



To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: October 3, 2022

Re: **Public Hearing** - Request of CGRI Middletown, LLC for Development Plan Review for a project consisting of proposed alterations to existing commercial buildings, proposed new commercial buildings, and associated site work, and including requests for waivers from certain requirements of section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 1400 West Main Rd., Assessor's Plat 106, Lot 53A

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The applicant is proposing construction of a new commercial buildings and renovation of existing buildings on the existing shopping center property. The property is located in the general business, traffic sensitive (GBA) zoning district. The project requires special use permit(s) from the Zoning Board of Review for the expansion of the shopping center. Therefore, the Planning Board's review will result in a recommendation to the Zoning Board.

Site plans, building elevations and renderings, development impact statement and other documents are attached for your review. 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 are incorporated into the list of 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 September 28th. 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 listed below.

**Consulting Engineer Review:**

The Town's consulting engineer, Crossman Engineering, reviewed the application for engineering considerations. The results of that review, which were incorporated into the TRC review are provided in the attached memo. Recommendations are incorporated into the list of recommended conditions of approval below.

**Recommended conditions of approval:**

1. Ongoing inspections and maintenance of the stormwater management system shall be conducted in accordance with the approved operations & maintenance plan. Prior to permitting, a stormwater facilities maintenance easement, subject to the approval of the  
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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.

2. Prior to permitting, the stormwater management system operation and maintenance plan shall be revised to include measures needed to maintain design infiltration rates, subject to the approval of the Town Engineer.
3. Prior to permitting, the stormwater management report shall be revised to reflect and take credit for anticipated groundwater recharge on the site, subject to the approval of the Town Engineer.
4. Prior to permitting, the applicant shall investigate the possibility of further reducing the rate and volume of stormwater discharge from the site. Any such revisions to the stormwater management plan are subject to review and approval by the Town Engineer.
5. The applicant shall coordinate with the Town Engineer on the evaluation of the potential need for an easement benefiting the Town, to allow for off-site stormwater flows to be transmitted through the applicant's stormwater management system.
6. Prior to permitting, the applicant shall coordinate with the Fire Department to select acceptable emergency vehicle access to the gated portion of the property.
7. Prior to permitting, the applicant shall coordinate with the Fire Department on required fire hydrant specifications.
8. Prior to permitting, comments from the Tree Commission contained in their correspondence to the Planning Board on September 30, 2022 shall be addressed.

**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 521.1.B.1** – Parking to be located to side or rear of buildings. **Proposed parking does not comply. This is an existing site condition due to location of the existing former Benny's building, which will be retained.**
2. **Section 521.1.B.2** – Parking to be separated into lots of not more than 50 spaces each, with lots separated by landscaped strip at least 10 feet wide. **Proposed parking does not comply.**
3. **Section 521.1.E.3** – Location and design of proposed trash receptacles to be provided on the plans. **Not provided.**
4. **Section 521.1.E.4** – Bike racks to accommodate at least 1 bike for every 5 auto parking spaces must be provided. **Not provided.**

5. **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 building siding.**
6. **Section 521.2.C** – Traditional roof form required, with minimum 4:12 pitch. **Roofs for buildings at the rear of the site do not comply.**
7. **Section 521.3.D.1-** Landscape buffer, 10' wide along all property lines. **Not provided in all areas.**
8. **Section 521.3.D.3** - Landscape buffer, 10' wide between the building and parking/driveways. **Not provided in all areas.**
9. **Section 521.3.F. 2** – Parking lot trees. **Proposed parking lot trees do not meet the minimum size of 4-inch caliper.**

**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.



**REVIEW MEMORANDUM**

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

From: Steven Cabral  
Crossman Engineering

Date: September 26, 2022

Re: CGRI Middletown, LLC  
1400 West Main Road, Middletown  
Drainage & Traffic Review  
Middletown, RI

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As requested, we reviewed the drainage and traffic for the proposed Redevelopment of 1400 West Main Road, Middletown, RI and offer the following observations:

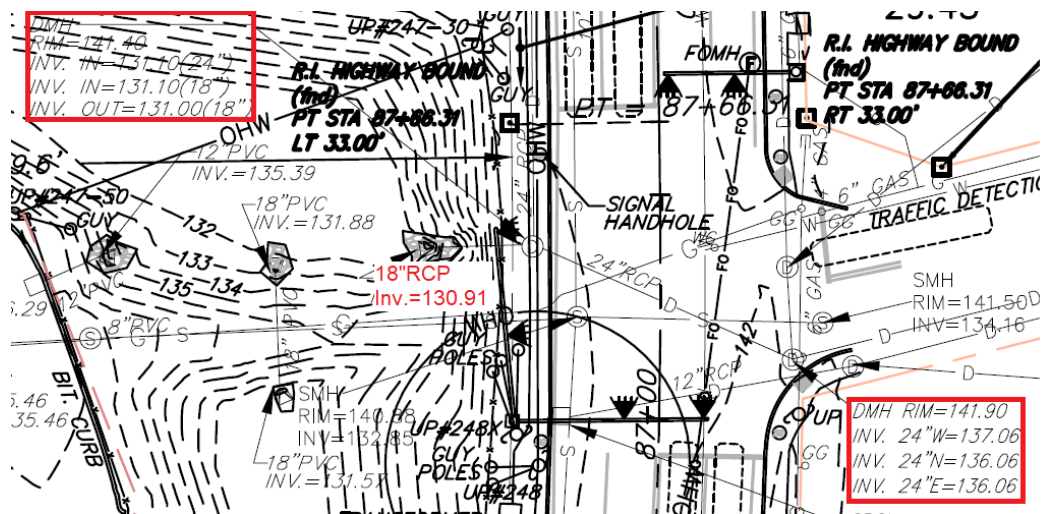
Stormwater

The overall Redevelopment results in a decrease in impervious surfaces, therefore there will be a net reduction in peak flows and runoff volumes for each storm event but we recommend that the following items be addressed:

