

**Comprehensive Permit: 144-Unit - Mixed-Use
Affordable Housing Development**

1747 West Main Road (Route 114)

Assessor's Plat 111 - Lot(s) 8 and 9

Prepared for: Mesolella Development Corporation

Prepared By: Pimentel Consulting, Inc.

26 September 2021

INTRODUCTORY STATEMENT

Mesoella Development Corporation (“Applicant”) has retained my professional land use planning and zoning consulting services (“Consultant”), in order to evaluate the proposed mixed-use development. The referenced multi-facility development, otherwise identified as the Rosebrook Commons Mixed Use Development (“Rosebrook Commons”), will be comprised of general commercial, warehousing, and multi-unit residential, totaling 144-units. Rosebrook Commons is defined as a Major Land Development Project (“Major LDP”), necessitating several procedural review stages, and an assortment of waivers. However, the development is also being pursued pursuant to the Affordable Housing Statute under the auspice of a Comprehensive Permit, thereby permitting the Planning Board to be the singular regulatory authority to review and approve, inclusive of treating all regulatory deviations as waivers, in order to realize provision of much-needed affordable housing. The need for affordable housing is well recognized by the Comprehensive Plan, given limited multi-unit residential land resources and the loss of almost one-half of their affordable housing stock over the last several years.

Introduction - “Housing is a key element of the Comprehensive Plan as the availability and affordability of housing is a major factor in the livability and prosperity of a community.” *The purpose of the Housing Element is to assess the town’s current housing stock particularly in regards to affordability and to project future housing needs. The following Housing Element will outline policies and strategies to be implemented to meet the town’s affordable housing goals.”* [Page VII-2]

Affordable Housing - “The Town of Middletown is committed to providing all its citizens the opportunity to live in adequate and affordable housing.” *This includes subsidized housing for low and moderate income households; alternatives to large, single-family homes for the elderly and other non-family households and workforce housing.”* [Page VII-13]

“Middletown was the first suburban Rhode Island community to meet the state’s Low and Moderate Income Housing Act’s ten percent affordability threshold. However, due to the loss of affordability restrictions on 88 units at Blenheim through the early retirement of an FHA loan, the town dropped below ten percent subsidized units. In 2013, 182 subsidized units at Oxbow Farm were also lost creating a great challenge to the community to meet the town’s need for very low-income family rental housing further reducing the town’s total low and moderate income housing percentage from 8.25% to 5.6%.” [Page VII-26]

[NOTE: The detailed 5.6% figure has further dropped to 5.4%, pursuant to more recent data provided by the 2020 Housing Fact Book.]

In total, 51-units, or 35.4% of the overall development, will be deemed affordable, which is far in excess of the 25% mandated by both local regulation and Rhode Island statute. In light of the stated proposal, this Consultant has thoroughly reviewed the submitted development plan and associated Major LDP materials, as well as the following regulatory documents:

- o 2015 Comprehensive Community Plan - Middletown, Rhode Island - As Amended through 17 June 2019 ("Comprehensive Plan");
- o Town of Middletown, Rhode Island, Zoning Ordinance - As Amended through 31 December 2020 ("Zoning Ordinance");
- o Town of Middletown Subdivision and Land Development Regulations - Amended through July 2020 ("LD Regulations")
- o United States Census;
- o Rhode Island Housing ("RIH") reports, specifically Low and Moderate Income Housing information; and,
- o 2020 Housing Fact Book - Housing Works RI at Roger Williams University ("Housing Fact Book").

In addition, a thorough investigation of the immediate Route 114 and surrounding residential neighborhoods has been completed, for purposes of determining neighborhood character. The following analysis entails a two-step process: (1) Determining Local Affordable Low and Moderate Income Housing Need; and, (2) Documenting the appropriateness of the specified location.

