



PLANNING BOARD MINUTES
Regular Meeting
December 13, 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
B.J. Owen
Leon Amarant

Also present:

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

Member absent:

John Ciummo

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

1. Approval of minutes

a. November 8, 2023 regular Planning Board meeting

- i. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the minutes. **Vote:** 5-0-0, Mr. Amarant had not arrived.

b. November 27, 2023 special Planning Board meeting

- i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 5-0-0, Mr. Amarant had not arrived.

c. November 29, 2023 special Planning Board meeting

- i. Mr. Nash suggested changes to 1cc. to “Mr. Nash expressed his reasons for supporting the project, and concern over recent changes to state law which will reduce local control over such applications.”

- ii. **Motion** by Mr. Nash, seconded by Ms. Owen to accept and approve the amended minutes. **Vote:** 4-0-1, with Mr. Croce abstaining and Mr. Amarant had not arrived.

d. **December 6, 2023 special Planning Board meeting**

- i. **Motion** by Mr. Nash, seconded by Ms. Owen to approve the minutes. **Vote:** 5-0-0, Mr. Amarant had not arrived.

2. **Correspondence**

- a. None

3. **Agenda Modifications**

- a. The remaining items were heard in the following sequence: 4B, 4C, 4D, 5A, 4E, 4F, 6, 4A

4. **Old Business**

- a. **Public Hearing** - 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. The public hearing remained open for reviewing of the proposed rooftop screening.
 - ii. Attorney Dave Martland shared the submitted plans for the rooftop equipment screening. The applicant proposed fence screening around the mechanical equipment with wood posts and PVC boards.
 - iii. Mr. Weber stated that the screening is not what they were looking for and the four-inch gap between the boards does not completely shield the equipment from view.
 - iv. Mr. Amarant stated the proposal is more architectural pleasing than existing and expressed that he feels it satisfies the screening requirement.
 - v. Mr. Nash, Mr. Fenton, and Ms. Owen said they found the proposal adequate and acceptable.
 - vi. Mr. Croce expressed his support for screening that is incorporated into the building design but said the proposal meets the Town's requirements.
 - vii. No members of the public wished to speak.
 - viii. **Motion** by Ms. Owen, seconded by Mr. Nash to close the public hearing. **Vote:** 6-0-0.
 - ix. **Motion** by Ms. Owen, seconded by Mr. Nash to approve the proposed screening. **Vote:** 5-1-0, with Mr. Weber in opposition.
- b. 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 developer is actively working with the Town Engineer and DPW Director on the remaining work to set the bond amount. He suggested a continuance to the January 10th meeting.
 - ii. There was discussion that the Planning Board previously informed the developer that the January 31st date is the last extension.
 - iii. **Motion** by Ms. Owen, seconded by Mr. Weber to continue this item to the January 10th, 2024 regular Planning Board meeting. **Vote:** 5-0-0, Mr. Amarant had not arrived.
- c. **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. **Motion** by Mr. Nash, seconded by Mr. Weber to open the public hearing. **Vote:** 5-0-0.
 - ii. Attorney Girard Galvin represented the petitioner and shared the current gravel use is a nonconforming use. The property owners have been contemplating a use change to a tradesmen center with storage for contractors and other users. The proposed change to an industrial zone would allow that use by right. The applicant also reached out to abutters and invited them to an informal meeting in November where 31 were present. Mr. Galvin shared the abutters were favorable to the change to a tradesmen center use. He shared that the petitioner is continuing to address the concerns of an abutting property owner, Susan Smith of 30 Paquin Place. Mr. Galvin shared that Ms. Smith expressed concerns about the other uses allowed in the light industrial zoning district with the proposed zoning change. He conveyed the property owner's intention to pursue the tradesmen center and goal to create a less impactful environment for abutters and the mobile home tenants next door.
 - iii. Mr. Croce stated he found the tradesmen center an improvement but shared concerns. There was discussion about recommending conditions to limit certain uses on the subject property. Mr. Monti confirmed that the Town Council can exclude or allow certain uses. Mr. Nash and Mr. Weber expressed their concerns.
 - iv. There was discussion about reviewing the zoning in this area with the Comprehensive Plan Update Committee.
 - v. Members of the public were invited to speak.
 - vi. Ken McDonald, representative of Mariner Way Homeowner Association expressed they are supportive of a change from the current gravel use and want to know more about the replacement use. Mr. Croce clarified the consideration tonight is only for the zone change, not a project proposal.
 - vii. Attorney Dave Martland represented an abutter, Susan Smith of 30 Paquin Place. Mr. Martland shared they have been in discussion with Mr. Galvin and the property owner but Ms. Smith's concerns have not been fully addressed. Mr. Martland stated they do not object to the tradesmen center but are concerned with some of the allowed uses in the Light Industry zoning district. Mr. Galvin expressed their commitment to continue the dialogue with the abutter on the uses.

