



PLANNING BOARD MINUTES
Special Meeting
December 6, 2023, 6pm
Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

Paul Croce, Chairman
Bill Nash, Vice Chair
Michael Fenton, Secretary
Art Weber
B.J. Owen
John Ciummo
Leon Amarant

Also present:

Ron Wolanski, Town Planner
Peter Skwirz, Conflict Solicitor

Mr. Croce called the meeting to order at 6:00pm

1. **Public Hearing** – Request of the Town of Middletown for Master Plan approval for an affordable housing comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17 *Low and Moderate Income Housing- Comprehensive Permit*, for development of 35 units of affordable multi-family housing and other uses, constituting a mixed-use development. Property located at 26 Oliphant Lane, Assessor's Plat 111 Lot 36. The application includes requests for variances from sections of the Middletown Zoning Code as follows: §602, to allow a mixed-use developments where not a permitted use in the public (PA) zoning district; § 27A05 to exceed the allowable density of residential units in a mixed-use development. The Applicant is permitted eleven (11) single-bedroom units and thirteen (13) two-bedroom units. The Applicant proposes 11 (eleven) single-bedroom units and twenty-four (24) two-bedroom units, requiring relief in the amount of eleven (11) two-bedroom units; § 27A04(D) of the Zoning Code ("Mix of Uses") and § 27A06(A) to allow 88% of the GLFA be designated for residential use where 75% is permitted; § 1304 of the Zoning Code regarding off-street parking to allow 72 parking spaces where 89 spaces are required; § 1507(A) mandates that no off-street parking area shall be located within twenty-five (25) of a property line. Proposed parking is within 10.8 feet, 13.8 feet, and 13.1 feet of property lines; §1507(B) mandates that no off-street parking area shall be located within twenty-five (25) feet of any wall of a principal building used for residential purposes. Proposed parking is within 24 feet, 22.8 feet, 13.4 feet, 10.8 feet, and 10 feet from proposed residential buildings; § 1508(A) mandates that in multifamily dwelling projects, principal buildings shall be separated from any other principal building by a minimum of

fifty (50) feet. Buildings are separated by 29.5 feet, 20 feet, 34.4 feet, and 20.4 feet; § 27A07(E)(1) mandates that no new principal building shall be located within 100' of an existing residential building on abutting property or 50' of a residentially zoned lot. Proposed buildings are located 17.4 feet from the abutting property to the north, which is zoned R-10. Proposed buildings are located 43 feet and 57 feet from an existing residential structure to the north. §27A07(E)(2) mandates that the area within the required setbacks shall be devoted to a landscaped or natural buffer zone. The required buffer is not provided.

- a. **Motion** by Mr. Nash seconded by Mr. Ciummo to open the public hearing. **Vote:** 6-0-0
- b. Mr. Croce referenced a letter submitted to the board by William R. Jones of 29 Amesbury Circle regarding 26 Oliphant Lane. **Motion** by Mr. Nash, seconded by Mr. Weber to receive the letter. **Vote** 7-0-0.
- c. The applicant was represented by attorney Peter Regan. Mr. Regan discussed the goals of the project, including to assist the Town in reaching 10% affordable housing units as required by state law and meeting local housing needs. He discussed the comprehensive permit process and the requirements for master plan review. He requested that the master plan including number of units be approved, but that consideration of the identified necessary zoning relief be addressed at preliminary plan stage except for approval to allow mixed-use development in the public zoning district. The request for funding through RI Housing must be submitted by January 16th.
- d. Mr. Regan introduced Town Administrator Shawn Brown. Mr. Brown discussed the Town's recent and ongoing efforts to address the need for affordable housing, including the establishment of the affordable housing committee, hiring a housing consultant, conducting market analyses, which were provided to the Board and entered as exhibits, and pursuing this and other affordable housing developments. There is an identified need for more affordable housing. He described the components of the proposed project.
- e. The applicant addressed questions about the new location for school department administration and impacts to Bailey Brook. School administration will be relocated to the high school as part of the new school buildings project. Stormwater and other engineering issues will be addressed at preliminary plan stage.
- f. Mr. Regan introduced real estate expert Jim Houle who noted relevant goals of the Middletown Comprehensive Community Plan which the proposed project addresses. He stated that the project complies with the comprehensive plan. In response to questions from board members, Mr. Houle discussed housing affordability and rising values for various type of housing.
- g. In response to board member questions, Mr. Reagan stated that the project would be available to families and seniors. There will be no age restriction. There was discussion of the state's 10% affordable housing requirement. The parking requirements were also discussed, which will change as of January 1st due to changes in state law.
- h. Mr. Regan introduced engineer Jason Kroll of Horsley Witten Group, the design engineer for the project. Mr. Kroll reviewed the existing conditions plan and proposed site plan. He stated that the project must comply with state and local regulations regarding wetlands and stormwater management. Stormwater treatment would be improved over current conditions. The site will be served by public water and sewer and a traffic study will be completed for the preliminary plan submission. There will be an attempt to increase the buffer to abutting property at the north end of the property.