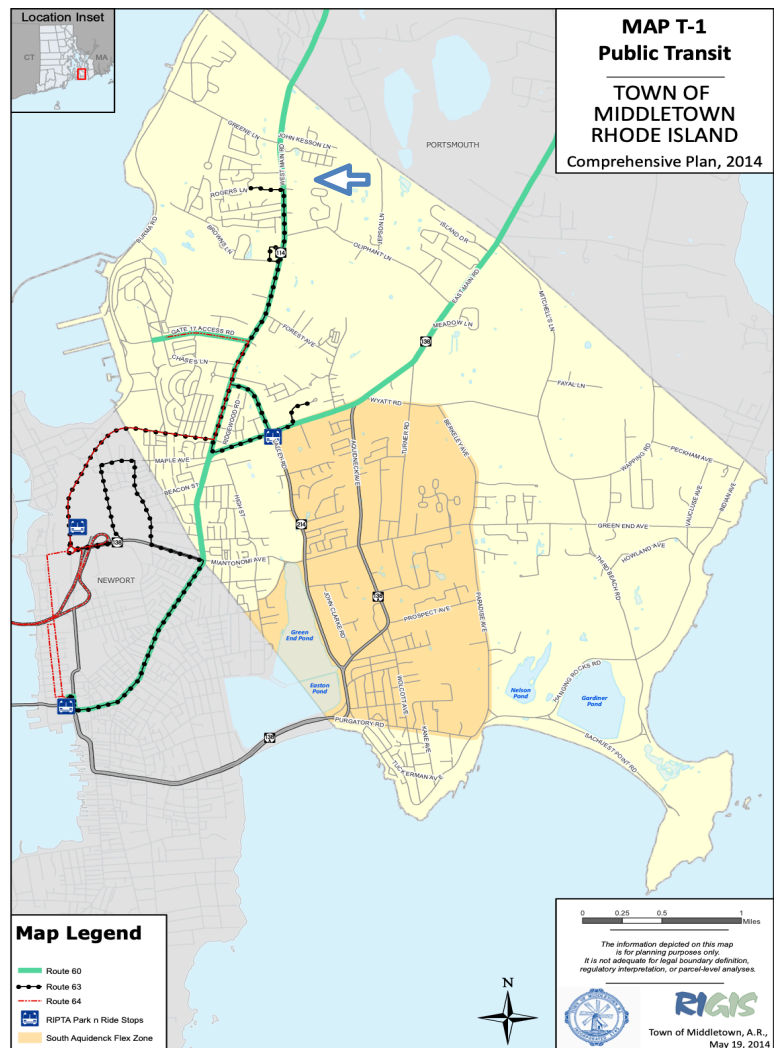
PRESENT PROPERTY CONDITIONS

The subject property is addressed 1747 West Main Road (Route 114), further designated Assessor's Plat 111, Lot(s) 8 and 9, and contains a combined approximately 15.56-acres ("Property"). The Property is presently improved with a warehousing facility, the referenced building being centrally located amidst the combined parcels and having approximately 30,000 square feet of total gross floor area. The Property has a typical rectangular configuration, which is preferable for purposes of realizing increased development. In addition, the sole development constraint appears to be a minor wetlands pocket and associated setback, stated constraint occupying the far Southeast corner of the Property. Otherwise, there does not appear to be any restraint to further development.

The Property has approximately 800 linear feet of lot frontage along West Main Road (Route 114); such extensive lot frontage providing for greater access opportunities, inclusive of emergency access, should such need be necessary. Regardless, being physically situated within a Traffic Sensitive District and as a matter of good planning practice, proposed redevelopment will be restricted to a singular point of ingress and egress, appropriately designed to accommodate increased vehicular load. West Main Road is classified a 'Principal Arterial,' roadway pursuant to the Comprehensive Plan - Transportation Element, thereby '*... generally serving the major movement of traffic...*' through the community.

“WEST MAIN ROAD is a four-lane principal arterial under the jurisdiction of the RIDOT running in a north/south direction along the westside of Aquidneck Island. West Main Road serves as a major access point between Mount Hope Bridge / Sakonnet River Bridge (Route 24) and Newport. In each travel direction, West Main Road is a two lane roadway with narrow 1-foot shoulders for the majority of its length. Land use is a mix of residential and commercial. The majority of West Main Road has a posted speed limit of 35 mph. The West Main Road corridor, north of Two Mile Corner, is one of the busiest on the island, carrying 32,200 vehicles per day.” [Page VI-10]

In addition, and of equal importance, given the intended mixed-use, high-density residential redevelopment, is the presence of a mass-transit system. The referenced system includes the present existence of a major bus route that directly traverses the Property, as well as sidewalks throughout for safe pedestrian travel. These important multi-modal redevelopment features are detailed on Map T-1 ‘Public Transit,’ situated to the immediate right, and Map T-2 ‘Pedestrian and Bicycle Transportation,’ situated on the following page. A ‘complete’ mixed-use development, particularly one that is high-lighted by higher-density affordable housing, necessitates proximity to a mass-transit transportation system. In addition to the detailed



map, is the following, as likewise excerpted from the Comprehensive Plan:

Rhode Island Public Transit Authority (RIPTA) Public Bus Service - “Public transportation service on Aquidneck Island is provided by the Rhode Island Public Transit Authority (RIPTA). Map T-1 Public Transit System illustrates the bus routes in Middletown.”

“The bus routes that provide service in Middletown are described below:”

Route 60: Providence/Newport – “Route 60 is the busiest fixed-route on the Island, running north/south through Aquidneck Island and extending from the Newport Gateway Center to

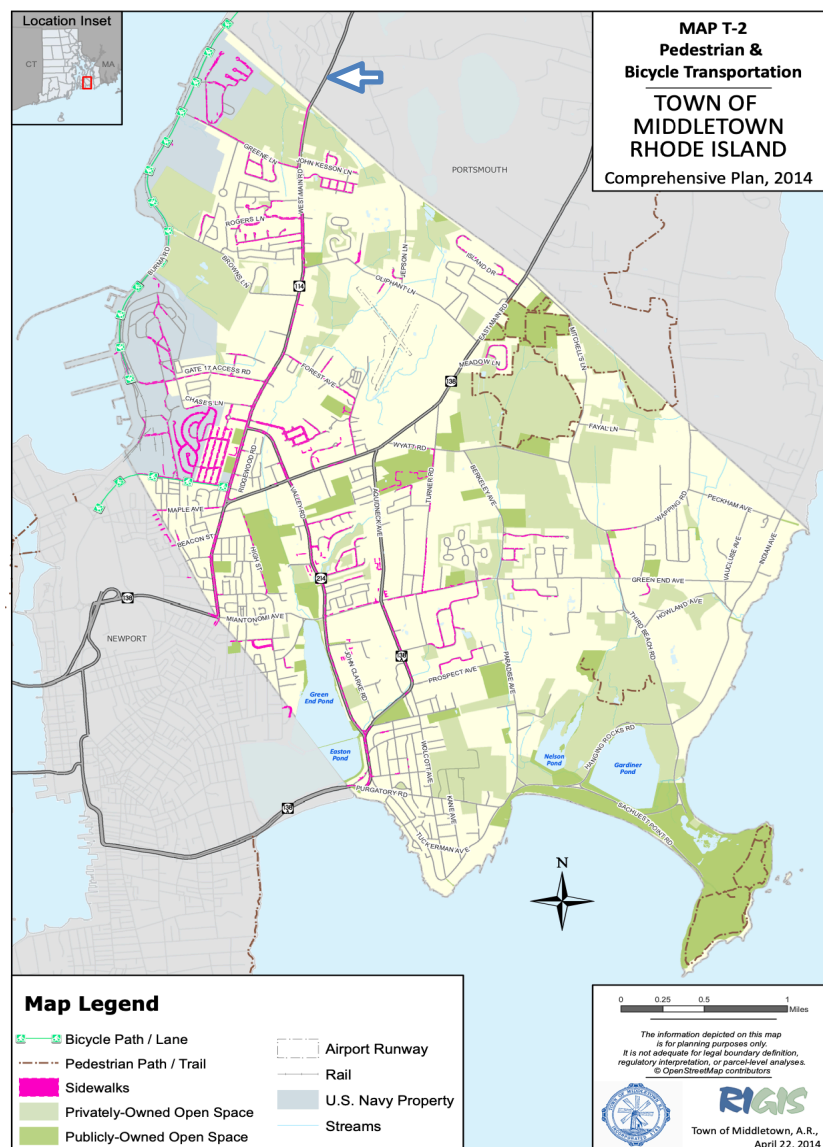
downtown Providence crossing the Mount Hope Bridge. The West Main Road and East Main Road corridors are served by Route 60. West Main Road (Walgreens) is the most utilized bus stop in Middletown with approximately 60-80 average weekday daily boardings (RIPTA). The hours of operation for Bus Route #60 is highlighted in Table T-4 Bus Route Operations below.” (Page VI-6)

