



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: August 2, 2021

Re: **Public Hearing** – Application of Newport Car Vaults c/o Blake Henderson for Development Plan Review including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, as well as recommendation to Zoning Board of Review on special use permit application for proposed development within Zone 1 of the Watershed Protection District, for construction of a new commercial building and site work for and auto storage building. Property located at 55 John Clarke Rd., Plat 115, Lot 33.

This application was continued to the Planning Board's August 11th meeting at the request of the applicant.

The applicant is proposing demolition of an existing two story 10,300 sq.ft office building and construction of new two story a 25,200 sq.ft. automotive storage facility with 32 condominium units. According to the Development Impact Statement one unit will be used for office space. The remaining 21 units will each contain garage doors, pedestrian doors, two levels of car storage, and bathroom facilities.

The property is located in the office park (OP) zoning district in the Aquidneck Corporate Park with frontage on both John Clarke Rd. and Valley Rd. The only proposed access will be from John Clarke Rd. A portion of the northwest area of the property is located within the town's Watershed Protection District (WPD) Zone 1 and is within the Coastal Resources Management Council (CRMC) jurisdiction. A proposed riprap spillway is located within the WPD Zone 1.

A limited access gate at the facility entrance is proposed. It is recommended that the specifications be provided for review and approval prior to permitting to ensure compliance with section 625 of the rules and regulations regarding the subdivision and development of land.

The Planning Board conducted a site visit of the property on July 6, 2021. Copies of site plans have been distributed to the appropriate committees and department. Comments will be provided as they become available.

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."

Requested waivers:

- 1. 521.1.B3 Pedestrian walkways and crosswalks are provided. **No crosswalks are provided from John Clarke Rd. or Valley Rd. or within the site.**
- 2. 521.1.B3 Pedestrian access to the site from the public way is provided. **No pedestrian walkways are provided from John Clarke Rd. or Valley Rd.**
- 3. 521.1.E3 Trash receptacles shall be appropriately sized and located. **Receptacle is placed in an inappropriate location; it is recommended that it be relocated near the office or site entrance, or a waiver will be necessary.**
- 4. 521.1.E3 Trash receptacles shall have decorative designs compatible with the overall design theme for the development. **Receptacle design has not been submitted and therefore compliance cannot be determined. It is recommended that design be included on site plans, or a waiver may be necessary.**
- 5. 521.1.E4 Bicycle racks shall be provided, minimum 1 bicycle space per 5 automobile parking spaces or fraction thereof. **No bicycle racks are provided.**
- 6. 521.2C Building exteriors and roofs constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone (synthetic materials require Planning Board approval). **Synthetic Boral trim is proposed**
- 7.521.3.C Screening element such as plantings, stone walls, berms and/or fences (or a combination) provided along all property lines. **No screening elements along the Valley Rd. property line are provided.**
- 8. 521.3.D3 A landscaped buffer at least 10' wide, which is defined by curbing and may include sidewalks but must include a minimum 5' planting strip, is provided between buildings and parking lots/driveways. **A 10-foot landscaped buffer is not provided between the building and parking lot.**
- 9. Deciduous Street trees: Planted along street side property boundary, private streets, and internal driveways. **No street trees are provided along the Valley Rd. street side property boundary.**

TRC Review:

The Technical review committee reviewed the application during a meeting held on July 13, 2021. Following review the committee voted unanimously to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval. Note that there was discussion of the potential need for zoning dimensional relief for the plan as presented, including for building height. The Building/Zoning Official has determined that a zoning variance for building height exceeding the 40' limit is required.

TRC Recommended conditions of approval:

1. Prior to permitting, specifications for the limited access gate must be provided to the building department and fire department for review and approval.
2. Prior to permitting, trash receptacle placement and design should be modified and noted on the site plan.

Recommended conditions of approval regarding development within Zone 1 of the Watershed Protection District:

3. 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). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.
4. 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.

Cc: Town Solicitor
Applicant