



## Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

### PLANNING BOARD MINUTES March 10, 2021

In accordance with Executive Order 20-46, issued by Governor Raimondo, this meeting was conducted as a web and telephone conference.

#### Board members present:

Paul Croce, Chair

Michael Fenton, Secretary

Bill Nash, Vice Chair

Art Weber

B.J. Owen

John Ciummo

Joe Pierik

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

Rita Lavoie, Principal Planner

Dwight Meriam, Consulting Attorney

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

#### 1. Minutes

A. Approval of the minutes of the February 10, 2021 regular meeting, and special meetings of February 9, 2021 and February 24, 2021

1) **Motion** to approve the minutes of February 10, 2021 by Mr. Nash, seconded by Ms. Owen

2) **Vote:** 7-0-0

3) **Motion** to approve the minutes of February 9, 2021 by Mr. Nash, seconded by Ms. Owen

4) **Vote:** 7-0-0

5) **Motion** to approve the minutes of February 24, 2021 by Mr. Nash, seconded by Ms. Owen

6) **Vote:** 7-0-0

#### 2. Correspondence

A. Letters (2) dated March 1, 2021, from Steven C. Aten, 33 Namquid Dr., Middletown, RI regarding regulation of marijuana related uses

1) **Motion** to accept the correspondence by Ms. Owen, seconded by Mr. Nash

2) Discussion: more appropriate comments for the Town Council

3) **Motion amended** to include forwarding to Town Council by Mr. Ciummo. Owen, seconded by Ms. Owen

4) **Vote:** 7-0-0

#### 3. Continuances

- A. Public Hearing - Application of Jack Gullison for Development Plan Review, including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, for construction of a new commercial building, to include an 17-room hotel with a restaurant, and associated site work located on property identified as 59 Aquidneck Ave., Assessor's Plat 115SE, Lot 169.
    - 1) **Motion** to continue to April 14<sup>th</sup> by Ms. Owen, seconded by Mr. Weber
    - 2) Discussion: reason for the continuance is because applicant needs to address TRC-raised issues; removing from agenda due to number of years of continuing; notifying the applicant of the board's concern of the item not moving forward, should be withdrawn
    - 3) **Vote:** 7-0-0
  - B. Public Hearing - Request of James Paradise, owner of property at 170 Aquidneck Ave. Plat 115SE, Lots 145, 146, 147 for waiver of Development Plan Review pursuant to Section 908 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.
    - 1) **Motion** to continue to April 14<sup>th</sup> and request the applicant be notified of the Planning Board's desire to remove from agenda by Mr. Weber, seconded by Ms. Owen
    - 2) **Motion amended** to simply continue the item because work is active on the application
    - 3) **Vote:** 7-0-0
  - C. Public Hearing - Application of GD Middletown West Main I, LLC for Development Plan Review, including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of 2 Land Section 521, and recommendation to the Zoning Board of Review regarding special use permit application for development in Zone 1 of the Watershed Protection District, to allow construction of a ground-mounted solar photovoltaic installation on a property located at 1747 West Main Road, Plat 111 Lot 9A.
    - 1) **Motion** to continue to April 14<sup>th</sup> and request the applicant be notified of the Planning Board's desire to remove the item from the agenda by Ms. Owen, seconded by Mr. Nash.
    - 2) Mr. Wolanski: applicant working on revising plans
    - 3) Discussion: proposal that next month will continue for a 2-month time period
    - 4) **Vote:** 7-0-0
4. Old Business
- A. Request of Peter Gallipeau, Saltwood Farm Development LLC, for waiver from provisions of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 703.8 - Partial Release of Security, which require binder course of pavement to be installed prior to reduction of performance security for Phase 2 of the Saltwood Farm subdivision E. Request of Peter Gallipeau, Saltwood Farm Development LLC, for reduction of performance security held by the Town for Phase 2 of the Saltwood Farm subdivision.