Goal V: Appropriately Site Affordable Housing - “At the same time, consideration must be made regarding how low and moderate income residents will access transit and services. Development of affordable housing, especially rental units geared toward lower income households, seniors, and special needs individuals should be located in close proximity to public transit and services. One of the town’s highest priorities in recent years has been providing pedestrian access from Oxbow Farms and Villa Nia to commercial areas. By siting affordable housing in the most appropriate locations, such costs could be avoided in the future; and funds could then be used for the creation of additional affordable housing units rather than other purposes.” [Page VII-31]

The Property is literally surrounded by some rather dense residential developments to both the North and South, as well as a mixture of residential and commercial to the West, across West Main Road. Therefore, the presence of an industrial property amidst the referenced neighborhood is a true anomaly. In fact, given the property’s long-standing industrial designation and physical improvement, albeit being quite dissimilar from surrounding land uses, is nevertheless entitled to some rather intensive and intrusive by-right land uses. And yet, the applicant merely pursued approval of a mini-storage facility some several years back, receiving all requisite approvals. The following, excerpted from the Comprehensive Plan, evidences the property’s right to mini-storage development.

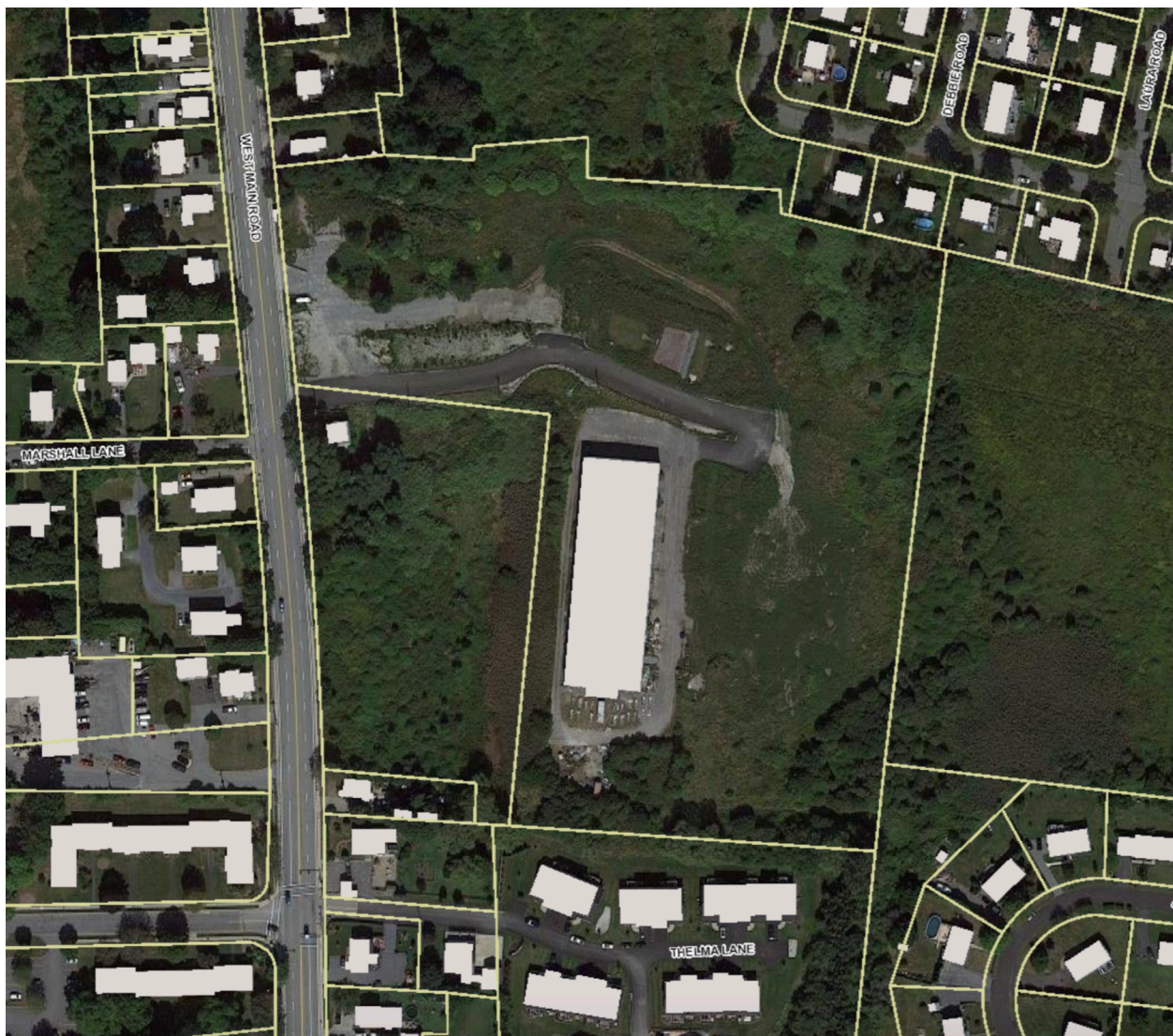
The Omni Property

“The Omni property, formerly used by RIPTA (RI Public Transit Authority) as a garage and yard, totals