1. Grading and drainage work are proposed along the western side of the property within an area labeled as an existing Drainage Easement (Book 265, Page 409). The existing stormwater ponds at the northeast corner of the site are also identified to be within a Drainage Easement recorded with the same book and page number. The easement description was not available, therefore we could not confirm the intended use of the western easement. Since the new dry swale is proposed to be built partially within the existing drainage easement, we recommend clarification if the proposed drainage improvements conflict with the intent of the drainage easement. The dimensions of the easement near the western property line were not evident in the plans.
2. We recommend that the original Drainage Plans for the on-site stormwater detention systems be compared to existing conditions to ensure that the systems conform to the original design and whether corrective measures are or are not needed. One item to check is whether the rear depression (west end of lot) was originally designed as a detention pond.
3. For clarification, storms up to the 100-year event are modeled in the Drainage Report. The analysis provides the peak flows from the site draining towards the existing detention basin and are not intended to demonstrate that the existing basin can handle peak rain events or meets current standards.

September 26, 2022  
 Proposed Redevelopment  
 1400 West Main Road  
 Middletown, RI  
 Page 2 of 3

4. Existing site runoff generally enters the existing Basin (northeast corner) via direct discharge or through an existing 36-inch culvert that begins at the rear of the parcel. Question: Does the site's re-grading increase peak flows towards the existing 36-inch culvert? If so, we need to confirm that ponding levels at the western side of the lot do not increase.
5. The Survey Plan shows that the inverts of the existing Basin outlet pipes are higher on the east side of West Main. If the invert data is correct, the Basin is an Infiltration Pond and would need additional O&M measures.



6. At the southwest corner of the lot, it was not clear if the proposed berm on the southside of the new dry swale would alter the flow path from the existing 24-inch outfall (on the neighboring lot).
7. For water quality pretreatment, the designer elected to demonstrate that the deep sumps within the catchbasins themselves provide a storage volume below the outlet pipe greater than the required pretreatment volume for each catchbasins' impervious catchment area. We offer the following minor comments:
  - a. No pretreatment is provided for the runoff captured by the truck well drain to the west of Building D.
  - b. Verify if the pretreatment calculations for CB 108 and CB 109 in the stormwater report are reversed. The stormwater report states CB 108 will require a 6' sump to meet pretreatment requirements of catchment area, but CB 109 is listed with the 6' sump on the Grading and Drainage Plan.

September 26, 2022  
Proposed Redevelopment  
1400 West Main Road  
Middletown, RI  
Page 3 of 3

8. A Waiver from the Recharge Standard is requested. The justification appears to be based upon soil borings that found glacial till underlying the site. Till, which typically has low permeability, is present throughout Middletown but does not always eliminate the ability to recharge. The proposed dry swales can qualify for recharge credit and we recommend a review of options to avoid a Waiver from the Recharge Standard.

### Traffic

Our traffic engineers reviewed the VHB Traffic Report and surrounding area. Upon consideration of the data, it is their opinion that the project related traffic increases are correctly identified and they agree with VHB's conclusion that there is no need to perform a full Traffic Impact Study for the proposed redevelopment. The conclusion is based on the following:

- The project added (new) vehicle trips during all the peak hours are less than 100. This agrees with the RIDOT requirements in their Traffic Design Manual.
- VHB trip generation does not include a reduction in projected trips to the site due to shared trips to the remainder of the shopping plaza.
- The access to the site is controlled by a traffic signal which will aid motorists entering and exiting the site.

**From:** [Karen Day](#)  
**To:** [Ronald Wolanski](#); [Paul Croce](#)  
**Cc:** [Karen Day](#); [Bill Di Marco](#); [Bob Johnson](#); [Alan Kirby](#); [Karen Barbera](#); [BJ Northup-Owen](#); [Chuck DiTucci](#)  
**Subject:** Review of Landscape plans for Mini Golf and Benny's property.  
**Date:** Friday, September 30, 2022 12:30:18 PM

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Hi Ron and Paul,

The Tree Commission met and reviewed the landscape plans for both the mini golf development and the Benny's project.

#### Mini Golf

- We were thrilled to see note #15 under maintenance of trees "Any pruning or treatment of a tree that is contrary to the purpose of the originally approved plan will be subject to correction or replacement by the town at the owner's expense."
- Most of the species and locations for planting we feel will enhance the development.
- We would like to see *Pyrus calleryana* "Aristocrat" (Aristocrat Callery pear) eliminated and a different species used. Callery pear are invasive and prone to breakage.
- We have concerns about the maintenance of *Rosa* x 'Radtko' (Double Knock out red rose) planted under the tree canopy. Landscapers on the committee fear they would have difficulty thriving and suggest something else might be more hardy such as *liriope*.
- We would want to make the property owner aware the yews are prone to damage from deer so they would probably need some kind of protection.

#### Benny's Property

- We support the developer's plan to use native species for many of the trees and other plantings.
- We have some concern about the ability of *Amelanchier laevis* (Allegheny Serviceberry) to survive in the harsh environment of a parking lot. Perhaps the landscape architect has thoughts on that.
- We suggest the use of *seslari autumnalis* instead of *Festuca glauca* 'Elijah Blue'
- We did not receive a maintenance plan.

In addition, we reviewed the amended plans for the Starbucks project and appreciated the responsiveness of the developer in addressing our concerns.

Karen Day