



Town of Middletown Planning Department

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

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: April 1, 2021

Re: **Public Hearing** – Application for Development Plan Review by John and Pamela Wallace including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521 for construction of a mixed-use building with garage and associated site work on property located at 819 Aquidneck Ave., Plat 114 Lot 129.

The applicant is proposing construction of two commercial buildings, including a 2-story mix-use building (art studio with 2nd floor apartment) and a 1-story garage building with total building footprint area of approximately 2,700 sq.ft. The property is located in the limited business, traffic sensitive (LBA) zoning district. In addition the Development Plan Review, the project also requires a special use permit in order to allow development of the mixed-use building. No additional zoning relief is requested at this time. Please see the attached site plans, development impact statement, and proposed building elevations. The Planning Board is scheduled to conduct a site visit on April 12th at 3pm.

Request for comment and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Roads & Utilities Committee, and Tree Commission. An email response from the Tree Commission chair indicated that the commission found the landscape plan to be acceptable. Other comments will be provided as they become available.

The Technical Review Committee (TRC) reviewed the application during its meeting on March 31, 2021. Site design, stormwater management, Fire Dept. access and other aspects of the plan were discussed. Following its review, the TRC voted to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval:

1. Prior to permitting, revised stormwater runoff calculations using the current 100-year storm rainfall amount must be provided, subject to the Town Engineer's approval.
2. Prior to permitting, revised plans to relocate proposed sewer connection from under the proposed detention basin must be provided.
3. Access driveways shall be one-way, with the southerly driveway identified as enter only, and the northerly driveway identified as exit only. Appropriate signage to be installed at the time of construction.
4. Prior to permitting the plans shall be revised to provide driveway access to the property of at least 20 feet wide to provide proper Fire Dept. access.
5. Utilities lines (electric, phone, cable) serving the property shall be installed underground.

6. The bike rack and trash receptacle(s) required by section 521.1.E.3 & 4 of the development regulations shall be added to the plans prior to permitting and installed at the time of construction.
7. Prior to permitting the site plans and/or landscape plan shall be revised to address an inconsistency regarding the required buffer between the parking and the front building.
8. During construction, finished grading shall be confirmed to be consistent with, and ensure proper functioning of the stormwater management design plan.

Requested waivers:

Based on the latest plan set it appears that the applicant might request the following waivers. Per section 908 of the Regulations the *“Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval, as may be reasonable, and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship, because of the peculiar conditions pertaining to the land in question, or where such waiver and/or modification is in the best interest of good planning practice and/or design, as evidenced by consistency with the municipality’s comprehensive plan and Zoning Ordinance.”*

1. **521.1.D** – Use of proposed exterior site lighting appears to be inconsistent with the requirement to minimize light pollution, unless demonstrated to be dark-sky compliant fixtures.
2. **521.2.B-1** - Windows should occupy not less than twenty (20) percent or more than sixty (60) percent of any façade visible from the public way. A calculation of the amount of window area on each façade visible from the public way must be provided to demonstrate compliance.
3. **521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. Building exterior elevations propose use of metal siding for the garage building.
4. **521.3.D.3** – Landscaped buffer of at least 10 feet in width required between building and parking. *(During the TRC meeting a discrepancy between the landscaping plan and site plans was discussed. Applicant will review and revise plans to potentially meet this requirement.)*

Required findings:

In accordance with section 309 of the Middletown Zoning Ordinance, prior to granting any development plan review approval, or issuing a recommendation in favor of approval to the Zoning Board of Review, the Planning Board shall find that:

- (1) The granting of approval will not result in conditions inimical to the public health, safety and welfare;
- (2) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
- (3) The plans for such project comply with all the requirements of this chapter and the Regulations, or that necessary waivers from the requirements of the Regulations have been granted;

- (4) The plans for such project are consistent with the Comprehensive Plan; and
- (5) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval or recommendation.

Cc: Applicant