



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842  
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PLANNING BOARD MINUTES  
August 31, 2022, 6pm  
Town Council Chambers – Town Hall  
350 East Main Road  
Middletown, RI 02842

**Board members present:**

Paul Croce, Chair  
Bill Nash, Vice Chair  
Michael Fenton, Secretary  
Art Weber  
B.J. Owen  
John Ciummo  
Joe Pierik

Ron Wolanski, Town Planner  
Peter Reagan, Town Solicitor  
Anita Guo, Principal Planner

Mr. Croce called the meeting to order at 6:00pm

1. **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 variance 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.
  - a. **Motion** by Mr. Weber, seconded by Mr. Ciummo to open the public hearing. **Vote:** 7-0-0
  - b. Attorney David Martland represented the applicant. He went over the master plan approval process, the current preliminary plan stage, and the applicant's work with various state and local departments on the preliminary plan. Mr. Martland then introduced architect Virginia Branch.
  - c. Ms. Branch went over the architectural plans and site layout of the buildings on site. She shared that there were changes to the plans to reflect the comments received from the Planning Board during master plan. She also talked about the current storage building and design and noted that it is low impact on the overall plan. Mr. Martland then introduced the engineer Victoria Howland.
  - d. Ms. Howland expressed that they have heard the Planning Board and the public's concerns and have made changes to the plans to address those concerns. She discussed that they recognize the importance of stormwater management and that the project will be and has been reviewed by the State, Town Engineer, and consulting engineer. She then went over the existing conditions and the contaminated soil on site.

- Ms. Howland expressed confidence that the soil contamination can be and will be addressed. She also talked about the request for a reduction in parking spaces, loading spaces, dumpsters with enclosures, and paved access for sewer easement. She also noted that a second exit lane was added at the main entrance to help mediate traffic during peak hours. Ms. Howland reviewed the stormwater management, treatment, and maintenance plans. Comments from the Town Engineer, consulting engineer, and other state departments were incorporated in the revised plans.
- e. Mr. Fenton asked for clarification of the RIDOT storm drain system to the north of the site, which Ms. Howland addressed satisfactorily.
  - f. Mr. Weber asked about the impact on Bailey's Brook. Ms. Howland shared in the stormwater management plan, the flow and volume of water will be reduced and the quality of the water leaving the site onto Bailey's Brook will be improved.
  - g. Mr. Weber asked about whether a traffic signal will be placed at the main entrance. Ms. Howland stated, based on the current assessment and traffic study, which was peer-reviewed by Crossman Engineering, the site does not warrant a signal. Mr. Martland added that RIDOT is the authorizing party to place a signal on West Main Road. Mr. Wolanski also shared during the Technical Review Committee (TRC) meeting on the morning of August 31<sup>st</sup>, there were several identified conditions of approval. In addition, Crossman Engineering reviewed the traffic study and their requested revisions would not significantly influence the study's outcome.
  - h. Mr. Nash also spoke about traffic concerns and suggested adding concrete islands to the turning lanes at the main entrance and adding a secondary ingress/egress. Ms. Howland stated that there is a right entry only southerly access and there will be signage to help with traffic. Mr. Croce suggested a secondary egress for residents at the northerly area of the project. There was also discussion about fire department access.
  - i. Mr. Fenton asked about the removal of contaminated soil. Ms. Howland shared there will be a combination of excavating and capping the contaminated soil. Clean materials will be used to replace the contaminated soil.
  - j. Ms. Owen expressed shared traffic and soil remediation concerns. Mr. Ciummo also spoke about traffic and pointed out that there will be a surge in traffic with new development. He agreed with Mr. Croce on his suggestion of a secondary egress.
  - k. Mr. Pierik shared the findings from the Conservation Commission meeting. They expressed a concern on stormwater maintenance and inquired about the stormwater maintenance plan. Applicant Derek Mesolessa stated that RIDEM requires the applicant to engage a property manager for the site and expressed his intent to seek a property manager who is experienced in stormwater maintenance.
  - l. Mr. Martland shared that Crossman Engineering did not see anything that would be a nonstarter from the traffic study review. He also stated that the applicant finds the identified conditions of approval acceptable.
  - m. Mr. Nash asked about the visibility of rooftop equipment and the proposed elevator(s) in the building which Ms. Branch addressed would not be an issue.
  - n. Mr. Martland introduced the landscape architect Ms. Diana Soule. Ms. Soule went over the landscape plans and shared that they will satisfactorily address the Tree Commission's comments. Mr. Martland asked Ms. Soule to address the request for landscape waivers. Ms. Soule stated that the waiver requests are to utilize trees with a smaller caliper, which are more affordable.
  - o. Mr. Mesolessa shared that around 40% of the total residential units will be affordable. In phase one, 80% of the built units will be affordable. Mr. Weber asked for clarification on the definition of an affordable unit and the eligibility requirements which Mr. Mesolessa stated will be determined by location and Rhode Island Housing's standards. The units

