



PLANNING BOARD MINUTES  
Special Meeting  
November 29, 2023, 6pm  
Town Council Chambers – Town Hall  
350 East Main Road  
Middletown, RI 02842

**Board members present:**

Bill Nash, Vice Chair  
Michael Fenton, Secretary  
Art Weber  
B.J. Owen  
John Ciummo  
Leon Amarant

**Member absent:**

Paul Croce

**Also present:**

Ron Wolanski, Town Planner  
Peter Skwirz, Conflict Solicitor

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

1. **Public Hearing** – Request of the Town of Middletown for Master Plan approval for an affordable housing comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17 *Low and Moderate Income Housing- Comprehensive Permit*, for development of 22 units of affordable multi-family housing for seniors (55+) and other uses, constituting a mixed-use development. Property located at 650 Green End Ave., Assessor's Plat 120 Lot 27. The application includes requests for variances from sections of the Middletown Zoning Code as follows: §602, to allow a mixed-use development where not a permitted use in the public (P) zoning district; §1301(C) mandates that off-street parking or loading areas abutting residential uses and/or district require a landscaped buffer strip of not less than 20'. This buffer is not provided on the western and southern lot lines; § 1507(A) mandates that no off-street parking area shall be located within twenty-five (25) of a property line. Proposed parking is within 2.7 feet, 11.2 feet, and 0.0 feet of property lines; §1507(B) mandates that no off-street parking area shall be located within twenty-five (25) feet of any wall of a principal building used for residential purposes. Proposed parking is within 14.9 feet, and 6.5 feet from proposed residential buildings; § 1507(C) mandates that no rows or parking spaces shall exceed 100' without a landscape separation of at least 10' in width. The existing parking along the southern lot line is 207' long but does not meet this requirement; § 1508(A) mandates that in multifamily dwelling projects, principal buildings shall be separated from any other principal building by a minimum of fifty (50)

feet. Buildings are separated by 16.8 feet; § 27A07(E)(1) mandates that no new principal building shall be located within 100' of an existing residential building on abutting property or 50' of a residentially zoned lot, §27A07(E)(2) mandates that the area within the required setbacks shall be devoted to a landscaped or natural buffer zone. The required buffer is not provided.

- a. **Motion** by Mr. Weber seconded by Ms. Owen to open the public hearing. **Vote:** 6-0-0
- b. The applicant was represented by attorney Peter Regan. Mr. Regan discussed the goals of the project, including to assist the Town in reaching 10% affordable housing units as required by state law and meeting local housing needs. He discussed the comprehensive permit process and the requirements for master plan review. He requested that the master plan including number of units be approved, but that consideration of the identified necessary zoning relief be addressed at preliminary plan stage except for approval to allow mixed-use development in the public zoning district.
- c. Mr. Regan introduced Town Administrator Shawn Brown. Mr. Brown discussed the Town's recent and ongoing efforts to address the need for affordable housing, including the establishment of the affordable housing committee, hiring a housing consultant, conducting market analyses, which were provided to the Board and entered as exhibits, and pursuing this and other affordable housing developments. There is an identified need for more affordable housing. He described the components of the proposed project.
- d. Mr. Weber stated that state law should count mobile home parks and multi-family developments such as Oxbow Farms as part of the Town's inventory of affordable housing. He also expressed concerns about recent changes to state zoning laws that could adversely impact quality of life. Ms. Owen agreed that mobile homes should qualify as affordable housing.
- e. Mr. Brown stated that regardless of state law, the town needs more affordable housing to meet the need.
- f. Mr. Regan introduced engineer Jason Kroll of Horsley Witten Group, the design engineer for the project. Mr. Kroll reviewed the existing conditions plan and proposed site plan. He described the concept for stormwater management. Impervious surface will be reduced. There will be an attempt to increase the buffer between the parking lot and northerly property line. A netting system will be used at the baseball field to protect the building and parked vehicles from foul balls.
- g. There was discussion of design details, such as the possibility of overflow parking for the ball field. It was requested that certain aspects of traffic flow, parking and ingress and egress to the property be reexamined, which the applicant agreed to do.
- h. Mr. Regan introduced the project architect, Doug Brown of DBVW Architects who reviewed the design. The new building will be roughly within the footprint of the existing school building. The gym will be retained for use as community space. He reviewed the floor plans and renderings of building exteriors.
- i. Board members asked about design details including windows, siding, roofline, and screening of HVAC equipment, which Mr. Brown addressed.
- j. Mr. Regan introduced the Town's affordable housing consultant Frank Spinella. Mr. Spinella described the general process for developing affordable housing and the connection between this project and the Town's project on Oliphant Lane for financing purposes. He reviewed the project proforma and residency restrictions for the project, which will require that residents be 62 years or older with maximum income of 60% of