- viii. Mr. Amarant suggested using the most proposed draft use table which includes changes to the uses allowed in light industry zoning district. There was discussion about use variance.
 - ix. Mr. Nash and Mr. Croce suggested for the petitioner to take a continuance to continue the discussions with the abutter and present a list of uses. Mr. Nash, Mr. Croce, Mr. Amarant, and Mr. Fenton said they want to see the two parties come to a consensus. Mr. Galvin expressed concern with continuing the discussion and wishing to receive a recommendation tonight.
 - x. No other members of the public wished to speak.
 - xi. **Motion** by Mr. Amarant, seconded by Mr. Weber to table this item to later in the evening to allow the two parties to discuss the uses. **Vote:** 6-0-0.
 - xii. **Motion** by Mr. Nash, seconded by Ms. Owen to reconvene at 7:50pm. **Vote:** 6-0-0.
 - xiii. Mr. Galvin shared that the two parties were able to go through some of the uses but are still in contention over a few.
 - xiv. There was discussion encouraging the two parties to come to an agreement.
 - xv. No other members of the public wished to speak.
 - xvi. **Motion** by Mr. Weber, seconded by Ms. Owen to close the public hearing. **Vote:** 6-0-0.
 - xvii. **Motion** by Mr. Nash, seconded by Ms. Owen to amend the future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan to redesignate property fronting on Coddington Highway, Plat 103, Lot 103 from high-density residential and limited & office business to industrial, subject to use restrictions to be determined by mutual agreement between the petitioner and abutter Susan Smith of 30 Paquin Place, or as the Town Council deemed appropriate. **Vote:** 6-0-0.
- d. 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. Nash, seconded by Ms. Owen to make a positive recommendation to the Town Council to amend the Middletown Zoning Map 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), subject to use restrictions as determined by mutual agreement between the petitioner and abutter Susan Smith of 30 Paquin Place, or as the Town Council deemed appropriate, find the land use designation change appropriate and consistent with the Comprehensive Community Plan, and find general consistency with the purposes of zoning. **Vote:** 6-0-0.
- e. Consideration of recommendation to the Town Council on a proposed historic preservation incentive program.
- i. Mr. Croce shared the proposed historic preservation incentive program work was finalized in 2020 but due to the COVID-19 pandemic and budget concerns, the incentive program was tabled until now.

- ii. Mr. Nash expressed his support to forward it to the Town Council for consideration.
 - iii. Ms. Owen shared that the Middletown Historical Society is interested in this program and expressed her support.
 - iv. **Motion** by Ms. Owen, seconded by Mr. Nash to forward this item to the Town Council for consideration. **Vote:** 6-0-0.
- f. Discuss and provide recommendation to the Town Council on amendments to the zoning ordinance, Town Code Chapter 152, and other action needed in response to legislation passed during the RI General Assembly's 2023 session, including Senate bills S1037A and S1050A regarding affordable housing comprehensive permits, including proposed amendments to all sections of Zoning Ordinance Article 17 - LOW AND MODERATE INCOME HOUSING - COMPREHENSIVE PERMIT
- i. Mr. Wolanski introduced the proposed amendments due to the Senate bills S1037A and S1050A on comprehensive permits. He shared there are changes to the definitions, procedure, local subsidy, and removal of the master plan stage. The comprehensive permit process becomes more streamlined.
 - ii. There was discussion about delaying the adoption of the amendments. Mr. Wolanski and Mr. Monti shared that the Town is obligated to bring local regulations into compliance and that it is good practice to keep the codes up to date.
 - iii. Mr. Fenton expressed his support for adopting the amendments now.
 - iv. **Motion** by Mr. Nash, seconded by Ms. Owen to forward the item to the Town Council for consideration. **Vote:** 6-0-0.

