



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: August 1, 2022

Re: **Public Hearing** - Application of Aquidneck Group LLC for Development Plan Review for construction of a new commercial building and associated site alterations on an existing commercial property, and including request for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 99 East Main Rd., Tax Assessors Plat 107SE, Lot 106

The applicant is proposing construction of a new commercial building with drive-thru within an existing shopping center. The property is located in the general business, traffic sensitive (LBA) zoning district. The project requires special use permit(s) from the Zoning Board of Review for the proposed drive-thru and the expansion of the shopping center. Therefore, the Planning Board's review will result in a recommendation to the Zoning Board.

Please see the attached site plans, development impact statement, and proposed building elevations. The Planning Board is scheduled to conduct a site visit on August 4th at 3:20 pm. Request for comment and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Roads & Utilities Committee, and Tree Commission. Comments will be provided as they become available.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on July 27th. Site design, stormwater management, and other aspects of the plan were discussed. Following its review, the TRC voted to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval:

Recommended conditions:

1. The applicant shall review and consider alteration to the traffic pattern for the northerly-most access to the project site from the main shopping center driveway. Consideration should be given to allowing entry-only from the main driveway at this location.
2. Following excavation for utilities connections on Commercial Blvd., the street shall be repaved in accordance with Town requirements prior to certificate of occupancy, subject to the approval of the DPW Director.
3. The sanitary sewer main within the shopping center shall be a minimum of 8-inch diameter, with services to each building a minimum of 6-inch diameter. Construction plans shall be revised as necessary prior to permitting.

4. Prior to permitting, the owner shall provide written confirmation that required maintenance in conformance with the O&M plan for the existing stormwater management system for the shopping center is being performed, subject to the approval of the Town Engineer.

Requested waivers:

Based on the latest plan set it appears that the applicant will require the following waivers from the commercial development design standards of section 521 of the Regulations, or must provide confirmation that the project is in compliance. 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. **Section 521.2.B. 1 & 2** – Windows must make up 20% – 60% of each façade and be of true or simulated divided-light design. **The applicant has been asked to provide the calculation of the window area for each façade. Proposed windows not divided-light.**
2. **Section 521.2.C** – Building exteriors and roofs must be constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone. **The applicant has indicated that Hardie Plank or similar product is proposed for the building siding. The applicant was asked to revise the elevation drawings accordingly.**
3. **Section 521.3.C** – Landscape screening elements along property lines. **Not provided.**
4. **Section 521.3.D.1-** Landscape buffer, 10’ wide along all property lines. **Not provided.**
5. **Section 521.3.D.3** - Landscape buffer, 10’ wide between the building and parking/driveways. **Not provided.**
6. **Section 521.3.F. 1 & 2** – Street trees and parking lot trees. **Additional trees proposed to be provided in the shopping center to improve the existing conditions, but does not meet the planting requirement for the project area.**

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.