area median income. He noted that residency cannot be restricted to only Middletown residents, but given local housing demand and the plan to only market the units locally, most units will likely be filled by local residents.

- k. Board members asked about the RI Housing funding process and how points are awarded to funding applications, which Mr. Spinella addressed. In response to questions, Mr. Spinella described the role of a development partner in the management and maintenance of the facility. Incorporation of “green” building features will also be considered.
- l. Mr. Regan introduced real estate expert Jim Houle who noted relevant goals of the Middletown Comprehensive Community Plan which the proposed project addresses. He stated that the project complies with the comprehensive plan. In response to questions from board members, Mr. Houle discussed housing affordability and rising values for various type of housing.
- m. Mr. Regan concluded his presentation.
- n. Mr. Nash opened the floor for public input.
- o. Marleen Kane of 3 Bailey Brook Court asked if the project will include an elevator, laundry facilities, and air conditioning. Mr. Spinella responded that it would.
- p. Frank and Susan Coyne, owners of property at 33 Berkeley Court and 630 Green End Ave., requested that a buffer be provided between the project and their properties. They expressed concern over potential stormwater impacts, the location of the trash enclosure, parking, and the overall impact of the project on the neighborhood.
- q. Ronald Augustus of 57 Berkeley Court stated that the subject property is not a suitable location for the project. Neighbors were misled during prior discussions with town officials about the project. The proposed netting system will not address the problem of foul balls hitting cars and the building.
- r. Matt Alexander of 81 Amesbury Circle asked about the timing of development and the financial impacts to the Town. Mr. Regan described the approval process and stated that the Town will not be responsible for the cost of the development. In response to board member questions, Mr. Spinella described the proposed ownership and financing scenario.
- s. Peg Kearnon of 326 Corey Lane asked about the approval process for the project, which the applicant explained.
- t. Maureen Aboyou of 717 Green End Ave. stated that more parking is needed for the uses on the property, including the ballfield.
- u. Terri Flynn of 34 Warren Ave. asked questions about the public notice regarding the hearing, the ownership of the project, the Town approval process, and deadlines for funding, which the Town Planner and applicant addressed. She stated that the Board should carefully consider project details before taking action.
- v. Charles Aboyou of 717 Green End Ave. stated that lighting and foul balls from the ball field are concern. Who is responsible for damage to cars and the building? The proposed netting is not viable solution. Mr. Regan responded that the netting will reduce potential impacts. Lighting will be addressed at preliminary plan stage.
- w. Rick Lombardi of 6 Orville Dr. stated that the project will help address a need for senior housing in town. Discussion has been underway for several years. It is important to grant master plan approval to allow the project to proceed.

- x. Charlie Roberts of 27 Oliphant Lane asked about the number of units needed between the two town projects in order to be viable. Can the number of units be reduced? Mr. Regan responded that reducing the number of units would make the project less attractive in terms of getting RI Housing's approval for funding.
- y. Kim Blass of Compton View Drive and a member of the Town's affordable housing committee asked why the project is described as mixed-use. Mr. Regan responded that this is due to the senior center and the proposed community space also being included on the same property. She asked for confirmation that the ball field will not be eliminated. Mr. Regan confirmed that the proposal includes retaining the ball field.
- z. There being no additional members of the public wishing to speak, Mr. Regan provided closing remarks.
- aa. **Motion** by Ms. Owen, seconded by Mr. Ciummo to close the public hearing. **Vote:** 6-0-0.
- bb. Mr. Wolanski reviewed the required findings, proposed conditions of approval and the zoning relief requested for the use in the public zoning district.
- cc. **Motion** by Mr. Fenton, seconded by Ms. Owen to approve the application and the requested zoning relief subject to the required findings and proposed conditions. Mr. Weber noted that the zoning relief being considered is a use variance. Mr. Nash expressed his reasons for supporting the project. **Vote:** 6-0-0.
- dd. The approval was granted subject to the following conditions and relief:

