



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: December 1, 2021

Re: **Public Hearing** – Application of Newport National Real Estate, LLC for Development Plan Review for development of a 9-hole golf course and associated clubhouse, 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 fronts on Wyatt Road and Mitchell's Lane, Tax Assessors Plat 124 lot 29

This item was continued to the November 10th Planning Board meeting and then to the December 8th meeting at the request of the applicant.

The applicant is proposing development of a 9-hole golf course (West Course) and a 9,400 square foot club house with function hall, restaurant, and retail sales across the street from the existing 9-hole East Course. Site plans show a water main extension on Wyatt Road, a sewer line connecting to Meadow Lane, an outdoor event area, a pervious driveway and parking lot, irrigation ponds, landscaping improvements to the Aquidneck Land Trust's Sakonnet Greenway Trail, golf cart connections to the existing golf course on the east side of Mitchell's Lane, and other site improvements.

On August 21, 2000, and January 18, 2005, the Middletown Town Council granted then amended a petition to re-zone the subject property from various residential districts to "Open Space", which would allow the construction of a golf course. Thirteen conditions were contained in the rezoning ordinance, including some conditions specific to the development plan review process. The full ordinance is attached, and conditions have been noted on the site plan sheet 2 with comments from the applicant.

There are golf cart and equipment easement over abutting lots to connect the existing driveway/parking lot on the east side of Mitchell's Lane to the proposed West Course. As per Town Council re-zoning conditions numbers 5 and 12, the developer must install appropriate safety signage and address ditches on both sides of Mitchell's Lane. Safety signage, crosswalks, and grading details along the public right-of-way have not been submitted to the planning board for evaluation.

A traffic study dated July 2019, conducted by BETA engineering group, outlines a number of conclusions and recommendation on page 17-18. It is recommended that the engineer's suggestions be incorporated into the development plan.

For evaluation of re-zoning condition number 11 regarding the 150-foot distance required from the centerline of the fairway to any residential property line or street the applicant included a *Golf Course Property Boundary Clearance Diagram dated June 28, 2021*.

The Aquidneck Land Trust's Sakonnet Greenway Trail crosses northern, western, and southern portions of the subject property. In the vicinity of the proposed driveway and club house, additional landscaping is provided along the Sakonnet Greenway Trail. Per re-zoning condition number 13, the planning board should evaluate if the vegetated buffer sufficiently deters pedestrians from crossing the boundary with Plat 123 lot 10.

Copies of plans have been distributed to the appropriate committees and departments including the Tree Commission and the Technical Review Committee (TRC). The tree commission is working with the applicant on the species being proposed along the perimeter.

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. 521.1B.2- For projects with more than 50 parking spaces: Parking broken up into lots of less than 50 spaces. Parking lots are directly connected to each other. Adjacent parking lots separated by a minimum 10' landscaped strip (may be used as walkway).

Proposed parking lot contains 242 parking spaces, not broken into smaller connected lots separated by landscaped strips.

2. 521.1E.3 -Receptacles shall have decorative designs compatible with the overall design theme for the development. Trash management control plan to prevent litter from entering abutting properties and streets. **Trash receptacle design has not been submitted for compatibility; no trash management control plan has been provided.**

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). **Trim materials include boral, a synthetic composite.**

4. 521.3C - Screening element such as plantings, stone walls, berms and/or fences (or a combination) provided along all property lines. **Required screening not provided along the Mitchell's Lane property boundary. The landscaping plan does not show entire property and therefore it is unclear if screening is provided along Wyatt Road, or the western property boundary.**

5. 521.3D - A landscaped buffer at least 10' is provided along all property lines (may be reduced if stone wall used as screening element). **The landscaping plan does not**

show entire property and therefore compliance with buffering for all property lines cannot be evaluated.

6. 521.3F.1 - Deciduous street trees: Planted along street side property boundary, private streets, and internal driveways. Planted in planter strips or tree wells located between the sidewalk and curb. Spaced no further apart than 30' on center. A minimum of 4' dbh at time of planting. **Street trees not provided on internal driveway. Unable to evaluate if trees are provided along Mitchell's Lane or Wyatt Road as the landscaping plan does not depict entire property.**

On December 2, 2021 the Technical Review Committee voted to forward a positive recommendation to the planning board subject to the following conditions:

1. Prior to permitting, the Town Engineer and Director of Public Works must review and approve the final stormwater design and Operations and Maintenance plan.
2. Prior to permitting, the Operations and Maintenance plan must be revised to include porous pavement maintenance
3. Prior to permitting, the Operations and Maintenance plan must be revised to further describe the weather monitoring to include NOAA weather service predictions.
4. Prior to permitting, all updated stormwater calculations must be provided to the Town Engineer and Director of Public works and Planning Department.
5. Prior to permitting, engineering details for the purposed inspection tank located at Wyatt Road must be reviewed and approved by the Town Engineer and Director of Public Works
6. Prior to permitting, the Town Engineer and Director of Public Works must review and approve the final sewer system design and flow calculations.

Planning staff recommends the additional conditions of approval:

7. Prior to permitting the landscaping plan and site plan sheet 6 and site plan sheet 8 are inconsistent with regards to the trash can placement and bicycle rack placements. Landscaping plan should reflect the required trash can and bicycles racks and provide for appropriate landscaping for pedestrians to utilize the bins and cyclists to access the bicycle racks. Site plans should be updated to be in agreement with each other and with landscape plan.
8. Prior to permitting, trash receptacle style should be provided to the Planning Department for review and approval.
9. Prior to permitting, golf cart safety signage, crosswalks on Mitchell's Lane, and grading details along the public right-of-way should be submitted for review and approval to the Director of Public Works and the Town Engineer.
10. Prior to permitting the applicant must seek Town Council determination regarding the time in which the parking lot lighting must be extinguished, per re-zoning condition number 8.
11. Prior to permitting any legal documents must be reviewed and approved by the Town Solicitor.
12. New commercial structures will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided prior to permitting.

13. 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. A note to this effect must be provided.
14. Prior to permitting, the traffic engineer's recommendations and conclusions from the July 2019 BETA engineering report be incorporated into the development plan:

Mitchells Lane at Site Driveway Intersection: Minor clearing of roadside vegetation for sight line enhancement.

Mitchells Lane at Route 138 Intersection:

1. Minor clearing of roadside vegetation for sight line enhancement.
2. Replacement of the Stop sign on Mitchells Lane.
3. Installation of appropriate Stop Ahead sign and/or pavement markings on Mitchells Lane to emphasize the primary traffic control device.
4. Relocation of the Mitchells Lane street name sign for improved visibility of the intersection for Route 138 southbound traffic.
5. Installation of intersection warning signs on Route 138 to alert Route 138 motorist of the approaching intersection.

Mitchells Lane at Wyatt Road Intersection: Replace Stop signs on each approach to the intersection.

Mitchells Lane between Route 138 and Wyatt Road: Installation of crosswalks and applicable warning signs at the golf cart crossing and the Sakonnet Greenway Trail crossing per the concept plans provided.

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