



PLANNING BOARD MINUTES
Regular Meeting
November 8th, 2023, 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
John Ciummo
B.J. Owen
Leon Amarant

Also present:

Ron Wolanski, Town Planner
Michael Monti, Assistant Town Solicitor
Anita Guo, Principal Planner

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

1. Approval of minutes

- a. October 11, 2023 regular meeting
 - i. Mr. Croce suggested two additional details to the minutes.
 - ii. **Motion** by Mr. Ciummo, seconded by Ms. Owen to accept the suggested change and to approve the amended minutes. **Vote:** 6-0-0, Mr. Nash had not arrived.
- b. October 25, 2023 special meeting
 - i. Mr. Croce pointed out a typo.
 - ii. **Motion** by Mr. Weber, seconded by Ms. Owen to accept the suggested change and to approve the amended minutes. **Vote:** 6-0-0, Mr. Nash had not arrived.
- c. November 3, 2023 special meeting
 - i. This meeting was canceled due to lack of quorum.

2. Correspondence

- a. Memo from the Town Planner dated October 23, 2023 re: Administrative Subdivision – Paul J. & Amy E. Murphy, properties located at 226 Reservoir Rd., Assessor’s Plat 121NW, Lots 52 & 52A
 - i. **Motion by** Ms. Owen, seconded by Mr. Ciummo to receive said correspondence. **Vote:** 6-0-0, Mr. Nash had not arrived.

3. **Agenda modifications**

- i. The agenda items were heard in the following order: 5A, 5B, 5C, 4A, 5D, 5E, 4B, 4C.

4. **Old Business**

- a. **Public Hearing (continued from the October 11, 2023 meeting)** - Application of A1 Roofing & Construction LLC for Development Plan Review for renovation of an existing commercial building including exterior changes and requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 1133 West Main Rd., Tax Assessors Plat 106, Lot 111
 - i. Mr. Wolanski shared the applicant’s attorney requested a continuance to the December 13th regular Planning Board meeting due to unavailability.
 - ii. Mr. Weber noted the building and shielding of rooftop equipment are currently not in compliance with the Town’s regulations. There was discussion that the applicant will present a plan to the Board at the next meeting.
 - iii. **Motion by** Mr. Nash, seconded by Mr. Ciummo to continue this item to the December 13th regular Planning Board meeting. **Vote:** 7-0-0.
- b. **Public Hearing** – Consideration of proposed amendments to the *Middletown Rules and Regulations Regarding the Subdivision and Development of Land* necessary to address amendments to state law contained in bills S1034A & S1038A passed in the 2023 session of the RI General Assembly, including amendments to Article 2 – Definitions; Article 4 – Procedures for Subdivision and Land Development Approval, Sections 401, 406, 407; Article 8, Section 805 – Appeal Procedure; Article 9 – Supplementary Regulations, Sections 904, 907, 908; Article 10 – Development Plan Review, Sections 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011.
 - i. **Motion by** Mr. Nash, seconded by Mr. Ciummo to open the public hearing. **Vote:** 7-0-0.
 - ii. Mr. Wolanski provided a presentation on the proposed amendments to address Senate Bill S1034A on development plan review procedures and S1038A on public notice requirements.
 - iii. Mr. Wolanski highlighted the changes in definitions for major subdivisions which would be 10 or more buildable lots and minor land development would be 9 or less. In addition, the administrative officer would be given authority to approve minor land development and minor subdivisions only when there are no new roads or extensions.
 - iv. Mr. Weber asked whether correspondence would be given to the Planning Board regarding administratively approved subdivision and land development projects which Mr. Wolanski stated could be done.

- v. Mr. Wolanski then spoke about major land development projects where hearing and abutter's notices are required during master plan stage. At preliminary stage, abutters would be notified but no required public hearing. The Administrative Officer would approve the final plan. In addition, for subdivisions, land development projects, and development plan review projects that require zoning relief, those would instead go through a unified development review process with the Planning Board having purview over the requested zoning relief. The appeal process has also changed so appeals of Planning Board decisions would go to the Superior Court directly. Mr. Wolanski then spoke about the administrative development plan review and the proposed amendments would allow the administrative officer to decide on projects where there are only façade changes or changes in use. All other and adaptive reuse projects would go through a formal development plan review process.
 - vi. Mr. Monti clarified that all proposed changes are required by State Law except the type of projects that would qualify for administrative development plan review.
 - vii. Mr. Fenton asked about special use permit applications which Mr. Wolanski shared that DPR applications that require special use permit will go through unified development review of the Planning Board.
 - viii. Mr. Monti shared that after adoption, the Solicitor's office will provide training to applicable Boards and staff on the changes.
 - ix. **Motion** by Mr. Nash, seconded by Mr. Ciummo to close the public hearing. **Vote:** 7-0-0.
 - x. **Motion** by Mr. Nash, seconded by Mr. Weber adopt the regulations subject to the Administrative Officer would have to report the administrative approvals to the Planning Board, and to forward the regulations to the Town Council for consideration. **Vote:** 7-0-0.
- c. Discuss and provide recommendation to the Town Council on amendments to the zoning ordinance, Town Code Chapter 152, and the Rules and Regulations Regarding the Subdivision and Development of Land , and other action needed in response to legislation passed during the RI General Assembly's 2023 session, including Senate bills S1034A and S1038A, including proposed amendments to Zoning Ordinance Section 305 – Development Plan Review, Section 306 – Uses subject to and exempt from development plan review, Section 307 – Development plan review for uses permitted by right, Section 308 – Development Plan Review for uses requiring a variance or special use permit, and new Section 323 – Unified Development Review.
- i. **Motion** by Mr. Nash, seconded by Mr. Ciummo to forward the proposed zoning amendments to the Town Council for consideration. **Vote:** 7-0-0.

