



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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

Notice of Planning Board Decision

To: APPLICANT
From: Paul A. Croce, Chairman
Middletown Planning Board
Date: October 13, 2022
Re: Application of Aquidneck Group LLC for Development Plan Review for construction of a new commercial building and associated site alterations on an existing commercial property, and including request for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 99 East Main Rd., Tax Assessors Plat 107SE, Lot 106.

During its meeting of October 12, 2022, the Planning Board considered the above referenced application. Following the public hearing and at the conclusion of discussion, a motion was made to make the five required findings of fact and approve certain waivers from the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations), and to forward a positive recommendation on the application to the Zoning Board of Review subject to several recommended conditions of approval. **The motion failed to pass on a 2-4-0 vote, with Mr. Fenton and Mr. Pierik voting in favor, and Mr. Croce, Mr. Nash, Ms. Owen, and Mr. Weber voting against.** Despite expert testimony, some Planning Board members were not convinced that having three drive-through facilities located so closely together was either prudent or in the best interest of users.

The failed motion included the following recommended conditions of approval and granting of the following waivers from Section 521 of the Regulations:

Recommended conditions:

1. Deliveries by truck to the proposed new building shall occur no later than 6am each day.
2. Prior to permitting, the applicant shall revise the landscape plan to address any additional comments of the Middletown Tree Commission.
3. Following excavation for utilities connections on Commercial Blvd., the street shall be repaved in accordance with Town requirements prior to certificate of occupancy, subject to the approval of the DPW Director.
4. The sanitary sewer main within the shopping center shall be a minimum of 8-inch diameter, with services to each building a minimum of 6-inch diameter. Construction plans shall be revised as necessary prior to permitting.

5. Prior to permitting, the owner shall provide written confirmation that required maintenance in conformance with the O&M plan for the existing stormwater management system for the shopping center is being performed, subject to the approval of the Town Engineer.
6. Prior to permitting, the applicant shall evaluate the feasibility of installing a curbed traffic island in the location of the painted island proposed closest to Commercial Street at the southern end of the parking lot. If found to be feasible, the plans shall be revised to include construction of the island.
7. Prior to permitting, the applicant shall revise the site plans to clearly identify the proposed pedestrian circulation into and through the site.

Waivers considered:

1. **Section 521.2.B. 1 & 2** – Windows must make up 20% – 60% of each façade and be of true or simulated divided-light design. **The applicant has provided calculations indicating that the north and east facing facades will provide the required amount of windows, while the west façade, also visible from the public street will not. Proposed windows not divided light.**
2. **Section 521.2.C** – Building exteriors and roofs must be constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone. **The applicant has indicated that Hardie Plank or similar product is proposed for the building siding.**
3. **Section 521.3.C** – Landscape screening elements along property lines. **Not provided.**
4. **Section 521.3.D.1**- Landscape buffer, 10' wide along all property lines. **Not provided.**
5. **Section 521.3.D.3** - Landscape buffer, 10' wide between the building and parking/driveways. **Not provided.**
6. **Section 521.3.F. 1 & 2** – Street trees and parking lot trees. **Additional trees proposed to be provided in the shopping center to improve the existing conditions, but does not meet all planting requirement for the project area.**

Prior to the vote several Board members expressed concern with the site layout and proposed traffic circulation within the shopping center. Mr. Nash specifically stated that he could not support the project as it does not satisfy one of the required findings: that the approval will not result in conditions inimical to the public health, safety and welfare. The applicant refused the Board's offer for an additional continuance to consider design revisions.



Paul A. Croce, Chairman
Middletown Planning Board

cc. Town Clerk
Building/Zoning Official

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WENDY J. W. MARSHALL, TOWN Clerk
TOWN of MIDDLETOWN, RI

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