- are for qualifying Rhode Island residents and Mr. Mesolella shared that it has been shown that the bulk of applicants are usually local residents.
- p. Mr. Martland then introduced Joseph Lombardo. Mr. Lombardo went over his process in conducting the fiscal impact study. In conclusion, Mr. Lombardo shared that the net expenses exceed the net revenue for the Town of Middletown, but affordable units are much needed in the community and the applicant is providing more affordable housing units than other comprehensive permits. Mr. Weber asked about the expected number of school age children which Mr. Lombardo stated based on previous studies and the proposed design, he is comfortable with the estimate of 10 school age children.
  - q. Mr. Martland spoke about findings the Board discussed during master plan stage and emphasized that the need for affordable housing is great in Middletown.
  - r. Mr. Nash then asked about interior traffic flow in regard to public transportation, shared ride services, and school buses which Ms. Howland explained and addressed.
  - s. There was discussion about zoning and uses in the Limited Industrial Zone. Mr. Wolanski stated that some zoning relief was already granted in master plan stage on November 2, 2021, and that the Board is only considering the Special Use Permit under Middletown Zoning Code Article 11, Watershed Protection District and the variance from the Middletown Zoning Code section 1304 at this time. Mr. Regan stated that the application has received a variance and that allowed specific uses for mixed-use developments.
  - t. The Board invited public input.
  - u. There were questions about construction timeline, impact on road conditions, and the lighting plan which the applicant addressed satisfactorily.
  - v. There were questions about the impact on private wells in the area and water pressure which Ms. Howland said would not be impacted.
  - w. There were concerns and comments about stormwater management and maintenance, water quality, traffic signal, wetlands, and soil remediation.
  - x. There were clarifying questions about the location of commercial and residential units and Zone 1 Watershed Protection District which the applicant addressed satisfactorily.
  - y. There were concerns about the project's proximity to the airport runway, traffic, and climate and environmental impacts. Mr. Martland addressed the applicant is actively looking into undertaking some measures, such as solar power, in the tax incentive application process.
  - z. There were questions about the actual net revenue loss calculation with the elimination of the motor vehicle tax. There were concerns about direct benefits to Middletown residents. Mr. Martland highlighted the critical need of affordable housing in the community and talked about the loss of the workforce in the community, which is partly due to limited affordable units. There was discussion about fair housing laws and the application process to obtain one of the affordable units.
  - aa. Mr. Nash asked for more information on the annual net revenue cost to the Town and the monitoring of the remediation process. Mr. Martland and Mr. Lombardo shared, with the elimination of the motor vehicle tax, the annual net revenue loss would be \$120,000 but emphasized that this project provides much-needed housing. Mr. Martland talked about the general remediation process and requirements for projects on land with environmental issues. Mr. Regan added that the remediation process is the sole purview of RIDEM and any future disturbance of the soil would have to go through RIDEM as well.
  - bb. Mr. Nash requested that the applicant clarify the plans for the existing storage building are conceptual in nature, and to communicate with RIDOT on a secondary egress, traffic signal, and other suggestions which the applicant committed to.
  - cc. **Motion** by Mr. Nash, seconded by Ms. Owen to close the public hearing. **Vote:** 7-0-0

- dd. **Motion** by Mr. Nash, seconded by Mr. Ciummo to grant the Special Use Permit, under Middletown Zoning Code Article 11, Watershed Protection District, to allow development within Zone 1 of the Watershed Protection District. **Vote:** 7-0-0
- ee. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the variance request from the Middletown Zoning Code §1304 to allow 333 parking spaces where 357 spaces are required. **Vote:** 7-0-0
- ff. **Motion** by Mr. Nash, seconded by Mr. Weber to grant the waiver from Middletown Rules & Regulations Regarding the Subdivision & Development of Land §521.3.F.1 – **Trees will be planted along street side property lines and private streets and internal driveways located between sidewalk and curb avoiding underground utilities and stormwater basins. Trees will be spaced 75 feet on center when possible with minimum caliper of 2 ½ inches.** **Vote:** 7-0-0
- gg. **Motion** by Mr. Nash, seconded by Mr. Weber to grant the waiver from Middletown Rules & Regulations Regarding the Subdivision & Development of Land §521.3.F.2 - **One tree will be provided for every five parking spaces with 2 ½ inches caliper.** **Vote:** 7-0-0
- hh. **Motion** by Mr. Nash, seconded by Mr. Ciummo to grant approval of the Preliminary Plan subject to the following conditions of approval and to make the required findings of fact.
- i. Conditions of approval:
    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.
    4. Prior to permitting, the applicant shall submit a revised landscape plan addressing requests of the Middletown Tree Commission discussed with the applicant during its August 25, 2022 meeting, subject to review and approval by the Town Planner and Tree Commission Chair.
    5. Prior to permitting, the applicant's Traffic Impact Study report shall be revised to address the comments of Crossman Engineering as contained in the letter from Elizabeth McChesney, dated August 17, 2022.
    6. Prior to permitting, the following outstanding comments by Crossman Engineering regarding stormwater management, as listed in Pare Engineering's response to comments memo dated August 22, 2022 (attached) shall be addressed, subject to approval of the Town Engineer:
      - a. Comment #3 – regarding pipe size needed to convey discharge from the 100-yr storm.
      - b. Comment #5 – regarding revision to the operations & maintenance plan to address necessary forebay maintenance.

- c. Comment #7 – regarding providing cross section details for bioretention areas.
    - d. Comment #15 – regarding revision to the downspout so it matches the plans.
  - 7. At building permit stage, the applicant shall demonstrate that roof runoff is routed as depicted on the approved stormwater management plan.
  - 8. Applicant shall approach RIDOT regarding access and egress alterations and traffic signal suggestions.
- ii. **Vote:** 7-0-0
- ii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to adjourn. **Vote:** 7-0-0

Meeting adjourned at approximately 9:40pm.

Respectfully submitted,  
Mike Fenton, Secretary