



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: April 1, 2021

Re: **Public Hearing** - Application for Development Plan Review by A-1 Roofing & Construction, LLC including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, and including recommendation to the Zoning Board of Review for construction of two commercial buildings and associated site work in Zone 1 of the Watershed Protection District on property fronting on Aquidneck Avenue, Plat 114, Lot 507.

The applicant is proposing construction of two commercial buildings, including a 2-story mix-use building (office and trades contractors) and a 1-story trades contractors building to the rear, with total area of approximately 16,000 sq.ft. The property is located in the limited business, traffic sensitive (LBA) zoning district. In addition the Development Plan Review, the project also requires a special use permit in order to allow development within Zone 1 of the Watershed Protection District. No additional zoning relief is requested at this time. Please see the attached site plans, development impact statement, and proposed building elevations. The Planning Board is scheduled to conduct a site visit on April 12th at 3:20 pm.

Request for comment and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Roads & Utilities Committee, and Tree Commission. Comments will be provided as they become available.

The Technical Review Committee (TRC) reviewed the application during its meeting on March 31st. 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.

Requested waivers:

Based on the latest plan set it appears that the applicant will request the following waivers. 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. **521.1.B.3** – Pedestrian access to site from the abutting Aquidneck Avenue not provided. *(During the TRC meeting the applicant indicated that the plan would be revised to provide pedestrian access.)*
2. **521.1.D** – Use of proposed wall-pack exterior site lighting appears to be inconsistent with the requirement to minimize light pollution, unless demonstrated to be dark-sky compliant fixtures.
3. **521.1.E.3 & 4** – Trash receptacle and required bike rack not provided on the site plan. *(During the TRC meeting the applicant indicated that the plan would be revised to provide these items.)*
4. **521.2.A.2** – Walls exceed forty feet in length without the required break in plane of at least 48 inches.
5. **521.2.B-1** - Windows should occupy not less than twenty (20) percent or more than sixty (60) percent of any façade visible from the public way. A calculation of the amount of window area on each façade visible from the public way must be provided to demonstrate compliance.
6. **521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. Building exterior elevations propose use of metal and synthetic materials.
7. **521.2.D** - Traditional roof forms such as hip, gambrel, or gable shall be required. The gradient from level of any sloped roof shall be at least 4:12. Flat roofs may be permitted if decorative details are incorporated into the roof design and/or the roof is designed to incorporate a sloped design for the portion of the roof visible from the public way, and provided that any mechanical equipment installed on the roof is not visible from the public way and abutting properties. A flat roof is proposed for both buildings. *(During the TRC meeting the applicant indicated that roof design could be modified.)*
8. **521.3.D.2** – Landscaped buffer of at least 20 feet in width required along all property lines abutting residential use. Not provided at the rear property line due to stormwater management feature.

Request for recommendation on development in Zone 1 of the Watershed Protection District.

In reviewing this application and providing an advisory opinion to the Zoning Board of Review, the Planning Board should consider the potential impacts of the proposed development on the watershed. The following development design standards are required by Zoning Ordinance Section 1108:

1. Surface water runoff shall, to the degree feasible, be directed towards areas covered with vegetation for surface infiltration; and
2. Where the premises are partially outside of the WPD, site design shall, to the degree feasible, locate such potential pollution sources as Individual Sewage Disposal Systems outside of the District; and
3. Surface water runoff shall be directed, to the degree feasible, towards the lesser restricted district where the premises is located within two (2) or more districts.

Regarding these standards:

- 1. The applicant proposes to install a storm water collection and treatment facility on the property. This system must comply with the town's storm water management ordinance, and RIDEM requirements. RIDEM has approved the design. The plan has been reviewed

by town staff and was found to be acceptable. Required treatment of storm water will be provided. Impervious cover is reduced, and runoff rates for stormwater leaving the site will be reduced compared to existing conditions.

- 2. Regarding potential pollution sources, aside from storm water, no potential pollution sources are identified.
- 3. The storm drainage treatment facilities are located within the area designated as Zone 1, as this includes the topographical low points on the property.

Recommended conditions of approval

If the Board chooses to move forward with providing a positive recommendation to the Zoning Board of Review at this time, the board should consider the following recommended conditions:

1. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).
2. Required maintenance of storm water treatment facilities shall be performed on an ongoing basis in accordance with the storm water management plan. Prior to issuance of building permits, a storm water maintenance easement, in a form acceptable to the Town Solicitor, shall be recorded in the Land Evidence Records. Said easement shall allow town access to the site to perform necessary maintenance of the storm drainage facilities should the owner fail to do so, with the owner being responsible for the cost of such work.
3. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited within Watershed Protection District, Zone 1.

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.