



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

**TOWN OF MIDDLETOWN**

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

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: October 3, 2022

Re: **Public Hearing** - Request of Derek Savas for Development Plan Review for a project consisting of a proposed miniature golf course with associated parking and other site improvements, 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 fronting on Valley Road, Assessor's Plat 107NE, Lot 402A.

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The applicant is proposing construction of a new miniature golf course, including a 600 sq.ft. commercial building, parking, and associated site work. The property is located in the limited business, traffic sensitive (LBA) zoning district. The project requires special use permit(s) from the Zoning Board of Review to allow for the proposed use. 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. Tree Commission comments are attached, and are incorporated into the list of recommended conditions 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. Some of Crossman's comments have been addressed, with remaining recommendations incorporated into the list of recommended conditions of approval.

### **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. A stormwater facilities maintenance easement, subject to the approval of the Town Solicitor, shall be

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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. Due to the proposed water features, a minimum 4-foot-tall fence with gated access surrounding the golf course is required. Prior to permitting, the detail drawings for the fence must be provided for review and approval by the Building Inspector.
3. A sewer manhole must be installed at the connection point with the private sewer main located on abutting property. A sewer maintenance agreement between the two property owners is required, subject to the approval of the Director of Public Works.
4. Prior to permitting, the lighting plan for the golf course shall be revised to demonstrate compliance with the requirements of Zoning Ordinance Article 27B – Outdoor Lighting.
5. Prior to permitting, the stormwater management plan shall be revised to add riprap between the paved waterway (called out as “bituminous spill off”) and the bottom of sediment forebay, and to correct the notation regarding the elevation of the berm between the detention pond and Valley Rd.
6. Prior to permitting, the stormwater management plan shall be revised to include an impervious core as part of the berm detail, subject to the approval of the Town Engineer.
7. Prior to permitting, the applicant shall investigate revising the stormwater management plan to demonstrate the ability of the proposed stormwater swale to convey runoff from the 100-year storm through the site. Any plan revisions are subject to review and approval of the Town Engineer.
8. Prior to permitting, the applicant shall revise the stormwater management plan and/or the operations and maintenance plan to demonstrate compliance with stormwater recharge and treatment requirements, subject to the approval of the Town Engineer.
9. Prior to permitting, the applicant shall demonstrate that the proposed detention pond will not retain in excess of 24 inches of water depth for more than 24-hours, subject to the approval of the Town Engineer.
10. 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 521.2.B. 1 & 2** – Windows must make up 20% – 60% of each façade visible from the public street and be of true or simulated divided-light design. **There are no windows on the street-facing façade of the proposed building.**

2. **Section 521.3.B** – Landscaping occupies at least 25% of the project area. **The applicant must provide the calculation demonstrating compliance or a waiver would be required.**
3. **Section 521.3.F. 1 & 2** – Street trees and parking lot trees. **The number of parking lot trees, and spacing and number of street trees does not meet the requirements.**

**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: Valley Road Mini-Golf  
Drainage & Traffic Review  
Middletown, RI

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As requested, we reviewed the drainage and traffic for the proposed Valley Road Mini-Golf on Plat 107NE, Lot 402A, Middletown, RI and offer the following observations:

Stormwater

1. Recommend adding riprap between the paved waterway (called out as “bituminous spill off”) and the bottom of sediment forebay to minimize erosion of the forebay side slopes.
2. Grading and Drainage Plan has a callout between the infiltration basin and Valley Road which states, “5’ Wide Berm EL=65.0”. It appears that the 65 is a typo and should be elevation 68. For the Infiltration Basin Section on Sheet C-8, we recommend that the materials of the earthen berm be identified. A similar detail is recommended for the Sediment Forebay Berm.
3. There is a significant upstream catchment area which drains through the site under existing and proposed conditions. The designer proposes a 1.5’ deep, 3’ bottom width dry swale along the upper limit of work to capture and reroute the upstream catchment area around the proposed parking lot, mini golf course and stormwater BMPs. In order to demonstrate that the swale is sized to convey runoff from this upstream catchment area, the designer models a 10-year maximum storm event. Section 5.7.2 of the RISDISM does only require the safe conveyance of the 10-year storm event for open channels, however we also need to confirm that the flow reaches the intended design point for up to the 100-year event. The designer’s HydroCAD calculations indicate a peak swale water elevation of 1.24 feet during the 10-year storm (1.5 ft is swale depth). To ensure that the swale does not overflow towards the abutter during larger events, we request the designer confirm that the swale can accommodate up to the 100-year storm event.

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4. The designer takes credit for infiltration within the sediment forebay. Infiltration credit should only be allowed within the infiltration pond. The impact of removing this credit may be minimal but confirmation is recommended.
5. The Water Quality and Recharge calculations do not appear to account for the impervious surfaces of the min-golf facility.
6. We did not see the Sediment Forebay sizing calculation which requires a minimum volume of 10% of the water quality volume.

#### Traffic

7. We concur that the proposed land use is a relatively low traffic generator and that with adequate sight distance, no adverse impact to the local street system is anticipated.

**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 lirioppe.
- 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 autumnnalis 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