



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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

Memorandum

To: William J. Nash, Jr., Vice Chair
Planning Board members

From: Ron Wolanski, Town Planner

Date: May 1, 2024

Re: Public Hearing - Review and recommendation to the Planning Board – Application of Prescott Point, LLC for combined Master and Preliminary Plan approval of a Major Land Development Project for the construction of a 20-unit multifamily condominium project with a 2,500 sq. ft. clubhouse, and associated site work, including request for waivers from certain provisions of the commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, including sections 521.1.B.3, 521.3.D.2, and 521.3.F.1. The application includes a request for a special use permit from Middletown Zoning Ordinance Section 602 to allow a multi-family dwelling project, and requests for variance from sections: 603, to allow principal building height of 45' where 35' is permitted; 1506(A), to allow service by a private sewer treatment facility, where service by public sewer is required; and 1508(A), to allow principal buildings be located within 25' of other principal buildings, where 50' is required. Property located off West Main Road, approx. less than 0.1 mile to the south of the intersection with Freedom Trail Drive, Tax Assessor's Plat 104, Lot 7.

The applicant is proposing to construct a 20-unit multifamily condominium project with a 2,500 sq. ft. clubhouse, and associated site work. The property is located in the Residential Multifamily (RM) zoning district. 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/Zoning Official, Fire Department, Police Department, Tree Commission, Roads & Utilities Committee, Conservation Commission, and Open Space and Fields 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 April 24, 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. Prior to Final Plan approval, documentation shall be provided to show the rating of the culvert weight load capacity.
2. Prior to Final Plan approval, the applicant shall demonstrate adequate access for emergency vehicles to buildings 40 and 41, subject to the approval of the Fire Chief.
3. Prior to Final Plan approval, the plans shall be revised to provide 10 bicycle spaces.
4. Prior to Final Plan approval, calculations shall be provided for the proposed buildings to demonstrate it meets the 20% to 60% glazing requirement for façade(s) visible from the public way.
5. Prior to Final Plan approval, calculations shall be provided to demonstrate the plans meet the required minimum 25% landscaping of the project area.

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 521.1.A and 521.1.B.3** – Buildings located to create and provide a safe, walking environment and provide pedestrian access, walkways, and crosswalks. **Not provided.**
2. **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 composite siding and PVC trim.**
3. **Section 521.3.C** – Landscape screening elements required along all property lines. **Not provided along the northerly property line.**
4. **Section 521.3.D.1** – A landscaped buffer at least 10' is provided along all property lines. **Not provided along the northerly property line.**
5. **Section 521.3.D.2** – A landscaped buffer at least 20' with screening at least 6' high along lot lines abutting residential properties or uses. **Not provided along the northerly property line.**

Requested zoning relief:

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

1. Per Zoning Ordinance §602, Special Use Permit to allow a multi-family dwelling project in the Residential Multifamily (RM) zoning district.
2. Variance from Zoning Ordinance §603 to allow principal building height of 45' where 35' is permitted.
3. Variance from §1506(A) to allow service by a private sewer treatment facility, where service by public sewer is required for multifamily dwelling projects.
4. Variance from §1508(A) to allow principal buildings be located within 25' of other principal buildings, where 50' is required for multifamily dwelling projects.

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 – Multifamily dwelling project
 - Will not cause significant negative traffic or parking impacts in the neighborhood.
 - If applicable, will comply with development standards of Article 15 – Multi-family Dwellings (**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