Martland, Esq., of SILVA, THOMAS, MARTLAND, & OFFENBERG, LTD., 1100 Aquidneck Avenue, Middletown, RI. At the, Mr. Martland introduced the Petitioners' proposed project to the Board. Mr. explained that the Petitioners recently acquired the property located at 74 Honeyman Avenue, Plat 114, Lot 503 ("Subject Premises"); that the Subject Premises contains a single family residence and a detached garage; that the Petitioner proposes to subdivide the property into 2 lots; that the Subject Premises is located in the R-20 zoning district which requires that a lot have at least 20,000 square feet of land area and frontage of 120 ft; that Parcel A will have the existing single family dwelling and have 43,026.67 sq ft of land and street frontage of 120ft and meets all zoning requirements; that Parcel B will have 22,687.76 sq ft of land area and street frontage of 106.20 ft and therefor requires a lot frontage variance of 13.80 ft; that Parcel B will have the existing detached garage which will be converted to a single family residence; that the existing structure is located 15ft from the side lot line; that the required side yard setback for a principal structure is 20ft and therefor the Petitioner requires a 5ft variance to convert the existing structure to a single family dwelling; that the Petitioner received a Conditional Approval of the Middletown Planning Board pursuant to a

Notice of Planning Board Decision dated December 16, 2022 and recorded in Book 1788 at Page 112 (“MPD Decision”); that the MPD Decision contained 5 conditions of approval.

FINDINGS OF FACT

Based on the information in the application, plans, MPD Decision and presented at the hearing the Board finds as follows:

1. The Petitioners, Robert & Jonna Reed are record owners of the Subject Premises located at 74 Honeyman Avenue and further identified as Tax Assessor’s Plat 114, Lot 503, as presently constituted;
2. The Subject Premises is located in the R-20 district;
3. The Subject Premises contains is an improved lot of record containing a single family dwelling and a detached garage;
4. Petitioners propose to subdivide the Subject Premises into two lots, the first designated as Parcel A on the site plan which will contain the single family dwelling and the second designated as Parcel B which will contain the detached garage;
5. Petitioners propose to convert the detached garage into a single family residence;
6. Parcel B requires a variance to allow the creation of a lot with 106.20 ft of frontage and to allow the conversion of the existing garage into a primary residence with a side yard setback of 15 ft where 20 ft is required.
7. The Board adopts the findings of fact and conditions of approval as set forth in the MPB Decision;
8. The hardship from which the Petitioners seek relief is due to the unique characteristics of the Subject Premises;
9. The hardship the Petitioners will experience is not the result of the general characteristics of the surrounding area, and not due to a physical or economic disability of the Petitioners;

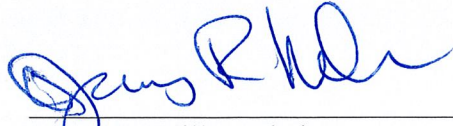
10. The existing unique characteristics and conditions that create the hardship result in more than a mere inconvenience to the Petitioners;
11. The hardship to the Petitioners is not the result of any prior action by the Petitioners and does not result primarily from the desire of the Petitioners to realize greater financial gain;
12. The granting of the requested variance relief will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance or the Comprehensive Plan upon which the Ordinance is based;
13. The relief to be granted is the least relief necessary under the circumstances;

DECISION

Upon motion duly made and seconded, the Board hereby votes 5-0 to grant Petitioners' Petition for Variance Relief. Said Petition, having received the concurring vote of at least three (3) members of the Middletown Zoning Board of Review (James R. Miller, Thomas A. Heaney Jr., Eric Kirton, Thomas Silveira and Stephen Huttler), as required by Section 45-24-57 RIGL, is hereby granted subject to the following conditions:

1. At the time of development on each lot the developer will be required to comply with all applicable provisions of the town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153). Prior to Final Plan approval a note to this effect must be added to the plan;
2. The new building lot, Parcel B, will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. Prior to Final Plan approval a note to this effect must be provided on the plan.
3. Prior to Final Plan approval all proposed utilities, including the location of existing and proposed wells and sewer connections, shall be provided, either on the subdivision survey plan or on a separate sheet.
4. Prior to Final Plan approval the applicant must seek and be granted the required relief from certain dimensional requirements of the Middletown Zoning Ordinance. A copy of the recorded decision of the Zoning Board of Review shall be provided to the Town Planner.
5. At the time of construction of the new driveways and removal of the existing driveway, the existing driveway stormwater drain shall be properly abandoned, subject to the approval of the Building/Zoning Official.

Doc: 00000426
Book: 1794 Page: 168



James R. Miller, Chair

RECORDED: Mar 31, 2023 09:14A
DOC #: 00000426
RECEIPT #: 66373
WENDY J. W. MARSHALL, TOWN Clerk
TOWN of MIDDLETOWN, RI



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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Notice of Planning Board Decision

To: Applicant

From: Paul A. Croce, Chairman
Middletown Planning Board

Date: December 16, 2022

Re: Application of Robert Reed, Jr. & Jonna Reed for Preliminary Plan approval of a 2-lot minor subdivision of land. Property located at 74 Honeyman Ave., Plat 114, Lot 503

During its meeting of December 14, 2022, the Planning Board voted 5-0-0 to grant Preliminary Plan approval for the above referenced subdivision application (plan revised October 13, 2022 by M.J. Gaston and Associates, LLC) subject to the following findings and conditions of approval.

Conditions of approval:

1. At the time of development on each lot the developer will be required to comply with all applicable provisions of the town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153). Prior to Final Plan approval a note to this effect must be added to the plan.
2. The new building lot, Parcel B, will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. Prior to Final Plan approval a note to this effect must be provided on the plan.
3. Prior to Final Plan approval all proposed utilities, including the location of existing and proposed wells and sewer connections, shall be provided, either on the subdivision survey plan or on a separate sheet.
4. Prior to Final Plan approval the applicant must seek and be granted the required relief from certain dimensional requirements of the Middletown Zoning Ordinance. A copy of the recorded decision of the Zoning Board of Review shall be provided to the Town Planner.
5. At the time of construction of the new driveways and removal of the existing driveway, the existing driveway stormwater drain shall be properly abandoned, subject to the approval of the Building/Zoning Official.

As part of its decision the Board made the following positive findings regarding the proposal as conditioned above:

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 conditions of approval must be satisfied, and the Final Plan application submitted to the Planning Board for consideration.



Paul A. Croce, Chair
Middletown Planning Board

cc. Town Clerk
Building Inspector

RECORDED: Dec 20, 2022 09:50A
DOC #: 00002649
RECEIPT #: 65775
WENDY J. W. MARSHALL, TOWN Clerk
TOWN of MIDDLETOWN, RI