- 1) Mr. Wolanski referenced an email from Mr. Gallipeu requesting withdrawal without prejudice
- 2) **Motion** to withdraw without prejudice by Mr. Nash, seconded by Ms. Owen
- 3) Discussion on staff's work
- 4) **Vote:** 7-0-0

## 5. New Business

- A. Review and provide recommendation to the Town Council on proposed amendments to Section 400 - Definitions, Section 602 - Schedule Of District Regulations, Section 703 - Accessory Uses And Structures and Section 725 of the Middletown Zoning Ordinance regarding ground-mounted solar photovoltaic installation, including design requirements for all arrays and specific provisions for arrays mounted on carports and canopies.
  - 1) Mr. Wolanski reviewed the updated revised draft based on the Planning Board discussion noting: modifications to definitions, setbacks, no ground mounted solar in front yards
  - 2) Discussion: including photos in the draft forwarded to the Town Council; soil preservation; does not apply to previously submitted applications; existing ground mounted array review under current regulations; carport abandonment; ability to determine abandonment; ability to remove solar panels from the carport structure unclear; removing the term "abandonment"; requiring the removal of carports if the solar use on the carport is discontinued
  - 3) **Motion** to continue by Mr. Weber, seconded by Mr. Nash to April 14, 2021 for the Town Solicitor to provide revisions to the abandonment section.
  - 4) **Vote:** 7-0-0
- B. Review and provide recommendation to the Town Council on implementation of buildout study recommendations
  - 1) Subcommittee draft with input from Department of Public Works and the Town Engineer; Ms. Lavoie reviewed the proposed edits on timeframes.
  - 2) Discussion: wastewater system implementations; revise language to read "identify and prioritize flood prone areas for mitigation actions". Using the Newsletter for outreach regarding well-water testing and reporting.
  - 3) **Motion** to forward to the Town Council by Ms. Owen, seconded by Mr. Ciummo with cover memo drafted by Mr. Croce
  - 4) **Vote:** 7-0-0
- C. Review draft 5-year status report on comprehensive plan implementation for submission to RI Division of Planning
  - 1) Mr. Wolanski: Town is required to provide 5-year report on approved comprehensive plan
  - 2) Discussion: spelling out acronyms; amending complete street initiative accomplishments to reference Aquidneck Ave sidewalks, and when opportunities do arise the town has been active to include sidewalks;

clarify proposed roundabout Aquidneck/Purgatory received negative feedback, Aquidneck/Valley roundabout going forward; and that drinking water quality reference is related to the well water and source water protection.

- 3) There was additional discussion regarding affordable housing goals and identifying areas to revisit to achieve affordable housing goals: inclusionary housing proposal and density bonus for developers; action plan to be developed by the Town Planner and presented at the next meeting; encouraging state legislatures to allow mobile homes to count towards goals; focusing on affordable housing not just for seniors; recourse for when the town does not meet the state mandated 10%; examples of other communities
  - 4) **Motion** to forward to statewide planning as amended by Mr. Ciummo, seconded by Ms. Owen
  - 5) **Vote:** 7-0-0
- D. Review and provide recommendation to the Town Council on proposed amendment to the Middletown Zoning Ordinance, Section 704 (E) - Height and Yard Modifications regarding height limit in flood zones
- 1) Mr. Wolanski: compliance with state statute; previous reduction in maximum building height in flood zones; changing section of zoning code to include a reference to updated zoning definition
  - 2) Town Solicitor: maintaining consistency with previously recommended changes
  - 3) Discussion: application to commercial properties; architectural limitations
  - 4) **Motion** to send a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Weber
  - 5) **Vote:** 7-0-0
6. Updates
- A. Status Report on Planning Board action items
    - 1) Report tracks items through final action not just planning board action
    - 2) Discussion on length of time to get onto the Town Council agenda
  - B. No update on BRAC Navy Surplus Land reuse planning process
7. Committee reports
- A. Use Table Subcommittee
    - 1) No update
  - B. Marijuana regulation subcommittee
    - 1) Slight revision by the Solicitor to comply with state regulations will be received by the Town Council soon
  - C. Buildout study recommendations subcommittee
    - 1) Already discussed
  - D. Tree Commission
    - 1) Ms. Owen: Paul LaMonde tree to be planted in memoriam, Tree City award
  - E. Open Space and Fields Committee

- 1) Fenton: Valley Trails access point, pickleball court at Linden Park potential, Earth Week April 2021, property scoring tool
- F. Conservation Commission
  - 1) No update
- G. Aquidneck Island Planning Commission
  - 1) No update
- H. Upcoming meetings: 1. April 7, 2021, 6pm – Public workshop meeting regarding airport overlay zoning 2. April 14, 2021, 6pm – Regular monthly Planning Board meeting.
  - 1) Appointments for the Planning Board to be made in April by the Town Council

**Motion** to adjourn by Ms. Owen, seconded by Mr. Ciummo

**Vote:** 7-0-0

*Meeting adjourned at approximately 7:25pm*

Respectfully submitted:

Mike Fenton, Secretary

DRAFT