



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842  
(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: January 3, 2023

Re: **Public Hearing** - Application of Seascope Holdings, LLC for Development Plan Review for construction of a new 30' x 64' commercial building for office and storage use in the limited business (LBA) zoning district. The application includes requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, and request for a variance from section 603 of the Middletown zoning ordinance, Town Code Chapter 152, to allow a side setback of 5.1 feet along the easterly property line where 18.7 feet is required. Property located at 985 Aquidneck Ave., Tax Assessors Plat 113, Lot 208.

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The applicant is proposing to construct a new commercial building for office and storage use, including a new paved parking area, landscaping, and stormwater management system. There is also an existing commercial structure that faces Aquidneck Avenue on the property. The property is located on 985 Aquidneck Ave in the Limited Business, Traffic Sensitive (LBA) zoning district. Under the regulations passed during the 2023 RI General Assembly Session, the Planning Board shall review development plan review applications and the requested zoning relief under unified development review. The Planning Board's review will result in a decision to approve or deny the DPR application.

Application materials can also be viewed online at: <https://middletownri.com/504/Planning-Board-Meeting-Packets> Request for comments and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Tree Commission, and the Roads & Utilities Committee. Any comments received will be provided as they become available.

### **TRC Review:**

The Technical Review Committee (TRC) will review the application during its meeting on January 5th. The results of that review will be reported to the Planning Board.

### **Requested zoning relief:**

The applicant is requesting the following relief from provisions of the Middletown Zoning Ordinance:

- 1. Variance from Zoning Ordinance §603 to allow a side setback of 5.1 feet along the easterly property line where 18.7 feet is required.**

### **Required findings for variance:**

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- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16) RIGL;
- (2) That the hardship is not the result of any prior action of the applicant; and
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan upon which this chapter is based.
- (4) The Zoning Board of Review/Planning Board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
  - (a) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
  - (b) In granting a dimensional variance, that the hardship which will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
  - (c) Dimensional variances granted in conjunction with a special use permit shall be supported by independent evidence on the record satisfying each of the requirements for a dimensional variance, and the Board shall vote on each dimensional variance before voting on the special use permit.

**Requested waivers:**

Based on the plan set it appears that the applicant will require the following waivers from the commercial development design standards of section 521 of the subdivision and land development regulations, or must provide confirmation that the project is in compliance. Per section 1009 of the Regulations.

1. **Section 521.1.B.3** – Pedestrian walkways and crosswalk, pedestrian access to the site from the public way, and pedestrian access from neighboring properties are provided. **No pedestrian walkways, crosswalks, or access from neighboring properties are proposed.**
2. **Section 521.1.E.3** – Exterior litter receptacles shall be provided on all commercial, multi-family residential, and mixed-use properties. **A dumpster is provided but no exterior litter receptacles are provided.**
3. **Section 521.1.E.4** – Bicycle racks shall be provided, minimum 1 bicycle space per 4 automobile parking spaces or fraction thereof. **No bicycle racks are proposed.**
4. **Section 521.2.A.2** – No unbroken plan of a wall exceeds forty feet without a break of at least 48” in plane. **The easterly building elevation exceeds forty feet in length with no break in plane.**

5. **Section 521.2.B.1** – Windows occupy between 20% and 60% of façade visible from the public way. **The westerly (6.5%), southerly (1.5%), and easterly (0%) facades that are visible from Aquidneck Ave and Trimble Road do not meet this requirement.**
6. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement.**
7. **Section 521.3.D.1** – A landscaped buffer at least 10” is provided along all property lines. **Buffer along easterly property line is only 5” wide.**
8. **Section 521.3.D.3** – A landscaped buffer at least 10’ wide shall be provided between buildings and parking lots/driveways. The buffer shall defined by curbing, and may include sidewalks, but must include a minimum 5’ planting strip. **No buffer is provided between the front of the building and parking lot.**
9. **Section 521.3.F.2** – Require a minimum of one parking lot tree for every five parking spaces. **Not provided.**

**Required findings:**

In accordance with section 309 of the Middletown Zoning Ordinance, prior to granting any development plan review approval 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: Applicant