24.6 acres and is located in the northern part of town abutting the east side of West Main Road (Plat 111, lots 8, 9, 9A). The property is mostly vacant now, and is the only sizable developable area zoned for Light Industrial use in the town. The Future Land Use Plan (Map L-4) designates this area for industrial development. **All appropriate measures, in terms of zoning and other restrictions, should be taken to ensure that any industrial development does not adversely impact abutting residential uses**....As of April 2014, the owner has an approved plan to develop self storage on a portion of the property." [Page IX-14]

The distinctive issue is the limited value to be garnered from a community perspective, mini-storage facilities neither generating much taxes nor providing other necessary benefits (e.g., affordable housing). Alternatively, a mixed-use development will realize real commercial tax revenue, necessary commercial services, and most importantly, sizable quantity of smaller-sized residential units, of which a large number will be deemed affordable. All described property and roadway conditions are illustrated below, as excerpted from the Middletown, RI, Geographic Information System Mapping Service ("GIS").



The Property is presently zoned Light Industrial - Traffic Sensitive District ("LIA District"), which as noted above is a true anomaly considering it is primarily surrounded by several rather dense residential neighborhoods. It is also classified 'Industrial' pursuant to the Comprehensive Plan - Future Land Use Map ("FLUM"), thereby evidencing consistency with current zoning. However, given the predominantly residential presence and ability to utilize the property for a number of alternative by-right industrial land uses, other than the already approved mini-storage operation, alternate more appropriate usage would appear to be preferable. This Consultant can only surmise that the present zoning and land use classification resulted from the long-standing usage of the property by RIPTA, and non-desire to render the operation nonconforming. Regardless, there are more preferable land uses that would further numerous goals and objectives of the Comprehensive Plan, and it is the professional opinion of this Consultant that the community is whole-heartedly in agreement.

The Omni Property - "If recent conversations continue regarding the appropriate future use of this property, conducting a cost benefit analysis could be beneficial in determining whether the land use and zoning proposed is advisable. Existing market conditions should not be the main factor in determining the land use or zoning for a property. Town staff and boards could work to investigate tax incentives and other funding opportunities in order to encourage the type of industrial development the town would like to see happen on the site if industrial land use is determined to be the most appropriate use for the property. As of April 2014, the owner has an approved plan to develop self storage on a portion of the property." [Page IX-14]

The Property is likewise situated in a 'Sewered Urban Services Development' area, pursuant to both the Land Use 2025 State Plan and the Comprehensive Plan. It is anticipated that such land resources will accommodate greater growth in order to avoid developing in more rural, sensitive areas. And, albeit it is generally recommended that mixed-use development be concentrated in already commercially developed areas, it is also acknowledged that such a tool can be used to spur affordable housing development, particularly when uniquely applicable. The Property is already zoned, classified, and improved in an industrial manner. Furthermore, it has vast under-utilized acreage and is situated directly atop a major thoroughfare, thereby having direct access to mass transit. And finally, it is literally within proximity to an already well-established commercial center.

Promoting Mixed-Use Development

*"An objective of the Town is to combine uses in ways that create commercial areas with better character, minimize traffic, reduce infrastructure costs, and preserve remaining undeveloped land. **These multiple goals can be accomplished with mixed-use development that combines commercial with other land uses such as office and residential in appropriate locations.** Mixed-use development generally requires increased density, which allows for more compact development. Local performance standards should be used to properly mix these uses without creating internal conflicts and to promote a high quality of design. This can be accomplished through minor changes and additions to the town's already established*

regulations including development plan review and commercial design standards.” [Page IX-20]

“Mixed-use neighborhoods have many benefits to a community and its residents including creating a sense of place, creating areas that are active throughout the day, increasing housing options, and reducing auto dependence. Mixed-use developments, if designed properly, can produce a pedestrian-oriented center that encourages physical activity and social interaction with storefront-style shopping streets...” [Page IX-20]

Another pertinent community-wide factor, and one that requires serious consideration, is the limited land resources capable of accommodating greater density, from both a development as well as regulatory capacity. The Comprehensive Plan well acknowledges the concentration of higher-density development within the Western half of the Town, simply because this is the location of all pertinent infrastructure, to include public sewer and water. Environmentally sensitive areas, and as a result, presence of limited infrastructure, is predominantly situated throughout the Easterly side. And yet, the community aspires to realize provision of affordable housing that is equitably dispersed, averting concentrating in a select few areas. Simultaneously, it is the desire of the community to maintain a stable and sustainable tax base, once again understanding that commercial development necessitates pertinent design elements, most notably an appropriate roadway system that provides the public easy and safe access.

Goal V: Appropriately Site Affordable Housing - “Affordable housing should be integrated into the community, rather than segregated away from mixed and higher income neighborhoods. With the exception of Oxbow Farms, many of the low and moderate income housing units in town are smaller in scale, and part of larger mixed income communities. This should continue to be the pattern of affordable housing development in Middletown.” [Page VII-30]

Pursuant to the Comprehensive Plan - “Table L-2: Middletown Land by Zoning District’ [Page IX-7], a mere 8.6% of all land resources is zoned in some commercial manner. Excluding purely office designated zoning, given the abundance of under-utilized office space statewide and little need for any additional floor area, the percentage reduces to 5.9%. In regard to appropriate placement of higher-density residential development, which is absolutely necessary if any affordable housing regulatory compliance is to be achieved, properly zoned land resources are even more woefully deficient. Once again, pursuant to the Comprehensive Plan - “Table L-2: Middletown Land by Zoning District’ [Page IX-7], a mere 1.5% is zoned for multifamily purposes, with an additional almost non-existent 0.01% zoned for mobile home usage. Matters are rendered even more difficult by the inability to locate multifamily housing as a matter-of-right; multi-family solely being permitted by special use permit. Clearly, additional non multi-family zoned land resources is required to realize both need and regulatory compliance.

