



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: February 1, 2024

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. Property located at 985 Aquidneck Ave., Tax Assessors Plat 113, Lot 208.

This matter was continued to the February 14, 2024 regular Planning Board meeting. Prior to the January 10th meeting it was determined that the petition for a variance for building setback relief was not properly advertised. The Town Solicitor's office advised that the Town's customary practice of assigning two front yards and two side yards for corner lots is not consistent with state law, which specifies that only one lot line can be identified as the front, with the rear and side lot lines to then be established based on this determination. The identification of lot lines is necessary to determine the building setbacks that will be required for the parcel. In the case of a corner lot, the lot line abutting a street that is not identified as the front is to be considered a side lot line. The Solicitor advised that the definition for lot lines in the Middletown zoning ordinance must be amended to specify how the Town will identify which is the front lot line. A draft of a proposed amendment will be on the Planning Board's February 14th agenda for consideration.

In the meantime the applicant was advised that he could either await the adoption of the new definition and then submit the revised petition, or submit a revised petition now for variance that would request the greatest amount of relief that would potentially be needed for all lot lines, assuming that either of the street side lot lines could be determined to be the front. Such petition could be advertised allowing the DPR review to proceed. This "worst case scenario" zoning petition was not submitted by the applicant. As such, without a properly advertised zoning petition, the public hearing and DPR review on the February 14th agenda cannot proceed. I recommend that the Planning Board consider removing the matter from the agenda without prejudice, since a revised zoning petition and DPR application will need to be advertised for hearing before review can proceed at a future date.

Cc: Applicant