



PLANNING BOARD MINUTES
Regular Meeting
April 10, 2024, 6pm
Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

Bill Nash, Vice Chair
Michael Fenton, Secretary
B.J. Owen
Joe Pierik
Charlie Vaillancourt

Also present:

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

Members absent:

Art Weber
Leon Amarant

Mr. Nash called the meeting to order at 6:00pm and introduced Mr. Pierik and Mr. Vaillancourt as new members of the Planning Board. Mr. Nash congratulated Ms. Owen on her reappointment.

1. Election of Officers

- a. **Motion** by Ms. Owen, seconded by Mr. Vaillancourt to table the item to May 8, 2024 regular Planning Board meeting. **Vote:** 5-0-0.

2. Approval of minutes

- a. March 13, 2024 regular Planning Board meeting
- i. **Motion** by Mr. Fenton, seconded by Ms. Owen to approve the minutes. **Vote:** 5-0-0
- b. March 27, 2024 special meeting
- i. **Motion** by Ms. Owen, seconded by Mr. Fenton to approve the minutes. **Vote:** 5-0-0.

3. Correspondence

- a. Memo of the Town Planner dated March 18, 2024 re administrative subdivision approval – Timothy Barrow & Voltealo, LLC, properties located at 2 Wedgewood Drive and 260 Valley Road, Plat 114, Lots 4B, 254

- i. **Motion** by Mr. Fenton, seconded by Ms. Owen to receive said correspondence.
Vote: 5-0-0.

4. Agenda modifications

- a. None

5. Old Business

- a. None

6. New Business

- a. **Public Hearing** - Request of Oxbow Farms Realty Associates for a waiver from design standards section 521.2.B.2 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land for proposed installation of replacement windows not meeting design requirements in an existing building located on Rogers Lane, Assessor's Plat 105, Lot 292.

- i. **Motion** by Mr. Vaillancourt, seconded by Mr. Pierik to open the public hearing.
Vote: 5-0-0.
 - ii. Scott Darrow, representative of Oxbow Farms Realty Associates, shared that they have installed the same windows on other buildings on the property, but due to changes in Town staffing, the requirement for a waiver request was overlooked. Mr. Wolanski shared that the request does not trigger a full development plan review. The discussion revolved on divided light windows design.
 - iii. Mr. Pierik expressed support for the waiver request.
 - iv. Mr. Nash opened the floor for public input.
 - v. Terri Flynn, 34 Warren Ave, shared that only four buildings in the complex have those windows and expressed her support for adhering to commercial design standards.
 - vi. No other members of the public wished to speak.
 - vii. Mr. Fenton expressed support for consistency with the windows on the property.
 - viii. **Motion** by Ms. Owen, seconded by Mr. Fenton to close the public hearing.
Vote: 5-0-0.
 - ix. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to approve the waiver request. **Vote:** 5-0-0.

- b. **Public Hearing** – Request of Wave Pond Hotel, LLC for combined Preliminary Plan and Final Plan approval for a Minor Land Development Project for construction of an eight-room motel, pool and associated site work, and including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521. The application includes request for a special use permit per sections 602 & 1400 et seq of the zoning ordinance to allow the motel use in the limited business traffic sensitive (LBA) and Atlantic Beach Overlay District (ABD) zoning district, and variance from zoning ordinance sections 603 & 1406

to allow a westerly side yard setback of 10 feet and an easterly side yard setback of 9.9 feet where 13.7 feet is required, and lot coverage of 36.37% where 32.75% is permitted, and variance from section 1306 to provide 8 parking spaces where 12 are required, and variance from section 3002(C)(1) to allow front yard parking where prohibited, and variance from section 3002(E)(2) to allow landscaped buffers of 0 feet, 2 feet and 4 feet along the westerly, easterly and northerly property lines respectively, where 5 feet is required. Property located at 38 Purgatory Road, Assessor's Plat 116NW Lot 13.

