



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: April 1, 2024

Re: **Public Hearing** - Request of Wave Pond Hotel, LLC for combined Preliminary Plan and Final Plan approval for a Minor Land Development Project for construction of an eight-room motel, pool and associated site work, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521. The application includes request for a special use permit per sections 602 & 1400 et seq of the zoning ordinance to allow the motel use in the limited business traffic sensitive (LBA) and Atlantic Beach Overlay District (ABD) zoning district, and variance from zoning ordinance sections 603 & 1406 to allow a westerly side yard setback of 10 feet and an easterly side yard setback of 9.9 feet where 13.7 feet is required, and lot coverage of 36.37% where 32.75% is permitted, and variance from section 1306 to provide 8 parking spaces where 12 are required, and variance from section 3002(C)(1) to allow front yard parking where prohibited, and variance from section 3002(E)(2) to allow landscaped buffers of 0 feet, 2 feet and 4 feet along the westerly, easterly and northerly property lines respectively, where 5 feet is required. Property located at 38 Purgatory Road, Assessor's Plat 116NW Lot 13.

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The applicant is proposing to construct a new commercial building for hotel/motel use, including 8 guest rooms, parking area, pool, landscaping, and stormwater management system. The property is located in the Limited Business, Traffic Sensitive (LBA) zoning district and the Atlantic Beach overlay zoning district (ABD). Under the regulations passed during the 2023 RI General Assembly Session, the Planning Board must review land development project 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 application, including zoning relief. Any appeal of the Planning Board's decision would be made directly to Superior Court.

Site plans, landscape plan, building design drawings and other submitted items are attached. 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) reviewed the application during its meeting on March 27, 2024. Following review of the plans and discussion the committee voted unanimously to forward the application to the Planning Board with a positive recommendation, subject to

Planning Board consideration of zoning relief and waiver requests. The TRC recommendation is subject to the following recommended conditions of approval:

1. A sewage holding tank and backflow preventer shall be provided, with the design to be approved by the Director of Public Works prior to permitting.
2. A fire department water connection shall be provided on the Wave Avenue side of the building, subject to Fire Department approval prior to permitting.
3. The stormwater management plan shall be revised to include buoyancy calculations for the lined stormwater structures, and calculations to demonstrate that stormwater will discharge from the system within 48 hours of the end of a storm, subject to the Town Engineer's approval prior to permitting.

**Requested waivers (Section 521 of the development regulations):**

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 1011 of the Regulations.

1. **Section 521.2.C** – Building exteriors constructed of traditional materials such as wood, stone or brick. **The applicant proposes the use of substitute materials including Hardie cement fiber clapboard, SBC shingles and PVC trim.**
2. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement.**
3. **Section 521.3.C** – Landscape screening elements required along all property lines. **Not provided along the Wave Ave. frontage.**
4. **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.**
5. **Section 521.3.D.3** – A landscaped buffer at least 10' wide shall be provided between buildings and parking lots/driveways. The buffer shall be 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.**
6. **Section 521.3.F.1** – Deciduous street trees required. **Not provided.**

**Requested zoning relief:**

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

1. Per Zoning Ordinance §602 & §1400, Special Use Permit to allow a hotel/motel in the limited business traffic sensitive (LBA) and Atlantic Beach Overlay District (ABD) zoning district.
2. Variance from Zoning Ordinance §603 & §1406 to allow a westerly side yard setback of 10 feet and an easterly side yard setback of 9.9 feet where 13.7 feet is required, and lot coverage of 36.37% where 32.75% is permitted.
3. Variance from section 1306 to provide 8 parking spaces where 12 are required.
4. Variance from section 3002(C)(1) to allow front yard parking where prohibited.
5. Variance from section 3002(E)(2) to allow landscaped buffers of 0 feet, 2 feet and 4 feet along the westerly, easterly and northerly property lines respectively, where 5 feet is required.

**Required findings for granting a special use permit (Zoning Ordinance §902):**

1. It will not result in a significant diminution of properly values in the surrounding area of the district;
2. It will not create a nuisance in the neighborhood;
3. That the granting of such special use permit will not be detrimental to or substantially or permanently injure the appropriate use of property in the surrounding area or district;
4. That the granting of such special use permit will not result in hazardous conditions or conditions inimical to the public health, safety or welfare.
5. The use will comply with the following criteria subject to its use category:
  - Residential (Motel or hotel)
    - Will not cause significant negative traffic or parking impacts in the neighborhood.
    - If applicable, will comply with standards of Article 14 – Motels and Hotels. (Note: variance(s) being sought)
    - Will comply with commercial development design standards of Article 5 of the Rules and Regulations Regarding the Subdivision and Development of Land. (Note: waiver(s) being sought)

**Required findings for granting a variance (Zoning Ordinance §903):**

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 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 fronted 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.

**Required findings for approving a land development project (Section 404 of the development regulations):**

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- E. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Cc: Applicant