



Memorandum

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Planning Director

Date: October 6, 2021

Re: **Public Hearing** – Request of Mesolella Development Corp. for Master Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17, *Low and Moderate Income Housing – Comprehensive Permit*, for construction of a new residential/commercial Mixed-use Development Project located at 1747 West Main Rd. Assessor's Plat 111, Lots 8 and 9, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, and variances from the Middletown Zoning Code sections 602, 603, 1304, 27A04, 27A05, 27A04E(1), 2704E(2), and 27A07E(3), and for a Special Use Permit under Middletown Zoning Code Article 11, Watershed Protection District.

Attached I am providing the application and documentation submitted for the above referenced project. The applicant is seeking to develop a mixed-use project including 144 apartments, 51 of which would be affordable, and 22,000 square feet of retail space, all contained within eight proposed 3-story buildings.

In accordance with the Middletown Zoning Ordinance, Article 17, and Section 45-53-4 of the RI General Laws, the applicant has submitted an application for an affordable housing comprehensive permit to allow the development of low/moderate income housing. The zoning ordinance identifies the Planning Board as the local review board empowered to consider such applications. The board has the authority to consider and act on all of the applicant's requests for zoning and/or regulatory relief, and has the authority to approve the project subject to making the following findings.

Required findings:

1. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing 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 municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.
3. All low and moderate income housing units proposed are integrated throughout the development; are similar in scale and architectural style to the market rate units within

the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
5. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.
6. All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of R.I. Gen. Laws § 45-23-60(5).
7. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved recorded plans.

TRC Review

The application has been provided for review and comment to the Building/Zoning Department, Fire Department, DPW, the Tree Commission, and the Roads & Utilities advisory committee. The Tree Commission reviewed the plans and has no comments based on the master plan materials. I will provide any comments I receive as they become available. The Technical Review Committee reviewed the project during its October 6th meeting. Following its review the TRC voted to provide a positive recommendation to the Planning Board subject to the following recommended conditions of approval:

Recommended Conditions of approval:

1. Prior to preliminary plan approval adequate turning areas inside the development must be provided for Fire Department equipment.
2. Prior to preliminary plan approval fire hydrant locations must be reviewed and approved by the Fire Department.
3. Prior to preliminary plan approval Fire Department access to buildings shall be reviewed and approved by the Fire Department.
4. Prior to preliminary plan approval easements for existing sewer lines shall be finalized subject to the review and approval by the Town Solicitor and the Town Engineer.
5. Prior to preliminary plan approval the plan shall maintain vehicular access to the sewer line easement on lot 8 subject to RI DEM approvals.
6. Prior to preliminary plan approval the applicant shall investigate potential realignment of entrance to square with Marshall Lane.

Requested zoning relief:

The applicant is requesting a Special Use Permit per Article 11 for development within watershed protection district Zone 1.

The applicant is requesting the following relief from provisions of the Middletown Zoning Ordinance:

1. §602 Schedule of District Regulations and Uses: Mixed Use Development Projects not permitted in the Light Industrial zoning districts.

2. §1304 Minimum and Maximum off-street parking requirements. **357 spaces required, 336 spaces provided. Note that per the Mixed Use Development Design Standards Section 27A07 parking may be reduced; up to 75% of the requirements for the predominate use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for non-competing parking uses are offset.**
3. §27A04 Mixed Use Development Permitted Uses- Prohibited uses include all uses under the manufacturing heading of section 602. **Existing boat storage/warehouse facility falls under *manufacturing: boat building and repair, including storage* category in section 602 and is therefore listed as prohibited in a mixed-use development.**
4. §27A05 Mixed Use Development Density and Dimensional Standards: Maximum residential density requires 5,000 square feet of land for each 1-bedroom unit and 7,000 square feet of land for each 2+-bedroom unit. **Proposed 144 units require 19.92 acres of land where 10.77 acres of developable land is provided.**
5. §27A07E1 Mixed Use Development Additional requirements: No new principal building shall be located within 100 feet of an existing residential building on abutter property or 50 feet of a residentially zoned lot. **Proposed structure is 92 feet from existing residential building on plat 111 lot 7.**
6. §27A07E2 Mixed Use Development Additional requirements: The area within the required setbacks shall be devoted to a landscaped or natural buffer zone. **A portion of the northern most parking lot is located within the 50 foot required natural buffer zone.**
7. §27A04E3 Maximum height of any building in a mixed-use project shall be 35 feet. **Proposed structures are 40-feet and 36-feet.**
8. §1507A – Multifamily Dwellings Off street parking requirements: No off-street parking facility except driveways shall be located closer than 25 feet to any lot line in a multifamily dwelling project. **Parking area on northern boundary is 20 feet from the lot line.**
9. §1507B – Multifamily Dwellings Off street parking requirements: No off-street parking areas shall be located within 25 feet of any wall of a principal building (except a garage) use for residential purposed along which is located an entrance or exit generally intended for use by residences thereof or along which are located windows serving habitable rooms less than ten fee above the ground. **Parking areas throughout project are closer than 25 feet to proposed residential buildings.**

Requested Waivers:

The applicant is seeking the following waivers from requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land:

1. 521.1.B1 Parking lots located to the rear or side of building (not applicable in LI districts except on arterials) OR where site configuration does not allow for parking at rear or side, no more than one row of parking is located at the front, or two rows in the case of large-scale shopping centers and other situations where site conditions warrant; in either case, the number of parking spaces does not exceed 50 spaces (additional landscaping & screening may be required). **Parking lot is located in the front of the building**
2. 521.2.A2 No unbroken plane of a wall exceeds forty feet without a break of at least 48" in plane. No unbroken plane of a wall exceeds forty feet without a break of at least 48" in

plane. **Proposed exterior walls extend greater than 40 feet without a break in the plane of wall.**

3. 521.2C - Building exteriors and roofs constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone (synthetic materials require Planning Board approval). The applicant has indicated in their narrative that synthetic cement board and azek trim is proposed.

Additional waivers may be necessary after the landscaping plan, lighting plan, and detailed building elevations are submitted and reviewed in the Preliminary Plan stage.

The board may choose to deny issuance of the comprehensive permit for any of the following reasons. A denial is appealable to the state housing appeals board, rather than the Middletown Planning Board of Appeals.

1. The town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;
2. The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
3. The proposal is not in conformance with the comprehensive plan;
4. The community has met or has plans to meet the goal of 10% of the year-round units as defined in R.I. Gen. Laws § 45-53-3(2)(i) being low and moderate income housing;
5. Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Please contact me with any questions regarding this matter.

Cc: Applicant
Building/Zoning Official
Town Solicitor