



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: January 4, 2022

Re: **Public Hearing** - Application of Jack Gullison for Development Plan Review, 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 new commercial building, to include a 17-room hotel with a restaurant, and associated site work located on property identified as 59 Aquidneck Ave., Assessor's Plat 115SE, Lot 169.

This matter was continued to the January 12, 2022 Planning Board meeting. The Zoning Official has determined that the proposed roof-top screening and mechanical equipment is not exempt under the building height definition and therefore the proposed structure exceeds the maximum allowable building height. Additionally, the Zoning Official determined that a variance must be sought for not meeting the required buffer between parking and the abutting residential property to the north, and for not meeting the required minimum lot size of 20,000 square feet for the proposed hotel use. Variance applications for these items must be filed with the Zoning Board of Review. The applicant's attorney had indicated that his client intended to file an appeal of one or more of the Zoning Official's determinations with the Zoning Board of Review. As of this date no new information has been submitted regarding these issues. The Board indicated during the December 8th meeting that this item would be removed from the agenda unless the applicant is prepared to proceed with the hearing during the next Planning Board meeting.

Previously provided information:

The applicant is seeking Development Plan Review for a 17-room hotel with restaurant to be constructed at 59 Aquidneck Ave. This is a reduction in the proposed number of rooms from the earlier request for 18 rooms.

The existing commercial building on the site would be demolished. Site modifications include grading to accommodate proposed parking and landscaping, addition of a sidewalk, and retaining walls. The proposed 6,135sq.ft. building is elevated to include parking at grade level. The proposed restaurant, event room, and lobby would be located on the second floor with hotel rooms on the third and fourth floors. The property is in the Limited Business, traffic sensitive (LBA) zoning district and partially located within the FEMA designated 100-year floodplain, but the location of the proposed building is not. The property is not in the town's Watershed Protection District, Zone 1. Rooftop equipment is being screened.

No litter receptacles, trash management control plans, bicycle racks, or landscaping management plan are proposed. However, no waiver is being requested for these items because the project is being evaluated under the regulations at the time it was certified complete (May 2019), and these requirements were adopted later.

The applicant received physical alteration permit approval from the Rhode Island Department of Transportations. A letter from Newport Water indicating availability of public water to serve the proposed development has also been provided.

Requested waivers:

1. 521.1B.3 – Pedestrian walkways and crosswalks are provided. Crosswalks across the parking lot to access main stairways are not provided.

2. 521.2C – Building exteriors and roofs constructed of traditional materials such as wooden, clapboards, shingles, patterned shingles, brick or stone. Synthetic fiber cement siding and PVC trim are proposed.

3. 521.3.B – Planted landscaping occupies a minimum of 25% of the project area. Proposed landscape area occupies 20% of the site.

4. 521.3-D1 - A landscaped buffer at least 10' is provided along all property lines (may be reduced if stone wall used as screening element). A 2-foot-wide landscaped buffer is provided on the North side.

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. A 2-foot-wide landscaped buffer is provided on the North side.

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. No planting strip provided between parking lot and building.

7. 521.3-F1 – Deciduous Street Trees: Planted along street side property boundary, private streets, and internal driveways. Some trees proposed for Aquidneck Ave. are located offsite in the public right-of-way. The DPW director has indicated that such installation is acceptable, provided that the property owner is responsible for maintenance.

TRC Review:

The Technical Review Committee reviewed the application during a meeting held on July 13, 2021. Following review, the committee voted unanimously to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval.

Recommended conditions of approval:

1. Prior to permitting, a landscaping maintenance easement, subject to the approval of the Town Solicitor and Public Works Director, shall be provided to address the ongoing maintenance of proposed trees and landscaping to be installed on town property abutting the subject parcel.
2. Prior to permitting, the final design of the proposed public sewer connection shall be reviewed and approved by the Public Works Director.
3. Prior to permitting, a stormwater treatment maintenance easement, subject to the approval of the Town Solicitor and Public Works Director, shall be provided to address the ongoing maintenance of proposed stormwater infrastructure located on subject property as well as such facilities located on abutting Town property. Such easement shall include

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.

Please contact me with any questions regarding this matter.

Cc: Applicant
Town Solicitor