



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: July 5, 2023

Re: **Public Hearing** - Application of Cardinal 159 LLC (IHOP) for Development Plan Review for 1,300+/- sq. ft. expansion of existing restaurant building, landscaping, and associated site work, and including requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 159 West Main Rd., Tax Assessor's Plat 108, Lot 45.

The applicant is proposing a 1,300+/- sq. ft. expansion of an existing restaurant building with landscaping and other associated site work. The property is located at 159 West Main Road in the Office Business, Traffic Sensitive (OBA) zoning district. Site plans, building elevations and renderings, development impact statements and other documents are attached for your review. These documents can also be viewed online at: <https://middletownri.com/504/Planning-Board-Meeting-Packets>

Request for comments and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Roads & Utilities Committee, and Tree Commission. Since the expansion of a restaurant serving alcohol alcoholic beverages will require a special use permit from the Zoning Board of Review, the Planning Board review will result in a recommendation to the Zoning Board of Review.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on June 28th. Site design, utilities, stormwater management, and other aspects of the plan were discussed. Following its review, the committee voted unanimously to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval.

Recommended conditions of approval:

1. Prior to permitting, applicant shall provide a Stormwater System Operations and Maintenance Plan, subject to the approval of the Town Engineer.
2. Prior to permitting, applicant shall provide the design of the exterior trash receptacle(s).

Additional condition:

3. Prior to permitting the landscape plan shall be revised to address comments of the Middletown Tree Commission as contained in email correspondence to the Planning Board dated July 4, 2023.

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 subdivision and land development 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.3** – Pedestrian walkways and crosswalks are provided. **Not provided.**
2. **Section 521.2.C** – Building exteriors and roofs constructed of traditional materials. **Applicant is proposing the use of a metal roof, fiber cement board, and other synthetic materials.**
3. **Section 521.3.B** - Planted landscape must occupy a minimum of 25% of project area. **Applicant is providing 18% of landscaping.**
4. **Section 521.3.D.1** – A landscaped buffer at least 10’ wide provided along all property lines. **Not provided. This is an existing, non-conforming condition.**
5. **Section 521.3.D.2** – A landscape buffer at least 20’ with screening at least 6’ high shall be provided for lot lines abutting residential properties or uses. **Not provided. This is an existing, non-conforming condition.**
6. **Section 521.3.D.3** – A landscaped buffer at least 10’ wide with a minimum 5’ planting strip is provided between buildings and parking lots/driveways. **Not provided. This is an existing condition.**
7. **Section 521.3.F.1** – Street trees. **No street trees are provided along the property boundary. This is an existing condition.**
8. **Section 521.3.F.2** – Parking lot trees. Minimum of one tree is provided for every 5 parking spaces and trees must be at least 4” in caliper size and 7’ tall at time of planting. **Applicant is providing three additional trees but the number and caliper size of trees do not meet 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.

Cc: Applicant

From: [Karen Day](#)
To: [Ronald Wolanski](#); [Paul Croce](#)
Subject: Valley Crossing and IHOP
Date: Tuesday, July 4, 2023 12:24:20 PM

Hello Paul and Ron,

The Tree Commission met on June 29, 2023 and reviewed the landscape plans for Valley Crossing Medical Building and the IHOP proposed addition.

1. This was the second time we had looked at the plans for Valley Crossing as they had made changes to the original plans submitted in January. We have 3 concerns.

- They are proposing to plant cedars under the locust trees. We are concerned they will interfere with each other. The cedar could grow into the locust trees and the locust trees will eventually shade the cedar which may make it difficult for them to survive. We understand the cedar will provide an evergreen screen and we certainly appreciate they have included the planting of trees. Perhaps there is a way to spread them out a bit and give both more room. If that is not possible, perhaps finding a different species of evergreen that will not grow as tall and can tolerate more shade.
- Along the south border of the property, there are 30 bayberries planned. There may be room for perhaps 2 trees also in that area, perhaps an additional acer rubrums or some other deciduous tree for interest.
- One of the members who is a landscape designer expressed concern about the use of lavender due to the need for maintenance and this is a commercial setting which may make that more difficult and longevity may be an issue.

2. The IHOP plans propose planting 2 Eastern redbud along the rear of the property. There is a chainlink fence there with a Norway maple growing in the property behind the fence. Part of the maple is growing through the fence from the park side and adding shade to the area. We would recommend that the landscaper who plants those trees should cut back the branches from that maple that are growing through the fence into the area to eliminate the possibility the tree will interfere with the new planting. The one other request is a longterm maintenance plan. The one presented is the plan which guarantees the planting for one year.

Feel free to contact me with any questions or concerns.

Karen