

**STATE OF RHODE ISLAND
PLANNING BOARD**

TOWN OF MIDDLETOWN

Property: *300 Coddington Hwy (TAP 103-103)*
Applicant: *Mello Realty, Inc.*
Hearing Date(s): *September 11, 2024*
Voting Members: *William Nash (Chair), Arthur Weber (Vice-Chair), Michael Fenton (Secretary), Joseph Perkins (Member) & Leon Amarante (Member).*

DECISION

The within matter came before the Planning Board of the Town of Middletown (“the Planning Board”) on September 11, 2024, on the Petition of Mello Realty, Inc., owner and applicant (the “Owner”), for preliminary plan approval of a major land development project for the construction of four (4) 14,400 sq. ft. commercial buildings, each containing twelve (12) tradesman units, with associated parking and other site improvements (the “Project”) applying to the property located at 300 Coddington Hwy and otherwise identified as Tax Assessors Plat 103, Lot 103 (the “Property”). The Project has already received certain waivers and variances as more particularly set forth in the Master Plan Decision recorded in Book 1830, Page 292 of the Town of Middletown Land Evidence Records.

The Owner was represented by Girard A. Galvin, Esq., who informed the Board that the Middletown Town Council had recently rezoned the Property to light industry and that the Planning Board had already approved the Project at the Master Plan level. Mr. Galvin further informed the Board that the Preliminary Plan application had been reviewed and unanimously approved by the Middletown Technical Review Committee (TRC) on September 5, 2024.

Testimony was provided by Lyn Small, of Northeast Engineers, and John Mello, representative of the Owner.

Ms. Small, who was qualified and accepted as an expert in civil engineering by the Board, testified as follows:

that very little from the Master Plan site plan had been modified; that the Project had received permits from RIDEM and RIDOT; that certain hardships were presented by the topography of the land; that the proposed stormwater treatment system would be a significant

improvement; that there would be no negative environmental impacts created by the Project; that the Project would be tied into public water and sewer; that the Project has sufficient access to a public road; that the Project would not create negative effects to the health and safety of residents in the community; that there is sufficient access for emergency vehicles; that the Project is consistent with the Comprehensive Plan and Zoning Code; and that the Project does not create development constraints.

Mr. Mello testified as to certain of the building materials involved in the Project and landscaping.

An affidavit and land use report prepared by James Houle, who had previously been qualified and accepted as an expert by the Board at the Master Plan phase of the Project, was entered into evidence and accepted as a Full Exhibit (Applicant's Exhibit 1). Through his report and affidavit, Mr. Houle testified that the proposed development meets the criteria for approval found in section 404 of the Middletown Subdivision Regulations for preliminary plan approval. Specifically, Mr. Houle found that the proposed development is consistent with the Comprehensive Plan, with the Economic Development and Land Use sections of the Plan, and with the light industry zoning district. Mr. Houle also found that the Project does not create negative environmental impacts from the proposed development and that the Project in fact improves the environment. Mr. Houle further found that there are no subdivisions of land contemplated with the proposed development and it will have adequate and permanent access to a public street

Chairman Nash opened the hearing to the public. No member of the public appeared in person or on the zoom meeting. The public hearing was then closed.

Findings of Fact and Conclusions of Law

A motion was made by Vicechair Weber and seconded by Secretary Fenton to approve the application for Preliminary Plan approval for a major land development project with the conditions that 1) prior to issuing a building permit the final design of the fire department water supply shall be determined, subject to the approval of the fire chief; and 2) that prior to issuing a building permit, the final design of the sewer line placement shall be revised to maintain at least five feet of separation from any building, subject to the approval of the Department of Public Works director.

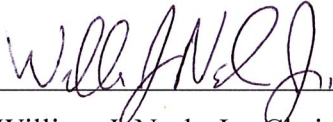
Discussion among the board members commenced. Vicechair Weber explained that based on the materials submitted by the Petitioner, the testimony and other evidence submitted

at hearing, and his personal knowledge of the area that:

- a. The proposed development is consistent with the comprehensive plan.
- b. That the proposed development is in compliance with the standards and provisions of town's zoning code.
- c. There will be no significant negative environmental impact from the proposed development.
- d. There is no subdivision proposed, so no lots with physical constraints to development are being created.
- e. The proposed development has permanent physical access Coddington Highway, which is a public street.

Chairman Nash, spoke and concurred in the reasoning proffered by Member Weber. Mr. Nash and Town planner Ron Wolanski spoke briefly to reiterate that there was no need to re-approve the waivers and granted by the Planning Board at the Master Plan hearing.

The Board then voted 5-0 to approve the Preliminary Plan Application.



William J. Nash, Jr., Chair

RECORDED: Oct 10, 2024 10:06A
DOC #: 00001838
RECEIPT #: 71081
WENDY J. W. MARSHALL, TOWN Clerk
TOWN of MIDDLETOWN, RI