- i. **Motion** by Ms. Owen, seconded by Mr. Vaillancourt to open the public hearing.
Vote: 5-0-0.
- ii. Attorney Dave Martland represented the applicant and provided an overview of the proposed project. He shared that the property has an approval for a 13-room hotel and its zoning approval has been extended until June 2024. Mr. Martland shared the applicant also owns the nearby hotel and the two properties will be managed together. Mr. Martland shared the plans for the previously approved 13-room hotel and highlighted that the proposed plans will reduce the building coverage by half, move the pool to the ground level, and include four units with two bedrooms each. The applicant is seeking a parking variance as there is no need for employee parking spots as staff will not be onsite and parking spots will be provided at the other hotel.
- iii. Mr. Martland introduced architect Spencer McCombs. Mr. McCombs shared the current owners want a smaller building; therefore, the rooms were designed to be narrow at 13' wide with a more New-England style building design. Composite materials are proposed for durability due to the location.
- iv. There was discussion about incorporating a field stone facing on the retaining wall facing Aquidneck Ave. Mr. Fenton, Mr. Vaillancourt, and Ms. Owen expressed their support. Mr. Martland stated the applicant is amendable to that suggestion.
- v. Mr. Vaillancourt asked about the Tree Commission's comments. Mr. Martland shared the landscape architect will revise the plans to address the Tree Commission's comments.
- vi. Mr. Pierik asked about rooftop mechanicals which Mr. McCombs confirmed would be shielded within the roofline.
- vii. Mr. Pierik asked about shared parking spaces with the neighboring hotel. Applicant Nick Jacobi stated he is open to the suggestion of sharing parking spaces with the neighboring hotel. Mr. Nash and Mr. Vaillancourt expressed their support for a shared parking condition.
- viii. Engineer Lyn Small spoke about existing site conditions, CRMC approval, variance requests, waiver requests, stormwater management system, and landscape plan. Ms. Owen asked about the proposed trees' impact on overhead utility wires, which Mr. Martland stated the landscape architect will ensure no negative impacts. The applicant also shared that they worked with the Department of Public Works to approve addition of street trees on the Town-owned public right-of-way which the applicant will maintain.

- ix. Mr. Nash and Mr. Vaillancourt suggested the addition of planters to help meet the landscape requirements. Applicant expressed concern as that could impact the stormwater system.
- x. Appraiser James A. Houle expressed in his professional opinion, he does not think there will be negative impacts on the surrounding area or any nuisance on neighborhood. He shared there is hardship due to the existing lot conditions.
- xi. Mr. Nash opened the floor for public input.
- xii. Valerie Gelb, 94 Shore Drive, asked for clarification on the building height, public right of way, parking, and landscaping.
- xiii. Terri Flynn, 34 Warren Ave, spoke about the Atlantic Beach District Master Plan, and expressed concerns with traffic, parking, and proposed landscaping.
- xiv. Mr. Martland shared the proposed building height is 35' and clarified which areas are the private walkway and public right of way. Martland shared the applicant can provide 5% of patio area with planters. They are also comfortable with sharing parking spots with the other hotel but are still requesting a variance to provide eight spots.
- xv. Ms. Owen expressed in favor of the proposed project and addition of planters.
- xvi. **Motion** by Mr. Vaillancourt seconded by Ms. Owen to close the public hearing. **Vote:** 5-0-0.
- xvii. All except Mr. Nash expressed support for considering combined preliminary and final approval.
- xviii. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to grant variance from Zoning Ordinance Section 603 and Section 1406 to allow a westerly side yard setback of 10 feet and an easterly side yard setback of 9.9 feet where 13.7 feet is required, and lot coverage of 36.37% where 32.75% is permitted. **Vote:** 5-0-0.
- xix. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to grant variance from section 1306 to provide 8 parking spaces where 12 are required, subject to the condition that a parking agreement be established with approval by the Town Solicitor. **Vote:** 5-0-0.
- xx. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to grant variance from section 3002(C)(1) to allow front yard parking where prohibited. **Vote:** 5-0-0.
- xxi. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to grant variance from section 3002(E)(2) to allow landscaped buffers of 0 feet, 2 feet, and 4 feet long the westerly, easterly, and northerly property lines respectively, where 5 feet is required, subject to the condition that 5% of planters be added to patio area with reviewed by the Middletown Tree Commission. **Vote:** 5-0-0.
- xxii. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to grant the special use permit to allow a hotel/motel in the limited business traffic sensitive (LBA) and Atlantic Beach Overlay District (ABD) zoning district. **Vote:** 5-0-0.

xxiii. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to grant combined preliminary plan and final plan approval for a minor land development project subject to the following conditions, grant the requested waivers, and make the required five findings.