- i. There was additional discussion of the TRC review process and the recommendations of the TRC, the buffer on the north end of the property, wetlands permitting requirements, and impervious surfaces. The requested relief for density was also discussed.
- j. Board members raised questions about onsite traffic circulation and offsite traffic impacts. There was discussion of the possibility of reconfiguring the plan to cluster the buildings in the center of the property, with the driveway and parking around the perimeter. Considering providing access directly from West Main Road was also discussed in order to reduce impact on Oliphant Lane, as well as possibly eliminating one of the curb cuts on Oliphant. The applicant stated that a traffic study will be completed for the preliminary plan submission.
- k. Mr. Regan introduced the project architect, Doug Brown of DBVW Architects who reviewed the design including the renovation of the two existing buildings now used by the school department. He stated that idea of clustering the buildings in the center had been considered previously, and the proposed design is preferred due to site constraints, and the desire to provide a more attractive development.
- l. Board members again raised concerns about traffic and requested consideration of access directly to and from West Main Rd. The applicant stated that this will be considered as part of the traffic study.
- m. Mr. Regan introduced the Town's affordable housing consultant Frank Spinella. Mr. Spinella described the general process for developing affordable housing and the connection between this project and the Town's project on Green End Ave. for financing purposes. He reviewed the project proforma and residency restrictions for the project, which will require that residents have maximum income of 60% of area median income. The project will not be age restricted. The number of units proposed would make the two projects together competitive for funding. Reducing the number of units would decrease competitiveness. Allowing families will also enhance competitiveness.
- n. In response to a question, Mr. Spinella stated that residency cannot be restricted to only Middletown residents due to federal law, but given local housing demand and the plan to only market the units locally, most units will likely be filled by local residents.
- o. There was additional discussion of the state 10% affordable housing requirement. Mr. Spinella also addressed questions regarding the proposed ownership scenario and provisions for energy efficiency. He stated that meeting certain "green" building standards is being considered. The property will be owned by the town with a long-term lease to a development partner which has yet to be selected.
- p. Mr. Spinella addressed questions regarding tenant costs and the development proforma, property maintenance and the possibility of reducing the number of bedrooms, if not the number of units. He noted that decreasing the number of bedrooms would reduce competitiveness for funding given the need for family housing that has been identified. There was discussion that even though Middletown's population is not increasing, there is an increasing need for housing, in part due to declining household size.
- q. Mr. Regan concluded his presentation.
- r. Mr. Croce opened the floor for public input.
- s. Kathrine Roberts of 27 Oliphant Lane stated that lighting is a concern. The plan doesn't consider impacts on abutters. She expressed concern about traffic and impacts on Oliphant Lane. The project is being rushed to meet the funding deadline.

