



PLANNING BOARD MINUTES
Regular Meeting
February 14, 2024, 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

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

1. Approval of minutes

- a. January 10, 2024 regular Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes.
 - ii. Mr. Croce requested amendments to the minutes.
 - iii. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes as amended. **Vote:** 5-0-0, Mr. Nash had not arrived.
- b. December 12, 2023 special Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes **Vote:** 5-0-0, Mr. Nash had not arrived.
- c. January 24, 2024 special Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes **Vote:** 6-0-0.

2. Correspondence

3. Agenda modifications

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

4. **Old Business**

- a. **Public Hearing** - Application of Seascope Holdings, LLC for Development Plan Review for construction of a new 30' x 64' commercial building for office and storage use. The application includes 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, and request for a variance from section 603 of the Middletown zoning ordinance, Town Code Chapter 152 to allow a side setback of 5.1 feet along the easterly property line where 18.7 feet is required. Property located at 985 Aquidneck Ave., Tax Assessors Plat 113, Lot 208.
 - i. **Motion** by Ms. Owen, seconded by Mr. Amarant to continue this item to the March 13, 2024 meeting. **Vote:** 6-0-0.
- b. Recommendation to the Town Council on a proposed policy to promote the responsible use of fertilizers and pesticides to limit adverse impacts on the town's environment, including ground and surface water resources.
 - i. Mr. Wolanski explained that the Open Space & Fields committee has requested an opportunity to review and provide comments on the draft policy.
 - ii. By consensus of the Board the matter was continued to the March 13, 2024 regular meeting.

5. **New Business**

- a. **Public Hearing** - Request of Creative Properties, Inc. for a waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521 for proposed replacement of exterior siding of an existing commercial building with composite siding. Property located at 796 Aquidneck Ave., Assessor's Plat 114 Lot 92A.
 - i. **Motion** by Ms. Owen, seconded by Mr. Amarant to open the public hearing. **Vote:** 6-0-0.
 - ii. The general manager for Custom House Coffee represented the applicant and described the proposed project.
 - iii. Mr. Croce invited comments from board members.
 - iv. Mr. Croce invited public comment. There were no members of the public wishing to speak.
 - v. **Motion** by Ms. Owen, seconded by Mr. Weber to close the public hearing. **Vote:** 6-0-0.
 - vi. **Motion** by Ms. Owen, seconded by Mr. Weber to make the required findings and approve the waiver request. **Vote:** 6-0-0.
- b. Review and recommendation to the Town Council on proposed amendments to Section 400 DEFINITIONS of the Middletown zoning ordinance regarding the definition for Lot Line and determination of the front lot line for corner and through lots.
 - i. Mr. Wolanski reviewed the reason for the proposed amendment, to bring the zoning ordinance into compliance with state law. He described how the new definition would be applied.

- ii. Board members discussed potential consequences of the amendment, including resulting zoning nonconformities in some situations. Mr. Amarant expressed concern over these consequences.
 - iii. Attorney Matthew Leys requested to be heard. He also noted concern over creating nonconformities.
 - iv. Mr. Monti stated that language from other towns was reviewed by planning staff. The proposed language will address the need for the ordinance to comply with state law. All changes to zoning regulations have potential consequences for existing and future development.
 - v. **Motion** by Ms. Owen, seconded by Mr. Weber, to forward the proposed amendment to the Town Council for consideration with a positive recommendation. **Vote:** 5-1-0, with Mr. Amarant voting in opposition.
- c. Review subcommittee recommendations regarding amendments to commercial design standards contained in Section 521 of the *Middletown Rules and Regulations Regarding the Subdivision and Development of Land*. Consider scheduling public hearing regarding proposed amendments to the regulations.
- i. Mr. Wolanski noted that a public hearing must be held before the board can consider adoption of the proposed amendments to the regulations.
 - ii. By consensus it was agreed to request that staff work to schedule a public hearing.
- d. Review proposed amendments to the fee schedule for Planning Board applications. Consider scheduling public hearing regarding proposed amendments to the *Middletown Rules and Regulations Regarding the Subdivision and Development of Land*.
- i. The proposed new fee schedule was provided to board members. Mr. Wolanski stated that a public hearing is required before the fees schedule can be adopted.
 - ii. There was a request to add language to the amendments to require annual updating of the fee schedule.
 - iii. By consensus it was agreed to request that staff work to schedule a public hearing.

6. Updates

- a. Status Report on Planning Board Action Items.
 - i. The Board received the monthly status report provided by the Town Planner.
 - ii. Mr. Croce asked about the economic impact analysis requested by the Town Administrator on the proposed historic preservation ordinance. Mr. Wolanski will discuss with the Town Administrator.
- b. Committee reports
 - i. Comprehensive Plan Update Committee – Mr. Wolanski shared that a meeting is scheduled for tomorrow evening. Mr. Croce asked about the status of the draft vision statement approved by the committee, and whether it would be a regular agenda item. Mr. Wolanski stated that it a draft that is subject to change, but not likely a regular agenda item.

- ii. Tree Commission – Ms. Owen shared about the committee’s work at Albro Woods.
 - iii. Open Space and Fields Committee – Mr. Fenton stated that the committee is focusing on the beaches, potential improvements to Dunlap-Wheeler Park, and potential locations for pickleball. Mr. Wolanski noted that the Town has submitted an application for a RIDEM recreation grant to construct courts on town land abutting the YMCA.
 - iv. Conservation Commission – Mr. Amarant stated that the monthly meeting was cancelled.
 - v. Commercial Design Standards Subcommittee – Mr. Fenton shared the subcommittee has completed its work with the proposed amendments provide to the full board earlier in the meeting.
- c. Planning Board vacancies
- i. Mr. Wolanski provided an update on the process to fill Planning Board vacancies. The Town Clerk will advertise for volunteers. The Town Council will then interview candidates and make appointments. Appointments are expected in April.
 - ii. Mr. Croce asked about the timeframe that a term-limited member must be off the board before reapplying to serve. Mr. Monti agreed to research this question and report back to the Board.
- d. **Reconsideration** - Review and recommendation to the Town Council on proposed amendments to Section 400 DEFINITIONS of the Middletown zoning ordinance regarding the definition for Lot Line and determination of the front lot line for corner and through lots.
- i. Mr. Monti advised that Board that in making the motion to forward the proposed amendment to the Town Council earlier in the meeting, the Board neglected to make the required findings. He advised the Board to reconsider the item.
 - ii. **Motion** by Mr. Nash, seconded by Ms. Owen to reconsider the matter. **Vote:** 6-0-0.
 - iii. **Motion** to make the required findings and to forward the proposed amendment to the Town Council for consideration with a positive recommendation. **Vote:** 6-0-0
- e. Mr. Nash discussed the desire to create a mechanism to follow-up with developments to ensure compliance with approved plans and conditions of approval. He will provide a memo to the Town Planner requesting that this item be added to a future agenda for discussion.
- f. Upcoming meetings:
- i. February 15, 2024, 6pm – CPUC public workshop meeting
 - ii. March 13, 2024, 6pm – Regular Planning Board meeting.

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

Meeting adjourned at approximately 7:15pm.

Respectfully submitted,
Mike Fenton, Secretary