1. Conditions:

- a. A sewage holding tank and backflow preventer shall be provided, with the design to be approved by the Director of Public Works prior to permitting.
- b. A fire department water connection shall be provided on the Wave Avenue side of the building, subject to Fire Department approval prior to permitting.
- c. The stormwater management plan shall be revised to include buoyancy calculations for the lined stormwater structures, and calculations to demonstrate that stormwater will discharge from the system within 48 hours of the end of a storm, subject to the Town Engineer's approval prior to permitting.
- d. Prior to permitting, the plans shall be revised to include a New England-style stone veneer on the retaining wall facing Aquidneck Avenue.
- e. Prior to permitting, a shared parking agreement for four parking spaces shall be established with the property on Plat 116NW, Lot 1202, subject to approval by the Town Solicitor.
- f. Prior to permitting, the plans shall be revised to include 5% of planters in the patio area, subject to review by the Middletown Tree Commission.

2. Requested Waivers:

- a. **Section 521.2.C** – Building exteriors constructed of traditional materials such as wood, stone or brick. **The applicant proposes the use of substitute materials including Hardie cement fiber clapboard, SBC shingles and PVC trim.**
- b. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement.**
- c. **Section 521.3.C** – Landscape screening elements required along all property lines. **Not provided along the Wave Ave. frontage.**
- d. **Section 521.3.D.1** – A landscaped buffer at least 10' is provided along all property lines. **Buffer along easterly property line is only 5' wide.**
- e. **Section 521.3.D.3** – A landscaped buffer at least 10' wide shall be provided between buildings and parking lots/driveways. The buffer shall be defined by curbing, and may include sidewalks, but must

include a minimum 5' planting strip. **No buffer is provided between the front of the building and parking lot.**

f. **Section 521.3.F.1** – Deciduous street trees required. **Not provided.**

3. **Vote:** 5-0-0.

- c. **Public Hearing** – Application of Mello Realty, Inc. for Master Plan approval of a Major Land Development Project for the construction of four (4), 14,400 sq.ft. commercial buildings, each containing twelve (12) tradesman units, with parking, and other site improvements, 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, including sections 521.1.B.3, 521.2.C & D, 521.3.B, D.2, D.3 & F.2. The application includes requests for variance from Middletown zoning ordinance sections: 903, 724(B)(2) to allow a 0 ft. vegetated buffer along the east property line where 25 feet is required; 724(B)(4) to allow building setback of 42 feet from the east property line where 50 feet is required; 724(B)(5) to allow a dumpster setback of 5 feet from the east and south property lines where 50 feet is required, 719(A) to allow fewer than the cumulative number of required parking spaces, 1301(C) to allow a 0 ft vegetated buffer along the east property line where 20 feet is required; (D) to allow parking with a 0 ft setback from the east property line where 10 feet is required; (G) to allow noncompliance with landscaping requirements; 1304 to provide 120 parking spaces where 173 spaces are required; and 1307(B) to provide no loading zones where 4 are required. Property located on the south side of Coddington Hwy, approx. 0.2 miles to west of the intersection with Sherman Lane. Tax Assessors Plat 103, Lot 103.
- i. Ms. Owen left the meeting at 9:00pm.
 - ii. Attorney Girard Galvin who represented the applicant requested a continuance to the May 8, 2024 meeting.
 - iii. **Motion** by Mr. Pierik, seconded by Mr. Vaillancourt to continue the item to the May 8, 2024 meeting. **Vote:** 4-0-0.

7. **Updates**

- a. Status Report on Planning Board action items.
 - i. No comments.
- b. Committee reports
 - i. Comprehensive Plan Update Committee – A meeting is scheduled for tomorrow evening.
 - ii. Tree Commission - No updates.
 - iii. Open Space and Fields Committee – Mr. Fenton shared Ms. Melissa Welch presented to the committee for a proposed boardwalk concept in the Atlantic Beach District.
 - iv. Conservation Commission - No updates.
- c. Upcoming meetings:
 - i. April 11, 2024, 6pm – CPUC meeting
 - ii. May 8, 2024, 6pm – Regular Planning Board meeting.

Motion by Mr. Vaillancourt, seconded by Mr. Pierik to adjourn. **Vote:** 4-0-0
Meeting adjourned at approximately 9:10pm.

Respectfully submitted,
Mike Fenton, Secretary

DRAFT