A mixed-use development is literally the answer to all of these needs; realizing a self-contained grouping of self-sufficient land uses that will likewise contribute greatly to the affordable housing needs of the community. The applicant is proposing the type of affordable housing mandated by the community, and in quantities that will make a true statement in regard to regulatory compliance.

Policy H-IV.B: *“Encourage mixed-use and transit oriented developments.”* [Page VII-40]

Action Item H-IV.B.1: *“Create incentives for developers of mixed-use developments to create low and moderate income housing units.”*

In addition to the detailed town-wide constraints that necessitate concentrating greater density development in specified sections of the town, is the community's desire to maintain its long-standing suburban character. The community explicitly notes that concentrating development in pre-designated areas is preferable, as further evidenced by the Comprehensive Plan.

Density - *“Housing density is highest on the west side of Town, where the majority of residential construction has historically taken place. Many of the older housing units were constructed on lots smaller than what is now permitted by zoning, and land zoned for residential use in this area is zoned for high density (an average of 4 units per acre). The central portion of the town is zoned for medium density residential, but does contain some areas of denser residential development. The sparsely developed eastern area of town is zoned for low-density residential use, with lot sizes of typically one or more acres.”* [Page VII-4]

The above-referenced community-wide desire provides clear direction to the Town's Planning Board, namely diverting development away from sensitive and other inappropriate areas in order to maintain the community's suburban character. However, balancing these very worthy objectives, while realizing provision of affordable housing and doing so in such a manner that it is properly distributed throughout a community as mandated by regulation, can be extremely difficult when there is such limited viable high-density, multi-unit residential land resources. Therefore, all appropriate proposals need to be supported, otherwise the town will never achieve regulatory compliance. The noted town-wide property constraints and resulting development difficulties, are clearly evidenced by the following language excerpted from the Comprehensive Plan.

This plan does not designate specific areas of town where affordable housing will be developed, as opportunities for affordable housing should be provided throughout the town. However, this plan does recognize that some areas are more suitable for development of affordable housing due to less expensive development costs and the ability to support denser residential development.” [Page VII-13]

Top Land Use Policies [Page I-3]

L-I.A: *“Promote a land use and development framework based upon smart growth principles* (*smart growth describes the efforts of communities to manage and direct growth*

in a way that minimizes damage to the environment, reduces sprawl, and builds livable towns and cities.)”

L-II.B: “*Encourage the redevelopment of vacant and underutilized commercial properties.*”

Therefore, in order to realize 10% affordable housing compliance, unencumbered, neighborhood compatible, and appropriately zoned land resources must be developed to their fullest potential, in accordance with the Ordinance's and Comprehensive Plans goals and objectives. It is the professional opinion of this Consultant that the proposed mixed-use, 144 residential unit density is more than reasonable, considering upwards of 35.4%, or a staggering 51-units will be defined as affordable. Unencumbered acreage that is properly situated and deemed appropriate for more intensive development, is in quite limited supply. Failure to take advantage of such proposals will necessitate development of less desirable areas in order to achieve 10% affordability, in complete contradiction of the respective goals and objectives of the Comprehensive Plan.

DEVELOPMENT PROPOSAL

The Applicant proposes to redevelop the Property for mixed-use purposes, consisting of general commercial, warehousing (pre-existing), and residential, of which a large quantity will be deemed affordable pursuant to RI Housing. The development is anticipated to be developed in two (2) phases, with the mixed-use commercial and residential component introduced initially, followed by purely several residential facilities. Although a market-rate density bonus is necessary, the volume of affordable housing units that will be realized (far exceeding regulatory standards) evidences the redevelopment's appropriateness. The very reason for establishing the Comprehensive Permit regulatory development process is to realize affordable housing, understanding that failure to provide a market-rate density bonus will negate any such provision. The subject proposal entertains a variety of land uses, thereby assuring the development is self-sufficient, meeting the needs of on-site residents in a singular distinct development. Proximity to the general commercial corridor to the immediate south, likewise evidences neighborhood compatibility; fulfilling the Comprehensive Plan's objective of maintaining cohesion and connectivity between higher residential density and requisite commercial services. The litany and quantity of land uses proposed, are as follows:

1. Warehousing facility to be maintained, physically situated mid-point of the Property.
2. Mixed-use facilities, consisting of two (2) distinct buildings, located along the respective lot frontage, fronting West Main Road.
3. Purely residential facilities, consisting of six (6) distinct buildings, all of whom will be situated towards the rear of the Property.

4. Ancillary off-street parking will be located throughout the Property, serving the needs of residents and customers alike. The quantity of off-street parking, albeit slightly deficient from a regulatory perspective, is nevertheless more than sufficient, considering all residential units will be a composition of one (1), two (2), and to a lesser extent, three (3) bedroom units, thereby necessitating fewer spaces per unit. Furthermore, the concept of shared parking is most assuredly applicable, commercial peak periods being divergently different from those associated with the residences. Off-street parking regulatory requirements have long been dated and in error; the belief that surplus parking is preferable. The end result is too much under-utilized parking, which translates to a sea of impervious surface and excessive run-off. A better trade-off is provision of an appropriate quantity of parking, the difference being dedicated to green-space.

As already detailed, residential units will be comprised of a combination one (1), two (2), and a smattering of three (3) bedroom units, for purpose of addressing documented 'need' and averting community impact; to include reduced vehicular traffic and generating fewer school-aged children. The applicant's objective is to maintain as much green-space as feasibly possible.

