



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: August 1, 2022

Re: **Public Hearing** - Application for Development Plan Review by A-1 Roofing & Construction, LLC including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, for modifications to the design of a previously approved new commercial building on property fronting on Aquidneck Avenue, Plat 114, Lot 507

The applicant previously received approval for the construction of two commercial buildings, including a 2-story mix-use building (office and trades contractors) and a 1-story trades/contractors building to the rear, with total building area of approximately 16,000 sq.ft. The applicant is now seeking approval for a revised design for the building to the rear. Please see the attached plans for the proposed revised design, as well as building elevations for the previous design. The previously approved site plan is also provided. Note that there are no proposed modifications to the previously approved site plan, and the building footprint for the rear building would be the same as was previously approved. Therefore, this Development Plan Review application focuses on the design of the rear building only. Zoning Board approval for this application is not required. Therefore, the Planning Board review will result in a decision to approve, approve with conditions, or deny the application.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on July 27, 2022. No significant items of concern were identified. Following its review, the TRC voted to forward a positive recommendation to the Planning Board.

Recommended conditions:

It is recommended that the following condition, applied to the prior approval, be carried over on this application should the board decide to approve the revised plan.

1. Pedestrian access to site from the abutting Aquidneck Avenue shall be provided, with plans to be revised accordingly prior to permitting.
2. Exterior lighting shall comply with the standards of section 521.1.D of the land development regulations, commercial development design standards.
3. Required trash receptacle and bike rack per section 521.1.E 3 & 4 of the land development regulations, commercial development design standards shall be included on the revised site plan prior to recording.

4. Windows shall occupy not less than twenty (20) percent or more than sixty (60) percent of any façade visible from the public way. A calculation of the amount of window area on each façade visible from the public way must be provided to demonstrate compliance prior to permitting.
5. The required landscape plan and landscape maintenance plan shall be submitted for review and approval by the Middletown Tree Commission prior to permitting.
6. Prior to permitting the site plan shall be revised to indicate the relocation of the existing bins, containers and barriers currently located on the subject parcel.
7. All roof-top equipment on the proposed buildings shall be shield from public view.
8. 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).
9. Required maintenance of storm water treatment facilities shall be performed on an ongoing basis in accordance with the storm water management plan. Prior to issuance of building permits, a storm water maintenance easement, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easement shall allow town access to the site to perform necessary maintenance of the storm drainage facilities should the owner fail to do so, with the owner being responsible for the cost of such work.
10. 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.

Requested waivers:

Based on the revised building plan it appears that the applicant must request the following waiver. Note that other waivers were granted by the Board for other aspects of the overall project as part of the prior review. 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. **521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone.
Building exterior elevations propose use of synthetic materials, including fiber cement board siding.

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.