



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

**TOWN OF MIDDLETOWN**

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

### PLANNING BOARD MINUTES

**November 2, 2021, 6pm**

Town Council Chambers – Town Hall  
350 East Main Road  
Middletown, RI 02842

**Board members present:**

Paul Croce, Chair  
Bill Nash, Vice Chair  
Michael Fenton, Secretary  
Art Weber  
Joe Pierik  
B.J. Owen  
John Ciummo

Ron Wolanski, Town Planner  
Peter Regan, Town Solicitor

*Mr. Croce called the meeting to order at 6:00pm.*

1. Request of Mesolella Development Corp. for Master Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17, *Low and Moderate Income Housing – Comprehensive Permit*, for construction of a new residential/commercial Mixed-use Development Project located at 1747 West Main Rd. Assessor's Plat 111, Lots 8 and 9, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, and variances from the Middletown Zoning Code sections 602, 603, 1304, 27A04, 27A05, 27A04E(1), 2704E(2), and 27A07E(3), and for a Special Use Permit under Middletown Zoning Code Article 11, Watershed Protection District.
  - A. Mr. Croce introduced the discussion. He stated that the Planning Board voted to close the public hearing following discussion and public input provided during the October 14<sup>th</sup> meeting. Public input will not be received during this meeting.
  - B. Mr. David Martland, attorney for the applicant, referenced the planner's memo to the Board dated October 26, 2021, which lists the relief requested and recommended conditions of approval. The testimony on the record supports approval of the application. The applicant agrees to conditions 1-6 recommended in the memo but objects to condition number 7, which would limit approval to Phase 1 only, or require that 25% of the units in Phase 2 be designated as affordable.
  - C. Mr. Croce asked about providing a second access to the property from West Main Rd. Mr. Martland agreed to work with RIDOT to provide a second access if possible.

- D. Regarding the potential condition to require affordable units in Phase 2, following discussion between the board and applicant, a **motion** was made and duly seconded to require as a condition of approval that 15% of the units in proposed Phase 2, equaling 12 units, would be designated as affordable for low- & moderate-income residents, with such units provided regardless of funding source. **Vote:** 7-0-0.
- E. Mr. Croce asked in any members saw reason to deny the application based on the possible findings provided by statute.
- F. Mr. Fenton stated that he is opposed to retaining the existing storage building on the site due to impacts on future residents and watershed impacts.
- G. Ms. Owen agreed that the storage building should be removed.
- H. Mr. Ciummo and Mr. Weber asked about property management and monitoring of the affordable units. Mr. Martland stated that the units will be rental rather than ownership units, and there will be a property manager. An agency tasked with monitoring the affordable units will also be provided.
- I. The Board then considered each of the requests for zoning relief and waivers:
1. Zoning ordinance section 602 regarding mixed-use being a prohibited use
    1. There was a discussion of the potential future use of the commercial space. Mr. Regan advised that such uses can be discussed at Preliminary Plan stage.
    2. There was a discussion of the standards to be used in considering the requests for relief. Mr. Regan advised that the findings required by statute and listed in Mr. Wolanski's memo should be used.
    3. Mr. Fenton asked why the applicant had not sought a zone change. Mr. Martland stated that the process being used is permitted by statute.
    4. **Motion** made and seconded to grant the requested relief. **Vote:** 5-2-0, with Mr. Fenton and Ms. Owen voting in opposition.
  2. Zoning ordinance section 1304 regarding not providing the minimum required number of parking spaces
    1. Mr. Martland stated that given the mix of uses the proposed number of parking spaces is adequate.
    2. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
  3. Zoning ordinance section 27A04 regarding the existing storage building not being a permit use in a mixed-use development.
    1. The applicant indicated that the current lease on the building expires in October 2025.
    2. There was a discussion of requiring that the building be removed at the end of the lease or prior to development of Phase 2 of the project.
    3. Concerns were raised by some board members about the appearance of the building and impacts on future residents and the watershed.
    4. Mr. Martland stated that the applicant would not agree to a requirement to remove the building.

