



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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

Memorandum

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Planning Director

Date: August 24, 2022

Re: **Public Hearing** – Request of Mesolella Development Corp. for Preliminary Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17, *Low and Moderate Income Housing – Comprehensive Permit*, for construction of a new residential/commercial Mixed-use Development Project located at 1747 West Main Rd. Assessor's Plat 111, Lots 8 and 9, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, and variances from the Middletown Zoning Code section 1304 to allow 333 parking spaces where 357 spaces are required; and for a Special Use Permit under Middletown Zoning Code Article 11, Watershed Protection District, to allow development within Zone 1 of the Watershed Protection District.

Master Plan approval was granted for this project in November 2021. The applicant is now seeking Preliminary Plan approval to develop a mixed-use affordable housing project including 144 apartments, 63 of which (44%) would be affordable, and 22,000 square feet of retail space, all contained within eight proposed 3-story buildings.

In accordance with the Middletown Zoning Ordinance, Article 17, and Section 45-53-4 of the RI General Laws, the applicant has submitted an application for an affordable housing comprehensive permit to allow the development of low/moderate income housing. The zoning ordinance identifies the Planning Board as the local review board empowered to consider such applications. The board has the authority to consider and act on all of the applicant's requests for zoning and/or regulatory relief, and has the authority to approve the project subject to making the following findings.

Required findings:

1. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
2. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.
3. All low and moderate income housing units proposed are integrated throughout the development; are similar in scale and architectural style to the market rate units within

the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
5. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.
6. All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of R.I. Gen. Laws § 45-23-60(5).
7. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved recorded plans.

Committee Reviews:

- The Technical Review Committee (TRC) had a meeting on August 17, 2022 but was not able to vote on the item until the revised plans are submitted and reviewed. The revised plans were submitted on August 23, 2022. The TRC will continue its review on August 31, 2022. If review is completed and a recommendation is issued during that meeting, it will be provided to the Planning Board during the public hearing that evening.
- Comments received from the Conservation Commission are attached.
- Tree Commission comments to be provided following its review, scheduled for August 25th.
- As of this date no comments have been received from the Roads & Utilities Advisory Committee.

Recommended Conditions of approval: Pending TRC and other committee reviews.

1. A minimum of 51 units of low & moderate income housing, as defined in the state affordable housing statute section 45-53-3, shall be provided as part of phase 1 of the development. At least 12 additional units of low & moderate income housing shall be provided as part of phase 2.
2. Prior to permitting, the developer must provide documentation to the Town to demonstrate compliance with RIDEM remediation requirements and any other requirements relative to the current environmental land use restriction (ELUR) in the property.
3. Ongoing inspections and maintenance of the stormwater management system shall be conducted in accordance with the approved operations & maintenance plan. A stormwater facilities maintenance easement, subject to the approval of the Town Solicitor, shall be recorded which will obligate the owner to properly maintain the stormwater system, and provide for, but not obligate the Town to access the easement area to perform necessary maintenance at the owner's expense, should the owner fail to do so.

Requested zoning relief:

At Master Plan stage the applicant was granted relief from certain zoning ordinance requirements, including for the proposed use, residential unit density, and certain setback and

buffering requirements. Remaining necessary zoning relief, which is requested as part of the Preliminary Plan application, includes the following:

1. The applicant is requesting a Special Use Permit per Zoning Ordinance Article 11 for development within Watershed Protection District Zone 1.
2. §1304 Minimum and Maximum off-street parking requirements. **357 spaces required, 333 spaces provided. (Note that per the Mixed Use Development Design Standards Section 27A07 parking may be reduced- up to 75% of the requirements for the predominate use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for non-competing parking uses are offset.)**

Requested Waivers:

At Master Plan stage waivers were granted from certain commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, including for the use non-traditional exterior building materials, facades greater than 40-feet in length without a break in plane if at least 4 feet, and front-yard parking. We have identified the following additional necessary waivers for Planning Board consideration:

1. 521.3. F1 – 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. **Trees planted along street side property lines and private streets and internal driveways located between sidewalk and curb avoiding underground utilities and stormwater basins. Spaced 75 feet on center when possible with minimum caliper of 2 ½ inches.**
2. 521.3. F2 – Parking Lot Trees: Minimum of one tree provided for every 5 parking spaces. Trees at least 4' caliber dbh and 7' tall at time of planting Surrounded by at least 25 ft2 of permeable unpaved area. **One tree provided for every five parking spaces with 2 ½ inches caliper.**

The board may choose to deny issuance of the comprehensive permit for any of the following reasons. A denial is appealable to the state housing appeals board, rather than the Middletown Planning Board of Appeals.

1. The town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;
2. The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
3. The proposal is not in conformance with the comprehensive plan;
4. The community has met or has plans to meet the goal of 10% of the year-round units as defined in R.I. Gen. Laws § 45-53-3(2)(i) being low and moderate income housing;
5. Concerns for the environment and the health and safety of current residents have not been adequately addressed.

This application was certified complete on June 23, 2022. The Planning Board must act on the application with 120 days: October 21, 2022.

Please contact me with any questions regarding this matter.

Cc: Applicant
Building/Zoning Official

Town Solicitor