



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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(401) 849-4027 | MiddletownRI.com

To: Planning Board members

From: Ron Wolanski, Town Planner

Date: December 1, 2021

Re: Request of Thomas Welch for Preliminary Plan approval of a 2-lot minor subdivision, and recommendation to the Zoning Board of Review on a Special Use Permit application to allow residential development in Zone 1 of the Watershed Protection District. Property located at 536 Mitchell's Lane, and also fronting on Fayal Lane, Assessor's Plat 124, Lot 19.

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The applicant for the above referenced subdivision is requesting Preliminary Subdivision plan approval for a 2-lot minor subdivision of land fronting on Mitchell's Lane and Fayal Lane. The 2.4-acre property is located in the R-40 zoning district. It appears that the proposed lots would meet the dimensional requirements of the Middletown Zoning Ordinance, including the minimum lot area of 40,000 sq.ft., and minimum frontage of 150 feet. The lots would be served by private well and onsite water treatment system (OWTS). Please see the attached plans. Because the majority of the proposed new building lot, Lot 2, is located in Zone 1 of the Watershed Protection District due to the presence of Stissing soils, a special use permit to allow for residential development must be sought and granted by the Zoning Board of Review prior to approval of the Final Plan.

The plans have been provided to the Town Engineer and Zoning Official for review and comment. I will provide comments as they become available.

### **Recommended condition of approval:**

1. Prior to Final Plan approval, the applicant must seek and be granted a special use permit from the Zoning Board of Review to allow the residential development of proposed Lot 2 in Zone 1 of the Watershed Protection District.

### **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 – low- density residential.*

2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance; *. It appears that the proposed development lots would meet the standards of the Middletown 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; *The Board should ensure that, if approved, the appropriate conditions are in place, particularly with regard to potential impacts on the watershed protection district.*
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, subject to the granting of the required special use permit to allow development in Zone 1 of the Watershed Protection District.*
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 public streets.*

**The Preliminary Plan application was certified complete on November 17, 2021. The Planning Board must complete its review and render a decision within 65 days of certificate of completeness: January 21, 2022.**

### **Recommendation to the Zoning Board of Review**

Regarding the advisory recommendation to the Zoning Board of Review on the required special use permit to allow development in Zone 1 of the Watershed Protection District, the Planning Board should consider the potential impacts of the proposed development on the watershed.

The following development design standards are required by Zoning Ordinance Section 1108:

1. Surface water runoff shall, to the degree feasible, be directed towards areas covered with vegetation for surface infiltration; and
2. Where the premises are partially outside of the WPD, site design shall, to the degree feasible, locate such potential pollution sources as Individual Sewage Disposal Systems outside of the District; and
3. Surface water runoff shall be directed, to the degree feasible, towards the lesser restricted district where the premises is located within two (2) or more districts.

Regarding these standards:

1. The applicant should be asked to describe how storm water on the property will be addressed. The owner is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control ordinance (Chapter 151).

2. The applicant should be asked to describe any potential sources of pollution existing or proposed on proposed Lot 2, including the proposed septic system. Most of Lot 2 is located in Zone 1.

3. The applicant should be asked to describe how surface water will be directed away from Zone 1, if possible. Most of Lot 2 is located in Zone 1.

If the Board chooses to move forward with providing a positive recommendation to the Zoning Board of Review, based on my review of the application materials and the requirements of Article 11, the board should consider recommending the following conditions of approval:

1. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.
2. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited within Watershed Protection District, Zone 1.

Please contact me with any questions regarding this matter.

Cc: Applicant