The redevelopment will more likely not attract families given the limited bedroom count; the majority of the units being limited to one and two-bedrooms. However, given the need for family rental units as well, the applicant is furnishing a total of twelve (12) such units, with three (3) being deemed affordable. The residential component will therefore in all likelihood avert introducing any school-aged children, thereby being a fiscal contributor, unlike the typical residential development that results in tax depletion. The manner in which the development is being proposed fulfills many Comprehensive Plan goals and objectives, most notably addressing 'specific need' as evidenced by the following:

"As Middletown's senior population continues to grow, so does the need for housing designed for one and two person households at a variety of price ranges. There will be a growing need for smaller, empty-nester type homes for residents wishing to "downsize" their living accommodations. Senior households often have a high level of housing burdens. Therefore, there is a need for additional affordable rental housing for seniors, programs to assist low and moderate income senior households paying mortgages, and alternatives to large, single-family homes. Because Aquidneck Island is a popular area for retirees, the demands placed upon retirement and nursing homes continues to grow. Therefore, additional nursing home and retirement home facilities will likely be needed within the next 20 years." [Page VII-21]

Goal III: Increase the Town's Supply of Workforce Housing - *"The town supports the development of both rental and homeownership opportunities for our workforce. Becoming a homeowner is difficult for low and moderate income households, and even some households with incomes considerably above the mean. Many employees of businesses and agencies located in Middletown fit this category, and it is essential that these workers have the opportunity to locate decent affordable housing nearby their place of work. The area has high housing costs and incomes have not kept pace." [Page VII-28]*

Affordable housing is not only in short supply, but actually forever getting less and less affordable, as evidenced by the fact that the Town has lost considerable affordable housing over

the last decade. And, due to the presence of limited viable land resources, the only means of achieving regulatory compliance will be by realizing larger, multi-unit residential developments. However, such developments are atypical, conventional single-family housing being the typical residential development approach.

Goal II: Promote a Balance of Housing Choices for All Income Levels and Age Groups -
"In recent decades, the majority of residential development in Middletown has been single-family homes. A goal of the town is to promote a wider range of housing options to accommodate a variety of household sizes, incomes, and stages of life." [Page VII-26]

Once again, a total of 144 residential-units are proposed, of which 51-units (or 35.4%) will be deemed affordable pursuant to Rhode Island Housing ("RIH") guidelines. Affordable housing will be evenly distributed throughout the development, and during each respective phase. The proposed development will provide much needed affordable housing, thereby fulfilling many of the community's general housing need objectives.

Housing – Goals, Policies, & Action Items

Goal H-II: *"Promote a balance of housing choices for all income levels and age groups."* [Page VII-38]

Policy H-II.C: *"Support development of affordable family housing."* [Page VII-39]

Action Item H-II.C.2: **"Encourage a mix of unit sizes and number of bedrooms in low and moderate income housing developments."**

Policy H-II.D: *"Increase the number of year-round rental properties."* [Page VII-39]

Goal H-III: *"Increase supply of workforce housing."* [Page VII-39]

Policy H-III.A: *"Promote the development of workforce housing."* [Page VII-39]

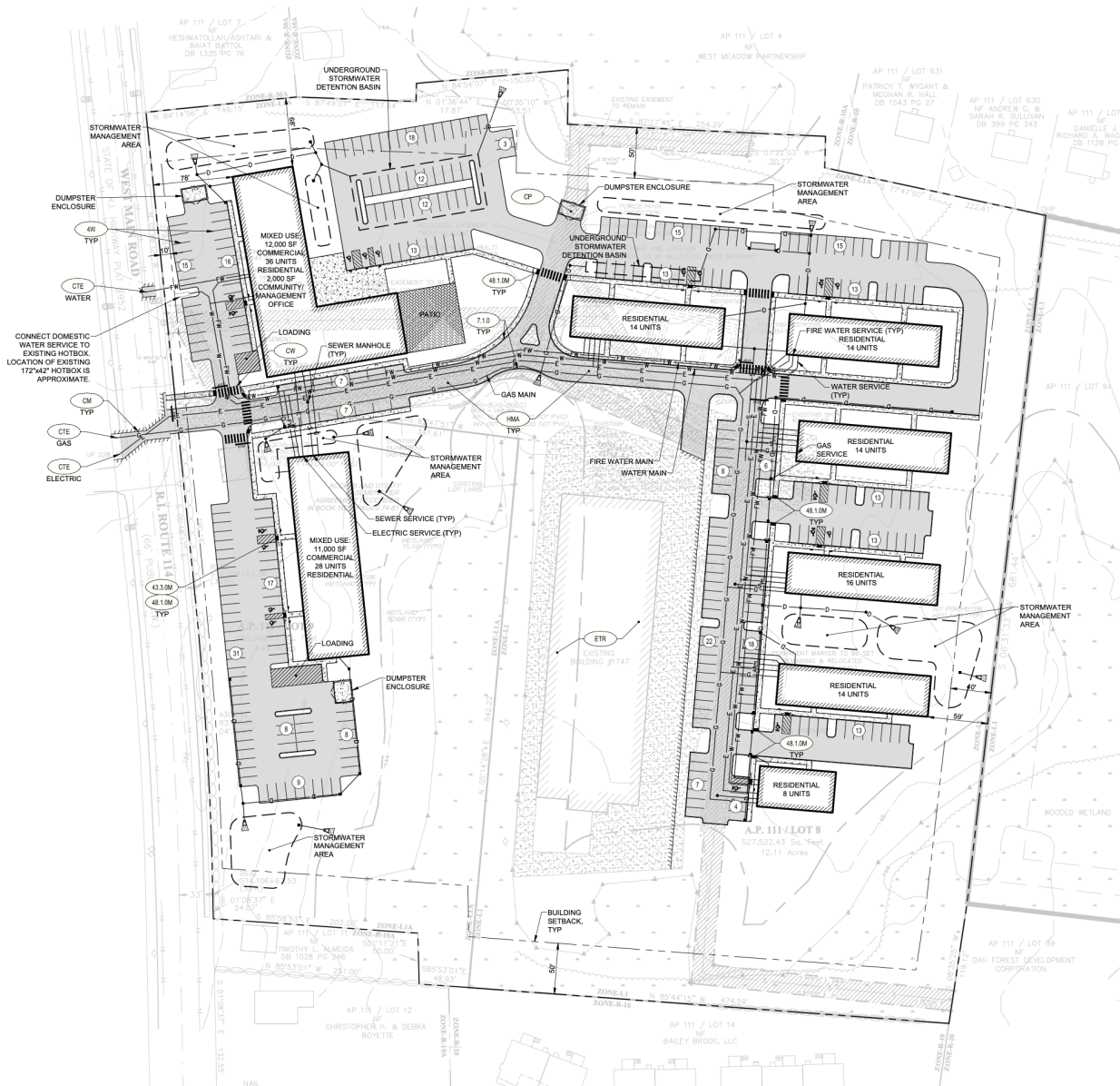
Action Item H-III.A.4: **"Permit forms of housing that are affordable without subsidies: such types of housing include multi-family housing, mobile homes and Accessory Family Dwelling Units."** [Page VII-39]