5. New Business

- a. Request of Peter Gallipeau, developer of the Saltwood Farm subdivision for the Planning Board to set the amount of performance security to secure completion of Phase 3 of the development per section 702 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.
 - i. Mr. Wolanski shared that the Town Engineer and developer are reviewing the work that has been done and would set the performance security after

completion of the review. Since the performance security has not been set yet, a continuance is being requested.

- ii. **Motion** by Ms. Owen, seconded by Mr. Ciummo to continue this item at the December 13th regular Planning Board meeting. **Vote:** 6-0-0, Mr. Nash had not arrived.
- b. **Public Hearing** - Consideration and action on a petition of Mello Realty Inc. requesting amendment to the Future Land Use Map, Map L-4 of the Middletown Comprehensive Community Plan to change the designation of property fronting on Coddington Highway, Plat 103, Lot 103 from high-density residential and limited & office business to industrial.
 - i. Attorney Girard Galvin requested a continuance to the December 13th Planning Board meeting to address an abutter's concerns. The abutter's attorney was not available prior to tonight's meeting to discuss the concerns.
 - ii. **Motion** by Mr. Weber, seconded by Mr. Ciummo to continue this item to the December 13th regular Planning Board meeting. **Vote:** 7-0-0.
- c. Recommendation to the Town Council on a petition of Mello Realty Inc. requesting amendment to the Middletown Zoning Map referenced in Town Code Chapter 152 to change the designation of property fronting on Coddington Highway, Plat 103, Lot 103 from mobile home/transient trailer (MT) and limited business (LB) to light industry (LI).
 - i. **Motion** by Mr. Weber, seconded by Mr. Ciummo to continue this item to the December 13th regular Planning Board meeting. **Vote:** 7-0-0.
- d. **Public Hearing** – Request of White Buffalo LLC for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land to allow the use of non-traditional siding materials on an existing commercial building. Property located at 94 East Main Rd., Tax Assessors Plat 107SE, Lot 50
 - i. Contractor Andrew Chorniere represented the applicant and shared that they are requesting a waiver for the use of non-traditional siding materials.
 - ii. Mr. Wolanski stated that this request is only a waiver for the siding materials as the project does not trigger a full development plan review process.
 - iii. Mr. Nash expressed his support for the waiver request and inquired about the other work. Ken Gibbs, a family member of the property owner shared that the interior has been completely renovated to expand the business needs at this new location.
 - iv. Mr. Fenton asked for clarification of the siding work. Mr. Gibbs stated the first floor would be board and batten and second floor would be white cedar.
 - v. **Motion** by Mr. Nash, seconded by Ms. Owen to approve the waiver request. **Vote:** 7-0-0.
- e. Request of Ocean State Holdings of Middletown, LLC (Hyundai of Newport) for approval of a revised landscape plan associated with a previously approved Development Plan Review application, including relocation of a stone wall on property located at 1215 West Main Road, Tax Assessors Plat 106, Lot 91.
 - i. Attorney Bob Silva represented the property owner. Mr. Silva shared that this project has been before the Planning Board. The landscape plan has been revised to provide planters instead of planting beds in the areas near the front

of the building and one additional tree has been added to the plans. Mr. Silva cited their concerns with flooding if asphalt is opened up for in-ground plantings.

- ii. Ms. Owen shared that Tree Commission was satisfied with the revised landscape plan. Mr. Silva added that the relocation of the stonewall to front West Main Road has been complete.
- iii. Mr. Nash noted the original plan had significant planting beds and expressed not being supportive of changes. There was discussion about the location of the planters.
- iv. Mr. Croce shared the Tree Commission requested for the maintenance plan to be amended. Landscape Architect Pamela Rogers shared that the revision has not been completed. Mr. Silva shared they are amendable to that as a condition of approval.
- v. **Motion** by Ms. Owen, seconded Mr. Ciummo to approve revised landscape plan, subject to condition that the applicant shall revise the landscape maintenance plan to address the Tree Commission's comments. **Vote:** 6-1-0, with Mr. Nash in opposition.

6. Updates

a. Status Report on Planning Board Action Items.

- i. Mr. Croce asked for an update on the pesticide policy which Mr. Wolanski shared has been forwarded to the Tree and Conservation Commission for comments. The next step would be to consider scheduling a public workshop.
- ii. Mr. Croce asked about the application fees. Mr. Wolanski shared that he is waiting for the Finance Office to provide him with the current year's overhead costs to incorporate them into the new proposed fees. There was discussion about the lengthy time it has taken to update the fees and the need for a more streamlined process.

b. Committee reports

- i. Comprehensive Plan Update Committee – The next meeting is scheduled for tomorrow evening November 9th.
- ii. Tree Commission – No other updates.
- iii. Open Space and Fields Committee – No updates.
- iv. Conservation Commission – Mr. Amarant shared a meeting is scheduled to discuss the pesticide policy and the CRMC rights-of-ways.
- v. Affordable Housing Committee – No updates.
- vi. Commercial Design Standards Subcommittee – Mr. Fenton shared the subcommittee had their first meeting to review and suggest changes to the design standards. The next meeting will be scheduled.

c. Upcoming meetings:

- i. November 9, 2023, 6pm – Comp Plan Update Committee (CPUC) meeting
- ii. November 29, 2023, 6pm – Special meeting on Town Comprehensive Permit applications.

- iii. December 13, 2023, 6pm – Regular Planning Board meeting.
- iv. December 14, 2023, 6pm – CPUC meeting

Motion by Ms. Owen, seconded by Mr. Nash to adjourn. **Vote:** 7-0-0

Meeting adjourned at approximately 7:30pm.

Respectfully submitted,
Mike Fenton, Secretary

DRAFT