5. Some board members stated that the applicant retains the building at his own risk to the success of the project. It was noted that stormwater management concerns will be addressed at the Preliminary Plan stage
6. **Motion** made and seconded to grant the requested relief, subject to the condition that at Preliminary Plan stage an effort be made to screen the building from, and accommodate it in the development, investigate alternative access to the building, and consider options for future use or demolition of the building at the end of the current lease and address in the Preliminary Plan submission. **Vote:** 5-2-0, with Mr. Fenton and Ms. Owen voting in opposition.
4. Zoning ordinance section 27A05 regarding residential unit density exceeding that allowed in a mixed-use development.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
5. Zoning ordinance section 27A07.E.1 regarding required setback to an abutting residential use.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
6. Zoning ordinance section 27A07.E.2 regarding parking being located in required vegetated buffer.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 6-1-0, with Ms. Owen voting in opposition.
7. Zoning ordinance section 27A04.E.3 regarding buildings exceeding the maximum height limit.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
8. Zoning ordinance section 1507A regarding parking located closer than 25 feet to property line.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
9. Zoning ordinance section 1507B regarding parking located within 25 feet of a proposed building.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
10. Section 521.1.B1 of the Rules and Regulations Regarding the Subdivision and Development of Land regarding parking lot located in front of proposed buildings.
  1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0
11. Section 521.2.A2 of the Rules and Regulations Regarding the Subdivision and Development of Land regarding façade exceeding 40 feet in length without break in plain of 48 inches.
  1. **Motion** made and seconded to grant the requested relief subject to the applicant providing use of varied design elements, exterior building materials, and/or colors to further enhance building appearance. **Vote:** 7-0-0

12. Section 521.2.C of the Rules and Regulations Regarding the Subdivision and Development of Land regarding use of synthetic exterior building materials.

1. **Motion** made and seconded to grant the requested relief. **Vote:** 7-0-0

J. **Motion** made by Mr. Weber, seconded by Nash, to grant Master Plan approval subject to the following findings and conditions, and the relief granted. **Vote:** 5-2-0, with Mr. Fenton and Ms. Owen voting in opposition, with both citing their opposition to retaining the existing storage building on the site.

Findings made:

1. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
2. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.
3. All low and moderate income housing units proposed are integrated throughout the development; are similar in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.
4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
5. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.
6. All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of R.I. Gen. Laws § 45-23-60(5).
7. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved recorded plans.

Conditions of Approval:

1. Prior to preliminary plan approval adequate turning areas inside the development must be provided for Fire Department equipment.
2. Prior to preliminary plan approval fire hydrant locations must be reviewed and approved by the Fire Department.

3. Prior to preliminary plan approval Fire Department access to buildings shall be reviewed and approved by the Fire Department.
4. Prior to preliminary plan approval easements for existing sewer lines shall be finalized subject to the review and approval by the Town Solicitor and the Town Engineer.
5. Prior to preliminary plan approval the plan shall maintain vehicular access to the sewer line easement on lot 8 subject to RI DEM approvals.
6. Prior to preliminary plan approval the applicant shall investigate potential realignment of entrance to square with Marshall Lane, and provide a second access from West Main Road, subject to RIDOT approval.
7. In addition to the 51 units of affordable housing included in Phase 1 of the project, Phase 2 shall include a minimum of 12 affordable units qualifying as "low or moderate income housing" as defined in Section 45-53-3 RIGL, regardless of the source of funding used to create the units.
8. As part of the Preliminary Plan submission, the applicant shall provide proposed measures to screen the existing storage building and make other accommodations to address the adverse impact of the appearance and use of the building on the proposed residential component of the project. Potential alternative vehicular access to the building as well as options for future use or demolition of the building at the end of the current lease shall also be investigated and addressed in the Preliminary Plan submission.
9. As part of the Preliminary Plan submission, the applicant shall provide building elevations and renderings demonstrating the use of varied design elements, exterior building materials, and/or colors to further enhance building appearance and limit the adverse impact of the long, nonarticulated façades.

K. **Motion** to adjourn by Ms. Owen, seconded by Mr. Nash

L. **Vote:** 7-0-0

*Meeting adjourned at approximately 7:40pm*

Respectfully submitted:

Mike Fenton, Secretary