Conditions of approval:

1. Prior to Preliminary Plan approval the applicant shall demonstrate adequate access for emergency vehicles, subject to the approval of the Fire Chief.
2. Fire hydrant(s) shall be provided on the subject property and shown on the Preliminary Plan, with location(s) subject to the approval of the Fire Chief.
3. Final routing and design for connections to the public sewer system shall be provided at Preliminary Plan stage, subject to the approval of the DPW director.
4. Separate public water supply connections shall be provided for the Senior Center building, and the new residential building, and shown on the Preliminary Plan.
5. A traffic study, to include review of alternative on-site traffic circulation options, shall be provided with the preliminary plan application.
6. An increased landscaped buffer between the parking lot and the westerly property line shall be considered when developing the preliminary plan.
7. Any rooftop mechanical equipment or solar panels shall be recessed into the roof structure or otherwise screened from public view to the best extent practicable.
8. The proposed trash/dumpster enclosure indicated on the master plan shall be relocated to limit potential impacts on abutting properties.

Zoning relief granted:

1. Zoning Ordinance §602 Schedule of District Regulations and Uses to allow a mixed-use development project where not permitted in the public (P) zoning district.

2. **Public Hearing** – Request of the Town of Middletown for Master Plan approval for an affordable housing comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17 *Low and Moderate Income Housing- Comprehensive Permit*, for development of 35 units of affordable multi-family housing and other uses, constituting a mixed-use development. Property located at 26 Oliphant Lane, Assessor's Plat 111 Lot 36. The application includes requests for variances from sections of the Middletown Zoning Code as follows: §602, to allow a mixed-use developments where not a permitted use in the public (PA) zoning district; § 27A05 to exceed the allowable density of residential units in a mixed-use development. The Applicant is permitted eleven (11) single-bedroom units and thirteen (13) two-bedroom units. The Applicant proposes 11 (eleven) single-bedroom units and twenty-four (24) two-bedroom units, requiring relief in the amount of eleven (11) two-bedroom units; § 27A04(D) of the Zoning Code ("Mix of Uses") and § 27A06(A) to allow 88% of the GLFA be designated for residential use where 75% is permitted; § 1304 of the Zoning Code regarding off-street parking to allow 72 parking spaces where 89 spaces are required; § 1507(A) mandates that no off-street parking area shall be located within twenty-five (25) of a property line. Proposed parking is within 10.8 feet, 13.8 feet, and 13.1 feet of property lines; §1507(B) mandates that no off-street parking area shall be located within twenty-five (25) feet of any wall of a principal building used for residential purposes. Proposed parking is within 24 feet, 22.8 feet, 13.4 feet, 10.8 feet, and 10 feet from proposed residential buildings; § 1508(A) mandates that in multifamily dwelling projects, principal buildings shall be separated from any other principal building by a minimum of fifty (50) feet. Buildings are separated by 29.5 feet, 20 feet, 34.4 feet, and 20.4 feet; § 27A07(E)(1) mandates that no new principal building shall be located within 100' of an existing residential building on abutting property or 50' of a residentially zoned lot. Proposed buildings are located 17.4 feet from the abutting property to the north, which is zoned R-10. Proposed buildings are located 43 feet and 57 feet from an existing residential structure to the north. §27A07(E)(2) mandates that the area within the required setbacks shall be devoted to a landscaped or natural buffer zone. The required buffer is not provided.

a. **Motion** by Mr. Weber seconded by Mr. Ciummo to continue this matter to a special meeting on December 6, 2023, at 6pm. **Vote:** 6-0-0

Meeting adjourned by consensus at approximately 8:45pm.

Respectfully submitted,  
Mike Fenton, Secretary