

## Tiverton Planning Board



343 Highland Road • Tiverton, Rhode Island 02878

(401) 816-5631

### NOTICE OF PRELIMINARY PLAN DECISION

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**Application:** Lake Road Acres

**Owner/Applicant:** Tiverton Horizon Development Corp.  
C/O Richard Leblanc  
P.O. Box 337  
Adamsville, RI 02801

**Site Location:** 458 Lake Road  
Plat 609/Lot 109  
W/S Lake Road, West of Jacqueline Way  
R-80 Zoning District

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#### **Background:**

The application was submitted on July 14, 2022 as a combined Preliminary & Final Plan Minor Subdivision. On September 13, 2022, the Planning Board voted to allow the Preliminary and Final Plan applications to be combined. The Public Hearing was opened on October 4, 2022.

#### October 4, 2022 Hearing

Owner Richard Leblanc, Cort Chappell Esq. and William Smith PE from Civil Engineering Concepts were present. Attorney Chappell and Mr. Smith presented the project.

Solicitor Romano stated that he would confer with Attorney Chappell about the open space within the development rather than it being retained by the homeowners.

Interim Administrative Officer and Planner Sweet raised the issue that a Low to Moderate Income ("LMI") housing unit was not required for this form of development. She further discussed how there was not a monitoring mechanism to confirm it remained a LMI unit and therefore it would not count towards the Town's LMI housing goals. Attorney Chappell agreed and provided the historical background about this project, which in its original iteration would have required one or more LMI units. Chairman Hardy agreed that the current proposal does not

require a LMI unit. There was also a general consensus of the Board agreeing that the LMI unit was not required.

Members of the Public that spoke:

Susan Anderson, 1137 Man Road, raised concerns about demolishing the existing structure and how Element 6 of the Comprehensive Plan requires preservation of existing historical structures.

James Gorman, 15 Jacqueline Way, discussed concerns about a puddle in the roadway.

Ms. Eva made a motion to continue the Public Hearing to November 1, 2022, the motion was seconded by Mr. Hardy. The motion passed unanimously 6-0-0. Voting in favor of the motion were: Mr. Bramante, Ms. Eva, Mr. Hardy, Mr. Rapoza, Ms. Shea, and Mr. Shriver.

November 1, 2022 Hearing

Richard Leblanc, owner, Matthew Chappell, Esq., and William Smith, PE, Civil Engineering Concepts were present. Attorney Chappell and Mr. Smith presented the project. Bill Smith PE gave an update on the project and the revised site plan.

Mr. Hardy made a motion to waive the requirement in subdivision regulations for a cistern for fire suppression, and replace it with sprinklers per the letter of the Fire Marshal and as noted in Note 15 of the plan. The motion was seconded by Ms. Eva. The motion passed unanimously 5-0-0. Voting in favor of the motion were: Mr. Bramante, Ms. Eva, Ms. Gomes, Mr. Hardy, and Ms. Shea.

Richard Rogers, Tiverton Director of Department of Public Works spoke on the project. He requested that the installed work be required to match the existing plans. In addition, he said that because Bill Smith inspected the paving of the road through three rainstorms, DPW was satisfied with the drainage. Ms. Sweet requested that Mr. Smith write a letter stating that the drainage, after the paving was completed, performed adequately over three rainstorms.

Mr. Hardy made a motion to approve the findings of fact as presented in the October 26, 2022 Memorandum from the Interim Administrative Officer/Planner Ashley Sweet as well as the conditions of Preliminary Plan approval, as amended during the meeting. He further moved to grant conditional Preliminary Plan approval and for Final Plan Approval to be granted by the Administrative Officer, if appropriate under R.I. Gen. Laws § 45-23-43. The motion was seconded by Janice Gomes. The motion was approved unanimously 5-0-0. Voting in favor were: Mr. Bramante, Ms. Eva, Ms. Gomes, Mr. Hardy, and Ms. Shea.

**Decision:**

Based on the evidence submitted, testimony received, and conditions imposed, and in accordance with the requirements of R.I. General Laws § 45-23-60, Required Findings, and Art. IX – Required

Findings, Sec. 23-45(a) of the Tiverton Land Development and Subdivision Regulations, the Tiverton Planning Board hereby makes the following findings of fact:

1. The proposed development is consistent with the Town Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies. The Town's Comprehensive Plan makes several references to the desire to encourage rural residential developments, especially in the R-80 zoning district. The Comprehensive Plan identifies rural residential compounds as an alternative to conventional development that can protect character defining features of a site. This site is located in an R-80 district and is a preferred location for a rural residential compound development making this proposal consistent with the goals and policies of the Comprehensive Plan.

2. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance. All of the lots in the application as proposed meet the minimum requirements of the zoning ordinance for lot size, lot dimension, and use.

3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval. The applicant has obtained subdivision suitability from RIDEM. The applicant has a preliminary determination from RIDEM with regards to wetlands on the site. Under the zoning designated to the site (R-80) the permissible density for the site is 13 lots. The applicant proposed five lots, a reduction of approximately 61.5%. This reduction in density will provide for a lesser impact on the property and the local environment.

4. The proposed development will not result in the creation of lots/areas/parcels with such physical constraints to development that building on those lots/areas/parcels in accordance with pertinent regulations and building standards would be impracticable, unless such lots/areas/parcels are identified as permanent open space or are to be permanently reserved for a public purpose on the approved recorded plans. The subject property has frontage on Lake Road. Access to the proposed lots will be through a private gravel road (Hinter's Way) creating frontage for Lots 2, 3, 4, and 5. Lot 1 will have frontage from Lake Road and Hinter's Way and is a pre-existing house. None of the proposed lots will have any physical constraints to development as proposed.

5. All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Physical access by means of an easement across adjoining property or lot frontage on a public street without physical access from required street frontage shall not be considered in compliance with this requirement unless specifically provided for under these regulations. This plan proposes to create a private compound roadway that will create the required frontage and access for the lots within the subdivision. All lots in the subdivision will have adequate and permanent physical access to a public street by way of a private compound roadway.

**Conditions of Approval:**

The following conditions of approval are imposed on the Preliminary Plan application and must be satisfied prior to a Final Plan approval:

1. A note will be included on the plan that the existing house will be demolished.
2. A waiver of the cistern requirement as approved by the Fire Marshall, to be replaced with sprinkler systems for each home, as identified in Note 15 on the plans, is granted as part of this application.
3. The creation and registration of the homeowner's association prior to a final approval being recorded. The homeowners association agreement and conservation easements to be reviewed and approved by the Town Solicitor.
4. Civil Engineering Concepts will provide a letter stating that the intersection of Lake Road and Hinter's Way has been inspected and that the drainage is functioning adequately and that the installed drainage for the roadway matches the approved plans recorded with the Town.

Stuart Hardy  
Stuart Hardy  
Planning Board Chairman

18 Nov 2022  
Date of Notice

1 Nov 2022  
Date of Planning  
Board Decision

- The following fees must be paid prior to recording:

\$49-first page \$1 each additional page- Recording of the Decision

\$49 per sheet-Recording of Plans and Documents

*A party wishing to appeal this decision must do so on or before 20 days from the date of recording by contacting the Town of Tiverton Zoning Department.*

Expiration of approval. The approved Preliminary Plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Board. The vesting for the Preliminary Plan approval includes all general and specific conditions shown on the approved Preliminary Plan drawings and supporting material.

