



PLANNING BOARD MINUTES

October 14, 2021, 6pm

Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

Paul Croce, Chair

Bill Nash, Vice Chair

Michael Fenton, Secretary

Art Weber

Joe Pierik

B.J. Owen

John Ciummo

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

Rita Lavoie, Principal Planner

Mr. Croce called the meeting to order at 6:00pm and introduced the item to be considered with an overview of the approval procedure, Planning Board policy to not continue meeting past 9PM

1. Correspondence

A. Letter from John Goodman (Rhode Island Airport Corporation) dated 10/13/2021 re: Middletown Housing Hearing 10-13-21

1. **Motion** to accept by Mr. Nash, seconded by Ms. Owen
2. **Vote:** 7-0-0

2. **Public Hearing** – Request of Mesolella Development Corp. for Master Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17, *Low and Moderate Income Housing – Comprehensive Permit*, for construction of a new residential/commercial Mixed-use Development Project located at 1747 West Main Rd. Assessor's Plat 111, Lots 8 and 9, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, and variances from the Middletown Zoning Code sections 602, 603, 1304, 27A04, 27A05, 27A04E(1), 2704E(2), and 27A07E(3), and for a Special Use Permit under Middletown Zoning Code Article 11, Watershed Protection District.

- A. **Motion** to open the public hearing by Mr. Weber, seconded by Mr. Nash
- B. **Vote:** 7-0-0

- C. Mr. David Martland, attorney for the applicant, described the affordable housing component, mixed-use, existing commercial building, variance requests, eligibility letter from Rhode Island housing
- D. Ms. Victoria Howland, engineer for the applicant, provided her qualifications and was recognized as an expert in her field as an engineer
- E. Ms. Howland reviewed the existing conditions noting a traffic sensitive light industrial district and watershed protection district, existing access drive and utilities, existing sewer easement, wetland complexes, current drainage patterns, total developable area is 10.7 acres out of 15 total acres, location of buildings, nearby development patterns, engineering plans to be further defined at preliminary plan stage, building setbacks, variance per mixed-use setback to abutting residential structure, access drive, traffic study to be conducted at preliminary plan stage, parking calculations, fire apparatus maneuverability, dumpsters, stormwater design, RIDEM permitting for water quality treatment, RIDOT permitting, no significant environmental concerns, provisions for emergency services, safe vehicular and pedestrian access, no significant impacts to the health and safety of future residents
- F. Discussion by the board: adding a secondary egress per roads and utilities committee request, alignment with Marshall Lane under investigation, traffic light discussion, approving at master plan would still allow changes to the proposed site layout after engineering
- G. Mr. Martland explained the TRC recommendation to investigate removal of the storage building upon the expiration of the lease, phasing of the project, stormwater
- H. Mr. Derek Mesolella, applicant, explained that there would be screening of the existing storage building, little traffic on site to the existing storage use
- I. Discussion by the board: concerns about the existing boat storage building not fitting with the overall development plan, access to the existing storage building, utilities currently on site, existing stormwater measures, existing untreated overland stormwater flow, zoning relief requested, development density
- J. Mr. Martland reviewed the low- and moderate-income housing required findings
- K. Mr. Ed Pimentel, urban planner for the applicant, explained the state statute for variance and waiver requests, methodology for analysis of community characteristics and regulatory documents, the reason for the density surpassing that allowed by regulations due to limited land areas in town, proximity to utilities and road, on bus lines
- L. Discussion on variance requests, comprehensive plan, zoning code, required finding that proposed development concerns do not outweigh the need for affordable housing
- M. Mr. Pimentel reviewed the current zoning, surrounded by residential zoning districts
- N. Mr. Weber spoke of zoning intensification to achieve affordable housing
- O. Discussion on the number of units necessary to make the project feasible
- P. Mr. Pimentel submitted a report on affordable housing and was made part of the record as an exhibit, he reviewed the consistency with the comprehensive plan, the need for smaller 1 and 2 bedroom units, 35% of the project will be low or moderate income housing where 25% is required, surrounding residential character, current level of affordable housing, significant need for affordable housing, requested relief