Action Item H-III.A.5: **"Encourage development of new rental housing by allowing multi-family and mixed-use development where appropriate in the Zoning Ordinance."** [Page VII-39]

A detailed illustration of the subject development is provided on the following page, as excerpted from the Applicant's submission package [Credit: PARE Engineering].

EVIDENCING NEED

An assessment of past and present affordable housing development data, as evidenced by the Housing Fact Book [Page 59] and current housing stock, details that there is presently approximately 371-units of affordable housing, or approximately 5.40%. In order to achieve full



10.00% regulatory compliance, an additional 317-units is necessary. Furthermore, it is anticipated pursuant to the Comprehensive Plan [Page VII-19] that at full build-out the community will require an additional approximately 50-units of affordable housing construction, resulting in a total need of approximately 367-units. The Comprehensive Plan further acknowledges that there has been an average home construction of approximately 25-units per year. Considering only a small subset of these permits will be deemed affordable, it will literally take several decades, if even feasible, to achieve regulatory compliance. Therefore, regulatory compliance can only be achieved by permitting a greater density of housing development.

R.I.G.L 45-53-4 - 'Low and Moderate Income Housing' and
Article V 'Comprehensive Permit Procedures

In accordance with R.I.G.L 45-53-4 and Section 1704.5 of the Ordinance, the applicant is obligated to address the requisite standard provisions. R.I.G.L 45-53-4(a)(4)(v)(A-G) expresses the following required findings:

R.I.G.L 45-53-4(a)(4)(v) Required Findings: *"In approving an application, the local review board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:"*

(A) *"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."*

A thorough analysis of the entire Comprehensive Plan, and particularly the Housing and Land Use Elements, as well as the Housing Fact Book, have been completed and evidences the need for additional affordable housing. The following data details present and proposed affordable housing need, incorporating the Town's build-out analysis.

Present Housing Conditions

Present year-round housing count:	Approximately 6,875-Units
No. of requisite units to achieve 10% affordable housing compliance:	688-Units (10%)
No. of present affordable housing units:	371-Units (5.4%)
Present Shortfall:	317-Units (4.6%)
Inclusion of the proposed development:	51-Units (6.01%)

Proposed Housing Conditions

Future Housing Count Based on Build-Out Analysis:	Approximately 7,375-Units
No. of requisite units to achieve 10% affordable housing compliance:	738-Units (10%)
No. of present affordable housing units:	371-Units (5.03%)
Present Shortfall:	367-Units (4.97%)
Inclusion of the proposed development:	51-Units (5.61%)

Once again, the proposed redevelopment will have a profound impact, increasing present affordable housing provision by six-tenths of one-percent, from the present 5.4% to 6.01%.

To reiterate, at present development ratios and patterns, it could literally take numerous decades to achieve regulatory compliance unless every reasonable proposal is well-received and ultimately approved.

Table H-23 Middletown's Twenty Year Affordable Housing Strategy [Pages II-35 - VII-36]

Strategies to Increase the Supply of Low-and- Moderate Income Housing. [Page VII-35]

- o **"Encourage MIXED-USE DEVELOPMENT in appropriate locations in town."**

Potential Benefits Identified.

- ▶ **"Promotes a village-style mix of retail, restaurants, offices, civic uses, and multi-family housing."**
- ▶ *"Promotes pedestrian & bicycle travel."*
- ▶ *"Promotes a sense of place."*
- ▶ **"Encourages economic investment."**
- ▶ *"Makes more efficient use of land and infrastructure."*
- ▶ **"Guides development toward established areas, protecting outlying rural areas and environmentally sensitive resources."**

Projected # LMI Units to be Produced - 39-Units.

Strategies to Increase the Supply of Low-and- Moderate Income Housing. [Page VII-36]

- o **"REDEVELOPMENT of vacant or underutilized properties."**

Potential Benefits Identified

- ▶ *"Potentially lower development cost."*
- ▶ **"More likely to be located within urban services boundary and convenient to transit and services."**

Projected # LMI Units to be Produced - 17-Units.

The referenced strategies are hopeful of being realized via several affordable housing developments, which appears to be somewhat unlikely based upon past history. The proposed project will fulfill both noteworthy goals in a singular redevelopment action. Expectation being production of 56-units, and proposed redevelopment realizing a total of 51-units.

