



Town of Middletown Planning Department

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

To: Paul A. Croce, Chairman
Planning Board members

From: Rita Lavoie, Principal Planner

Date: September 1, 2021

Re: **Public Hearing** – Application of GD Middletown West Main I, LLC for Development Plan Review, including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, and recommendation to the Zoning Board of Review regarding special use permit application for development in Zone 1 of the Watershed Protection District, to allow construction of a ground-mounted solar photovoltaic installation on a property located at 1747 West Main Road, Plat 111 Lot 9A.

This item was continued to the September 8, 2021 Planning Board meeting at the request of the applicant in order for revised plans to be provided and TRC review to be completed. As of this date copies of revised plans have yet to be submitted and TRC review is not yet complete. It is recommended that this matter be continued to the October 13, 2021 Planning Board meeting.

The applicant is seeking Development Plan Review for development of a 2.25-megawatt ground-mounted solar photovoltaic array. The project will be constructed on a parcel of approximately 12.7 acres. The applicant has received required RIDEM wetlands approval. Please refer to previously provided plans and documents. Because the development requires the issuance of a special use permit by the Zoning Board of Review (ZBR), the Planning Board's review will result in a recommendation to the ZBR.

- Plans were forwarded to the Technical Review Committee and Roads & Utilities Committee for review and comment. As of this date the TRC has not yet completed its review of the application due to the need for revisions and copies of revised plans from the applicant.
- The landscaping plans have been provided to the Middletown Tree Commission for review and comment. Following its review, the Commission provided the following comments: *“The Tree Commission met with Kevin Morin and Hannah Morini and they presented some of the background of the project and the landscaping planned for the area. The Tree Commission supports the approach the group is taking to not remove plantings except invasives and add several species of deciduous and evergreen trees and other native plantings, including the planting of wild flowers among the panel installations. The only concern we had is the use of mountain laurel which traditionally does not do well on the island. We appreciate the care they are taking to consider the needs of the abutters and they are seeking their input. We hope they will continue to work with them as they move forward. We have no other concerns with the project.”*

Zone 1 WPD

Note that the project is located partially within Zone 1 of the Watershed Protection district due to the presence of hydric soils (Stissing). The project is located in the Bailey Brook watershed. The following development design standards are required for all developed within the Watershed Protection District per 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.

If the Board chooses to move forward with providing a positive recommendation, based on my review of the application materials and the requirements of Article 11, the board should consider the following conditions of approval:

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). 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.
2. 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.

Waiver Requests:

Waivers may be considered in accordance with section 908 of the subdivision regulations where; the literal enforcement of one 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. To proceed, the application would require the following waivers from Article 5 Section 521 for commercial development design:

- 1) 521.1.C. – The project is proposed to be serviced by overhead utility lines, where underground service is required.
- 2) 521.3- D.2 – Required opaque screening along the abutting residential property boundary not provided.

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.

Please contact me with any questions regarding this matter.

Cc: Applicant
Town Solicitor