5. New Business

- a. **Public Hearing** - Application of Jonesley, LLC for Development Plan Review for renovation of an existing commercial building and associated site work, and including 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 314 Oliphant Lane, Tax Assessor's Plat 117, Lot 84C.
- i. **Motion** by Mr. Nash, seconded by Mr. Weber to open the public hearing. **Vote:** 6-0-0.
 - ii. Attorney Dave Martland represented the applicant. He shared that applicant is intending to move her eye care business to the subject location. The project proposes some renovations to the exterior and moving some windows to satisfy her need for a dark room to conduct eye exams. There are no windows on the east elevation.
 - iii. Mr. Martland presented the landscape plan to the Board.
 - iv. Ms. Owen recommended forwarding the landscape plan to the Tree Commission for comments and expressed her support for evergreen trees.
 - v. Mr. Nash expressed his support.
 - vi. No members of public wished to speak.
 - vii. **Motion** by Mr. Weber, seconded by Mr. Nash to close the public hearing. **Vote:** 6-0-0.

- viii. Motion by Mr. Nash, seconded by Ms. Owen to make the five required findings of fact, grant 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 approve the application, subject the conditions below.

a. Recommended conditions:

1. Prior to permitting, the plan shall be revised to include the location of a bike rack meeting the requirements of Section 521 of the Rules and Regulations regarding the Subdivision and Development of Land.
2. Prior to permitting, the plan shall be revised to include the location of a n outdoor trash receptacle, which shall of a decorative design as required by Section 521 of the Rules and Regulations regarding the Subdivision and Development of Land.
3. Prior to permitting, the submitted planting plan shall be reviewed by the Middletown Tree Commission, with any requests for modification to the plan to be addressed by the applicant.
4. Prior to permitting, the applicant shall submit the required litter management plan and landscape maintenance plan. The landscape maintenance plan shall be provided to the Middletown Tree Commission, with any requests for modification to the plan to be addressed by the applicant.

b. Waivers considered:

1. **Section 521.2.B.1** – Windows occupy between 20% and 60% of the façade visible from the public way. **There will be no windows on the east-facing façade and windows on the south façade will not meet the minimum 20%.**
2. **Section 521.3.D.3** – A landscaped buffer at least 10' wide shall be provided between buildings and parking lots/driveways. The buffer shall defined by curbing, and may include sidewalks, but must include a minimum 5' planting strip. **The submitted plan indicates removal of a sidewalk and a new entry to be installed along the west-facing façade without providing the required 10-foot landscaped buffer.**

c. Vote: 6-0-0

6. Updates

a. Status Report on Planning Board Action Items.

- i. Mr. Croce asked about the public workshop on the build-out study which Mr. Wolanski shared that the public workshop is to be scheduled for January.
- ii. Mr. Croce asked about the status of the application fees. Mr. Wolanski shared that he received the information he needed from the Human Resources Department and Finance Director. There was discussion for Mr. Wolanski to speak with the Town Administrator on a procedure to update the application fees annually.

- b. Committee reports
 - i. Comprehensive Plan Update Committee – Mr. Wolanski shared the next meeting is the following evening with the Housing consultant in attendance. There will be discussion on housing goals and the public process the committee wishes to undertake.
 - ii. Tree Commission – Ms. Owen shared the Commission is concerned with the trees in Albro Woods and there are talks about upgrading and maintaining the forest.
 - iii. Open Space and Fields Committee – Mr. Fenton shared that the Committee also discussed Albro Woods and beech tree disease. Mr. Wolanski shared that a request for proposal has been posted to hire an engineer for the park. The Open Space and Fields Committee and the Tree Commission will work with staff on design to improve the park.
 - iv. Conservation Commission – No updates.
 - v. Affordable Housing Committee – Committee was dissolved.
 - vi. Commercial Design Standards Subcommittee – Mr. Fenton shared that the subcommittee is working through the commercial design standards and has an upcoming meeting on December 18th.
- c. Upcoming meetings:
 - i. December 14, 2023, 6pm – CPUC meeting
 - ii. December 18, 2023, 3pm – Planning Board subcommittee on commercial design standards
 - iii. January 10, 2024, 6pm – Regular Planning Board meeting.

Motion by Mr. Nash, seconded by Ms. Owen to adjourn. **Vote:** 6-0-0

Meeting adjourned at approximately 8:20 pm.

Respectfully submitted,
Mike Fenton, Secretary