(B) *"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."*

Several waivers will be pursued, referenced listing to be provided by PARE Engineering. The referenced waivers are well supported by the Comprehensive Plan, as evidenced by the following Goals, Policies, and Action Items:

Goal H-IV: *"Reduce housing costs while promoting more sustainable development."* [Page VII-39]

Policy H-IV.B: ***"Encourage mixed-use and transit oriented developments."*** [Page VII-40]

Action Item H-IV.B.1: *"Create incentives for developers of mixed-use developments to create low and moderate income housing units."* [Page VII-40]

Policy H-IV.C: ***"Encourage infill development and conversion of existing structures or underdeveloped properties into affordable housing."*** [Page VII-40]

Action Item H-IV.C.1: *"Identify areas suitable for infill development/redevelopment."* [Page VII-40]

Goal H-V: *"Appropriately site affordable housing."* [Page VII-40]

Policy H-V.A: *"Integrate affordable housing into the community."* [Page VII-40]

Action Item H-V.A.1: ***"Ensure affordable units are integrated with market-rate units in new developments whenever feasible, to avoid the concentration of units in specific areas of town."*** [Page VII-40]

Policy H-V.B: *"Consider characteristics of surrounding area when reviewing plans for affordable housing."* [Page VII-40]

Action Item H-V.B.1: ***"Encourage the siting of affordable housing near public transit and services."*** [Page VII-40]

Goal H-VI: ***"Meet the state's 10% requirement for low-and-moderate income housing."*** [Page VII-41]

(C) *"All low and moderate income housing units proposed are integrated throughout the development; are compatible 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."*

The affordable units will be constructed of like materials and maintain the architectural integrity of the market-rate units. The 51 affordable units will be both dispersed throughout the

development, as described within this report – evenly integrated with the market-rate units – as well as proportionally phased during construction.

(D) *“There will be no significant negative environmental impacts from the proposed development as shown on the final plan; with all required conditions for approval.”*

(E) *“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.”*

(G) *“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...”*

The Property is entirely appropriate for more dense development, being predominantly free of any development constraints. As will be addressed in both plan and oral testimony by the respective experts, the property can be safely engineered for the intended multi-purpose, to include high-density residential. Finally, as evidenced by the Comprehensive Plan, the Town has already well acknowledged the appropriateness of achieving affordable housing by means of mixed-use and infill development within the Urban Services Boundary.

(F) *“All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street.”*

The subject development will be furnished direct and permanent physical access from West Main Road (Route 114).

CONCLUSION

It is the professional opinion of this Consultant that the proposed development is consistent with the Comprehensive Plan, setting forth the Goals, Strategies and Action Items of the Housing Element, and can therefore be fully supported by the Town of Middletown Planning Board. My professional opinion is based upon the manner in which the development can be incorporated into the overall fabric of the general area. The Planning Board should carefully consider the many benefits posed by the Applicant's redevelopment, not the least of which is the provision of 51-units of affordable housing. It should also be emphasized that there are a number of regulatory mechanisms, as detailed throughout this report, to support the development of affordable housing in the manner so-proposed, and at the prescribed density.

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SUMMARY of QUALIFICATIONS

Forward-thinking, pragmatic urban planning professional with twenty (20+) years of practical experience. Skilled in a variety of neighborhood and commercial planning and zoning activities, frequently in a supervisory or managerial capacity. Solid track records with proven effectiveness in, but not limited to, the following areas:

- ⇒ **Zoning Boards of Review**
- ⇒ **Community Planning and Consulting**
- ⇒ **Planning Boards / Commissions**
- ⇒ **Subdivision Review and Planning**
- ⇒ **City / Town Councils**
- ⇒ **Superior Court**
- ⇒ **Code Enforcement**
- ⇒ **Residential, Commercial and Industrial Development**

SELECTED EXAMPLES of ACCOMPLISHMENT

- Testified before numerous boards, commissions and councils on matters of residential, commercial, and industrial development, as well as changes / amendments to Zoning Ordinances and Comprehensive Plans.
- Testified before Municipal and Superior Court on matters of code enforcement and general land use planning.
- Authored various documents including Cost of Community Services Study, Revitalization Plans, Zoning Ordinances, Comprehensive Plan Amendments and the first Telecommunications Ordinance in the State of Rhode Island.
- Responsible for reviewing all development associated with the Quonset Point / Davisville Industrial Park, an approximately 3,500 acre industrial park, site of the former Sea Bee Navy Base, numerous mill rehabilitation projects, including Pocasset Mill, Johnston, RI (Comprehensive Plan Amendments).
- Responsible for reviewing numerous residential subdivisions, especially expert in the field of Comprehensive Permits (Affordable Housing). Work product cited by the Rhode Island Supreme Court.
- Represented clients before numerous Zoning Boards of Review throughout the State of Rhode Island, on a variety of variance and special use permit petitions, with a greater than 90% success rate.
- Extensive energy and renewable energy projects, including solar, wind and gas-fired eccentric generating assets.

EDUCATION

MASTERS OF COMMUNITY PLANNING AND DEVELOPMENT
University of Rhode Island - Masters Received 1994

University of Florida - Studied City Planning - 1991 / 1992

BACHELOR OF ARTS – URBAN AFFAIRS; MINORS IN MATHEMATICS AND PHILOSOPHY
University of Rhode Island - BA Received 1990

ACCREDITATION: AMERICAN INSTITUTE of CERTIFIED PLANNERS – May 1996

PROFESSIONAL EXPERIENCE

Land Use Consultant
East Providence, Rhode Island

PIMENTEL CONSULTING, INC.

Zoning Officer
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Consulting Town Planner
Barrington, Rhode Island

TOWN OF BARRINGTON

Town Planner
Wayland, Massachusetts

TOWN OF WAYLAND

Principal Planner
North Kingstown, Rhode Island

TOWN OF NORTH KINGSTOWN

Assistant Planner
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Planning Consultant
Newport, Rhode Island

NEWPORT COLLABORATIVE

Planning Intern
Orange City, Florida

CITY OF ORANGE CITY

RHODE ISLAND AIR NATIONAL GUARD

Plans and Implementation Communications Specialist
Rhode Island Air National Guard 1995 – Retired 2013

Security Police Officer
Rhode Island Air National Guard 1987 – 1990

CIVIC

WGBH – Community Advisory Board Member
Cambridge, Massachusetts 2000 - 2003

SPECIAL SKILLS AND TRAINING

- Fluent in Portuguese