



## 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

Date: August 3, 2021

Re: **Public Hearing** – Application for Development Plan Review by CCE Development, LLC for a new commercial building and additions and modifications to an existing commercial building, and request for waivers from certain commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 499 East Main Road, Tax Assessors Plat 113, Lot 27.

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The applicant is proposing expansion of an existing commercial building and addition of an accessory building located in the Office Business- Traffic Sensitive (OBA) zoning district. Alterations include relocation of the loading parking space and ADA ramp; changes to the landscaped area; the addition of a 347 sq.ft. second floor terrace deck; a 480 sq.ft. addition to the building; new lighting; changes to some windows; dormering the roof; and a new 2,140 sq.ft. garage accessory structure.

The applicant will require zoning relief for the second-floor terrace deck expanding into the side yard setback. As such, the Planning Board review will result in a recommendation to the Zoning Board of Review. No changes to the existing curb cuts are proposed and the previously approved second principal building on the site is not proposed at this time.

Copies of plans have been distributed to the appropriate committees and departments. On August 3, 2021 the Technical Review Committee reviewed and voted to forward a positive recommendation to the Planning Board subject to the following **recommended conditions**:

1. Prior to permitting, the applicant must restore the existing retention basin to functionality as determined by the Town Engineer
2. Prior to permitting, the stormwater management plan must be reviewed and approved by the Town Engineer
3. Prior to permitting, the proposed sewer service must be reviewed and approved by the Director of Public Works
4. Prior to permitting, parking requirements for proposed uses must be confirmed by the Zoning officer

**Additional staff-recommended conditions of approval:**

5. Architectural plans should be updated to include location of proposed exterior lights

6. Trash receptacles are noted on the Landscape/Litter Management Control Plan but are not shown on the site plan or landscape plan. Receptacle location should be shown on the landscape and site plan and design should be submitted to the planning board.
7. Landscaped area calculations have not been updated from last landscaping plan. Percent landscaped area should be recalculated on landscape plan.
8. Landscape management plan should be updated to include replacement of plantings that die, and a scheduled for pruning and removing deadwood and cross branching of trees.

**Requested 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.E3 Trash receptacles shall have decorative designs compatible with the overall design theme for the development. **Trash receptacles are noted on the landscape and litter management control plan but are not shown on the site plan. Receptacle design has not been submitted and therefore compliance cannot be determined. It is recommended that design and location be included on site plans, or a waiver may be necessary.**
2. 521.1.E4 Bicycle racks shall be provided, minimum 1 bicycle space per 5 automobile parking spaces or fraction thereof. **Bicycle racks not provided.**
3. 521.2.A3 Commercial garage doors not visible from the public way. **Accessory building commercial garage doors are visible**
4. 521.2.A4 Commercial garage doors screened from public view. **Accessory building commercial garage doors are not screened**
5. 521.3.D2 Along lot lines abutting residential properties or uses- For all uses, a landscaped buffer at least 20' that includes screening at least 6' high measured from finished grade at time of installation is provided. **The southern property line abuts a residential use and less than 20 feet of landscaped area is provided.**
6. 521.3.D3 A landscaped buffer at least 10' wide, which is defined by curbing and may include sidewalks but must include a minimum 5' planting strip, is provided between buildings and parking lots/driveways. **A 10-foot landscaped buffer is not provided between the building and parking lot on all sides.**

**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: Town Solicitor  
Applicant