



To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: September 6, 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.

Revised elevation drawings have been provided (attached). Please refer to the site plans and development impact statement provided to you for the August 10th meeting. The Planning Board conducted a site visit on August 4th. Request for comment and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Roads & Utilities Committee, and Tree Commission. Comments from the Tree Commission are attached, and incorporated into the recommended conditions of approval below. Comments from others 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 recommended conditions of approval included in the list below.

Consulting Engineer Review:

During the August 10th meeting, the Planning Board requested that the Town's consulting engineer, Crossman Engineering, review and comment on the proposed interior site traffic circulations. The results of that review are provided in the attached memo. Recommendations are incorporated into the list of recommended conditions of approval below.

Recommended conditions of approval:

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. Lefthand turns from the project site into the main driveway at this location shall be prohibited, such as

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by installing signage, and installing curbing around the existing painted driveway median. Modifications to the site plans shall be completed prior to permitting.

2. The applicant shall consider the suggestions made by Crossman Engineering in its memo to the Town Planner dated August 30, 2022 regarding potential alternative routing of the Starbucks and bank drive-thru lanes.
3. Prior to permitting, the applicant shall confirm that an adequate loading zone is provided on the plans for the proposed new building.
4. Prior to permitting, the applicant shall revise the landscape plan to address comments of the Middletown Tree Commission as contained in the meeting notes of its August 25, 2022 meeting, including the planning of two additional trees along the East Main Rd. frontage; addition of a tree ("Ginko") and other plantings in the northwest corner of the site; increase the use of leaf blend mulch and reduce the use of river rock; and ensure that sufficient fill is removed and replaced with appropriate soil at new tree planting locations.
5. 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.
6. 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.
7. 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 provided calculations (attached) indicating that the north and east facing facades will provide the required amount of windows, while the west façade, also visible from the public street will not. 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.**

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.

Aquidneck Liquors
15 East Main Road
Middletown, RI 02842

June 15, 2022

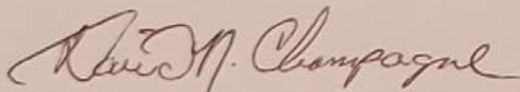
David Martland, Esq
Silva, Thomas, Martland & Offenberg, Ltd.
1100 Aquidneck Avenue
Middletown, RI 02842

Dear Mr. Martland,

Writing to acknowledge that the ownership of Aquidneck Liquors, located at the Aquidneck Shopping Center has reviewed the proposed plans presented by Crosspoint Associates for a new Starbucks building with drive-thru. The plans by DiPrete Engineering, Revision 8 dated 04-29-2022, show the proposed building in the parking lot in the northwest corner of the shopping center adjacent to our store.

We feel that the proposed parking lot improvements will be a benefit to the shopping center and our business. The drive-thru for Starbucks does not conflict with our drive-thru or regular store operation.

Aquidneck Liquors is in full support of the proposed Starbucks development.



Dave Champagne, Owner
Aquidneck Liquors



REVIEW MEMORANDUM

To: Ronald M. Wolanski, AICP
Director of Planning & Economic Development

From: Steven Cabral
Crossman Engineering

Date: August 30, 2022

Re: Starbucks Layout Review
Aquidneck Centre
Middletown, RI

As requested, we reviewed the general site layout of the proposed Starbucks at Aquidneck Centre, 99 East Main Road, Middletown, RI and offer the following observations:

1. We recognize that the access into Starbucks from the main driveway is an existing access opening but we anticipate that traffic using that entrance will increase during peak hours. As a minimum, we agree with the Planning Board's recommendation to make the exiting traffic a right turn only. For this to be effective, the existing striped median should be curbed or ramped to prevent the left turning movements.
2. If this was a new development, we would recommend that this access from the central driveway be eliminated due to its proximity to East Main Road but we recognize that this is a retrofit of an existing plaza which already has an access link at this location. One option to consider would be to have the Starbucks drive-through lane turn right as they leave the window to reduce the exiting traffic at the existing access. Adjustment to the bank's drive-in access would be needed for this option to fit. For example, it may be feasible for the bank's drive-in pattern to remain as it is today if the Starbucks window traffic was rerouted.
3. We recommend that the vehicle size for Starbucks' deliveries be confirmed. There did not appear to be space for truck loading/unloading and maneuvering.