- consistent with the goals of the comprehensive plan given the need for affordable housing, strategies to achieve affordable housing
- Q. Mr. Pimentel was recognized as an expert for planning and land use after providing his background
 - R. Questions by the board on the number of children potential in the 2 and 3 bedroom units, Mr. Pimentel's claim that there will be no impact on schools, request for a greater analysis on impact on schools, plans for the existing storage building, current regulations on what qualifies as affordable housing
 - S. Mr. Brett Pelletier, real estate advisor for the applicant, provided his qualifications and reviewed his market study (not provided to the board), which discusses need, demand, supply, and methodology. He spoke of significant need for affordable housing in Middletown, high housing costs, need for rental housing, explained his calculations of need, low income tax credit procedure
 - T. Questions by the board: affordable housing plan, who qualifies for affordable housing
 - U. Mr. Wolanski clarified the town's affordable housing plan is part of the Middletown Comprehensive Plan
 - V. 5 minute recess
 - W. Ms. Barbara Sokoloff, planning consultant for the applicant, provided her qualifications on reviewing the financial feasibility for the proposed development. She discussed the letter of eligibility from Rhode Island Housing, the pro forma she compiled
 - X. The pro forma was made part of the record
 - Y. Ms. Sokoloff described the project as a competitive project for Rhode Island housing tax credits, seeking approval for this year, will reapply in subsequent years if not selected
 - Z. Ms. Virginia Branch, architect for the applicant, reviewed her qualifications. She described the proposed architecture with retail commercial use on the ground floor with residential units above on phase 1 units, gable roof, screening of rooftop mechanical equipment, double hung windows, shingle roof, clapboard, building elevators, separate commercial and residential parking areas, buildings fronting each other with parking along boat storage, rear buildings meeting height requirements, number of stories appropriate in a mixed-use development
 - AA. Mr. Martland compared the proposal to South County Commons in North Kingston
 - BB. Questions by the board: commercial units' typical businesses, concerns about three story structures, average square footage of the retail spaces, how uses are allowed in the mixed-use ordinance and light industrial district
 - CC. Discussion on allowable uses in a mixed-use development in a light industrial zone, location and specifications of the affordable units
 - DD. Mr. Regan indicated that he needs to discuss the allowable uses with the applicant's attorney.
 - EE. Ms. Branch and Mr. Martland indicated that the affordable units are in phase 1 and not physically distinguishable from market rate units. Rhode Island Housing design standards were discussed.

- FF. Discussion on distribution of affordable units throughout the site, credit eligibility, workforce housing mixed with market rate in second phase
- GG. A sample of exterior synthetic material was provided to the board
- HH. Architectural plans were added to the record
- II. Mr. Croce asked about the financial analysis including operations. It was clarified that it includes a 20-year operating budget based on long-term rentals
- JJ. Ms. Sokoloff explained the monitoring agent and Rhode Island housing monitoring
- KK. Members of the public were invited to speak
- LL. Mr. Val Ouellette of 6 Thelma Lane asked about total rental units, allowed uses, lighting, traffic on West Main Rd, selection of candidates for rental
- MM. Mr. Martland and Ms. Howland explained uses governed by Mixed-use ordinance, RI DOT permit required for project, light photometric plan showing no lighting projecting beyond the property line, dark sky compliant lighting
- NN. Ms. Sokoloff explained a marketing plan to advertise the development would be created
- OO. Mr. Spence Harber of Bailey Brook Court asked about similar projects with similar density
- PP. Ms. Sokoloff and Mr. Mesolella spoke of similar projects throughout the state, provided a list of similar projects from the Rhode Island Housing tax credit applications
- QQ. Mr. Ray Alexander of 6 Coggeshall Circle asked about the Oxbow Farms housing affordability and the restriction on the current project, solar farm plans, wetlands
- RR. Discussion by the board that engineering will come at preliminary plan stage, oxbow farms mortgage
- SS. Mr. Martland explained that the current zoning allows 40 foot tall structures
- TT. Mr. Croce asked about circumstances where phase 2 would not be built
- UU. Mr. Mesolella indicated he wants to pursue building phase 2
- VV. Mr. Matt Alexander of 81 Amesbury Circle asked about drainage, solar farm application, and people who will benefit from the affordable housing
- WW. Ms. Howland explained that the solar project is not part of the application and is on a separate lot but per Rhode Island state permitting the runoff must be reduced
- XX. Mr. David Dill of 141 Busher Drive spoke of traffic concerns on West Main Rd, contaminated soils, layout, curb cuts, play space for children, sewer easement status, boat storage inconsistent, not allowing retail on first floor
- YY. Mr. Nash suggested consideration of a recreational space in the development
- ZZ. Discussion on continuing the matter to a future date for future public comment and work with the solicitor on if affordable housing procedure applies to the commercial aspects of the project, the board asked if additional members of the public still wished to speak, ending the meeting at 9PM
- AAA. Mr. Vincent Mesolella requested that the board take a vote

- BBB. Mr. Lou Krue of Evelin Circle spoke of concerns about home values, water pressure, vacant store fronts
- CCC. Ms. Howland explained that the water pressure in the main would not be reduced and additional pressurizers would be necessary of fire suppression
- DDD. Mr. David Dill spoke of allowing members of the public to speak
- EEE. Ms. Karen Dill 141 Busher Drive spoke of water pressure concerns, drainage concerns, low-income rentals coming from outside the area
- FFF. Mr. Pat Wygant 41 Busher Drive asked about drainage
- GGG. No other members of the public wished to speak
- HHH. Mr. Croce asked about waiver and variance requests
- III. There was discussion on what waiver and variance requests to review at the master plan level, number of variances and special use permit requests
- JJJ. **Motion** to close the public hearing by Mr. Nash, seconded by Ms. Owen
- KKK. **Vote:** 6-1-0 with Mr. Fenton voting in opposition
- LLL. Continued to a special Planning Board meeting November 2, 2021 at 6pm by consensus
- MMM. **Motion** to adjourn by Ms. Owen, seconded by Mr. Nash
- NNN. **Vote:** 7-0-0

Meeting adjourned at approximately 9:25pm

Respectfully submitted:

Mike Fenton, Secretary