- t. John Brereton of 27 Swan Drive stated that traffic is an existing concern on Oliphant Lane, which this project will only make worse. The proposed buildings nearest West Main Rd. are a concern due to the amount and speed of traffic and impact of the new residents. Lighting and site constraints are a concern. The site is not a good location for the project.
- u. Charlie Roberts of 27 Oliphant Lane stated that his children are in town schools and he has volunteered on town committees. Concerns of town residents should be considered. He expressed concern about traffic and speed on Oliphant Lane. A traffic study is needed. The number of proposed units should be reduced. He expressed concern over the loss of recreation space. He stated that the Town Council should have considered other locations for housing development, such as Linden Park. He asked the board to not grant the requested zoning relief.
- v. Robert Byron of 40 Swan Drive stated that recreational fields are needed on the north side of town. He believes the process is being rushed, and that better options might be identified with more time. He expressed concerns over traffic, and noted that as market-rate development continues, the town will always be short of the 10% affordable housing goal.
- w. There being no additional members of the public wishing to speak, Mr. Regan provided closing remarks. He stated that traffic is a significant concern that will be considered as the preliminary plan is being developed. The project is not being fast-tracked. It has been discussed in public for at least a year and is now requesting master plan approval in order to seek funding, which is available once each year. He stated that the number of units now in the plan is less than proposed initially. The density being requested is reasonable and is less than recently approved for other comprehensive permit applications. There is need for more housing in town and this project is part of the solution.
- x. There was discussion of the use of the mixed-use nature of the project, due to the inclusion of office space on the first floor of the school building. The proposed tenant, PACE, provides in-home services to allow the elderly to stay in their home longer.
- y. There was discussion of the need for walking paths throughout the property, which the applicant agreed to consider.
- z. The applicant was asked to meet with neighbors as the preliminary plan is developed in order to try to address concerns.
- aa. Several board members expressed support for the project subject to traffic, site design and other concerns being considered at preliminary plan stage.
- bb. **Motion** by Mr. Nash, seconded by Ms. Owen to close the public hearing. **Vote:** 7-0-0.
- cc. Mr. Wolanski reviewed the required findings, proposed conditions of approval and the zoning relief requested for the use in the public zoning district.
- dd. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the application and the requested zoning relief subject to the require findings and proposed conditions. Mr. Weber noted that the zoning relief being considered is a use variance. Mr. Nash expressed his reasons for supporting the project, and concern over recent changes to state law which will reduce local control over such applications. **Vote:** 7-0-0.
- ee. The approval was grant subject to the following conditions and relief granted:

Conditions of approval:

1. Prior to Preliminary Plan approval the applicant shall demonstrate adequate access for emergency vehicles, subject to the approval of the Fire Chief.
2. Fire hydrant(s) shall be provided on the subject property and shown on the Preliminary Plan, with location(s) subject to the approval of the Fire Chief.
3. Final routing and design for connections to the public sewer system shall be provided at Preliminary Plan stage, subject to the approval of the DPW director.
4. As part of the preliminary plan submission the applicant shall demonstrate that alternative site design options were considered, such as for placement of buildings, parking and driveways. Each design alternative that was considered shall be presented to the Planning Board with a discussion of the reasons the option was not selected to proceed.
5. In developing the preliminary plan design, the applicant shall investigate the possibility of providing vehicular access to the site directly from West Main Rd. An explanation shall be provided if such access is determined to be infeasible.
6. The inclusion of a walking path throughout the site as a recreational amenity shall be considered as part of the preliminary plan design.
7. All rooftop HVAC and other mechanical equipment shall be screened from view from public streets.
8. A full traffic study shall be completed and submitted as part of the preliminary plan application. The study shall evaluate existing traffic conditions on public streets and intersections in the vicinity of the project, the anticipated impacts of the proposed project on these traffic conditions, and recommendations for mitigating these impacts. Proposed onsite traffic circulation and parking shall also be evaluated, including access into and throughout the site for private, commercial and emergency vehicles.
9. A landscape plan demonstrating compliance with town requirements shall be provided as part of the preliminary plan application. The plan shall include significant year-round vegetative screening of the property along all property lines. Screening may also include but shall not be limited to decorative fencing.
10. During the preliminary plan design process the applicant shall convene at least one neighborhood meeting to present and discuss the proposed design. All property owners within 200 feet of the subject property shall be invited to attend this meeting.
11. The preliminary plan application shall be provided to the Middletown Affordable Housing Committee for review and comment prior to the Planning Board hearing.

Zoning relief granted:

1. Zoning Ordinance §602 Schedule of District Regulations and Uses to allow a mixed-use development project where not permitted in the public (P) zoning district.

2. **Motion** Mr. Nash, seconded by Mr. Weber, to adjourn. **Vote:** 7-0-0.

Meeting adjourned at approximately 9:25pm.

Respectfully submitted,
Mike Fenton, Secretary

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