Meeting with Representatives of Starbucks Development and Rosebrook Development

Middletown Tree Commission
August 25, 2022

Attending:

Karen Day, Chuck DiTucci, Alan Kirby, and Karen Barbera. Also attending were David Martland, representing the owners of Aquidneck Center and the the management company planning the building of the new Starbucks location, Kerry McCormack with Crosspoint Associates, Inc. (Starbucks) and Derek Mesolella with Mesolella Development Corporation and the Rosebrook Development project.

David Martland gave an overview and background information on the reason for the Starbucks relocation. Kerry McCormack the addressed the questions and concerns the Tree Commission had shared from our last meeting.

- Most of the existing trees would remain. In addition, they have honored our request and have removed 2 parking spaces along the border of West Main Road and will be planting 2 additional trees with understory plantings. Two of the members of the Commission expressed concern about the species mentioned in the plans and they agreed to allow the Commission to make another suggestion. Wires were a concern, but after reviewing the site, the members feel there is adequate space for planting and are suggesting Parrotia (species Vanessa or Ruby Vase). Also mentioned as a possibility are Acer freemanii 'Armstrong', Carpinus betulus fastigiata, Ginkgo 'Princeton Sentry', Quercus palustris 'Green Pillar', and Quercus robur fastigiata.
- They have added an additional Ginkgo in the area in the northwest corner of the property bordering the Chase Bank shopping center. They also agreed to remove the Pennisetum alopecuroides 'Little Bunny' that had been planned for the traffic island under the Acer rubrum 'Red Sunset' and to plant them in the green space in the northwest corner to increase the amount of plantings in the area.
- They will use leaf blend mulch in the planting areas and reduce the use of river rock, although there is some river rock still planned along the west bordered. They agreed to consider the use of more leaf blend mulch as much as possible.
- When the asphalt is removed, sufficient fill will be removed in order to provide the best soil for planting.
- There is a plan to hire a landscape maintenance firm who will be from the local area and will address maintenance and watering needs.

Derek Mesolella then presented background information on the competitive nature of receiving tax credits for the building of affordable housing projects. There are many applications and only a limited number of projects will receive the tax credits. These credits will be needed in order for the Rosebrook Development to be profitable as a mixed use development of commercial business, affordable housing, and market rate housing. He also discussed the need to control spending as much as possible. He then addressed the questions we had shared.

- Mr. Mesolella asked for clarification about our concerns about the appearance of the stone wall. We explained we would want the wall to match as closely as possible to the stone wall currently on the property. It was mentioned there will probably be rocks uncovered during site preparation and that rock could be used. Mr. Mesolella agreed to match the walls as much as possible.

- Mr. Mesolella explained the plantings area Building 4 will be similar to Building 3 and Building 5 will be similar to Building 2 and 5.
- The site will be completely excavated so all planting will be done in new soil.
- We expressed our concerns about the use of 54 Gleditsia tricathos 'Skyline'. We approve of the other deciduous trees on the planting list and would like to see more diversity among the planting so using more of some of these species and less of the honey locust should be considered. Mr. Mesolella will discuss making this change with the landscape architect.
- Concern about the use of mountain laurel was expressed and a member suggested the use of Leucothoe instead and he agreed.
- Straw will be used during the seeding process as a cover and not hay.
- A maintenance staff will address maintenance and watering needs.

The Tree Commission appreciated the opportunity to meet directly with the representatives of both projects and discuss our questions and concerns. Their willingness to address our concerns and adjust their plans was also appreciated.