



PLANNING BOARD MINUTES
Regular Meeting
May 8, 2024, 6pm
Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

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

Also present:

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

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

1. Election of Officers

- a. Ms. Owen nominated Bill Nash as Chair, Art Weber as Vice Chair, and Mike Fenton as Secretary.
- b. There were no other nominations.
- c. **Motion** by Ms. Owen, seconded by Mr. Fenton to elect Bill Nash as Chair, Art Weber as Vice Chair, and Mike Fenton as Secretary. **Vote:** 7-0-0

2. Approval of minutes

- a. April 10, 2024 regular Planning Board meeting
- b. May 2, 2024 special Planning Board meeting
- c. **Motion** by Ms. Owen, seconded by Mr. Weber to approve both minutes. **Vote:** 7-0-0.

3. Correspondence

- a. Letter from CAPT Conrad J Donahue, USN (Ret.) dated April 25, 2024 regarding development application of Prescott Point, LLC

- i. **Motion** by Mr. Weber, seconded by Mr. Fenton to receive said correspondence. **Vote:** 7-0-0.
- b. Memo from the Town Planner, dated April 30, 2024, regarding Administrative Subdivision – Suzanne Gleason, properties located at 475 Green End Ave., Plat 114, Lots 183 & 184
 - i. **Motion** by Ms. Owen, seconded by Mr. Fenton to receive said correspondence. **Vote:** 7-0-0.
- c. Notice from RI Dept. of Environmental Management dated April 18, 2024 regarding invitation to comment on an application of the RI Airport Corporation for a permit to allow wetland vegetation clearing.
 - i. **Motion** by Mr. Fenton, seconded by Ms. Owen to receive said correspondence. **Vote:** 7-0-0.
 - ii. There was discussion about the work of the airport zoning subcommittee. Mr. Wolanski gave an overview of the notice from RIDEM which was to invite comments on RIAC’s application to allow vegetation clearing. The Town has invited RIAC to attend the Town Council meeting on May 20th to provide an opportunity to ask questions. Mr. Wolanski shared the plans are unclear on the extent of work being proposed.
 - iii. Mr. Pierik encouraged members to attend the Town Council meeting. There was discussion about possibly scheduling a special meeting to discuss and provide comments after the May 20th meeting.

4. Agenda modifications

- a. The remaining items were heard in the following order: 6B, 6C, 6D, 5A, 6A, and 7.

5. Old Business

- a. **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. Mr. Weber stated that the Planning Board should be consistent on how it grants special meetings to applicants.

- ii. **Motion** by Ms. Owen, seconded by Mr. Weber to open the public hearing.
Vote: 7-0-0.
- iii. Attorney Girard Galvin represented the applicant and shared that a zoning amendment was filed for this property to change the zoning designation to Light Industrial which was approved by the Planning Board and Town Council. Mr. Galvin provided an overview of the process and discussions the applicant has had with abutters and the Town regarding the proposed tradesmen center.
- iv. Mr. Galvin introduced applicant John Mello, Vice President of Mello Realty, Inc. Mr. Mello shared that they saw a need for tradesmen and contractor space and found that it is a better use for the property. Mr. Mello stated they will maintain ownership of the property through a land condominium or other process.
- v. Mr. Fenton asked whether any hazardous materials will be stored in the units which the applicant stated there are no plans at this point and they would comply with regulations.
- vi. Board members asked questions about the proposed construction schedule, dumpster size and location, and possibility of combining units together which Mr. Mello addressed.
- vii. Mr. Galvin introduced engineer Lyn Small. Ms. Small provided an overview of the existing conditions and easements on the property. Ms. Small spoke about the proposed layout and grading of the buildings and the limitations due to easements and travel lane widths. The applicant shared they will have a landscaping easement on the abutting property, which the applicant's family also owns, to provide a landscape buffer.
- viii. Mr. Galvin spoke about the parking variance and that the applicant is proposing 120 spaces where 173 are required. Mr. Galvin stated from a practical standpoint, the use does not require that many spaces and found 120 to suffice. Mr. Amarant asked whether vehicles have adequate space out of the bays, which Ms. Small confirmed.
- ix. Mr. Vaillancourt expressed his support for the parking variance request.
- x. Ms. Small shared currently there is no landscaping on the property and will provide around 17% of landscaping with the new design. The Tree Commission has reviewed the plans. Ms. Small also addressed the buffer and pedestrian access waiver requests.
- xi. Mr. Pierik inquired whether there are any negative traffic impacts which Ms. Small stated they do not expect so but will engage a separate engineering firm for traffic study at the preliminary stage.
- xii. Mr. Galvin introduced architect Spencer McCombe. Mr. McCombe discussed the building design, metal siding and roof pitch waivers, and shielding of rooftop equipment.
- xiii. Mr. Galvin introduced appraiser James Houle. Mr. Houle addressed the variance and waiver requests and shared that the use is low impact and does not expect much foot traffic. Mr. Fenton asked about noise impacts, which Mr. Houle addressed satisfactorily.
- xiv. Mr. Nash opened the floor for public input.

- xv. Martha Koziara, 8 Miller Street, expressed that she thinks the proposal will be an improvement to the existing site and asked about the decision for constructing 48 units. Mr. Mello shared he anticipates the demand and that the buildings will be built in phases according to demand.
- xvi. No other members of the public wished to speak.
- xvii. **Motion** by Ms. Owen, seconded by Mr. Weber to close the public hearing.
Vote: 7-0-0.
- xviii. Mr. Weber expressed support for waiver and variance requests, which Mr. Vaillancourt concurred with.
- xix. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve all the following requested zoning relief and to make the required findings.

1a. Requested zoning relief:

1. Zoning Ordinance §903
2. Variance from Zoning Ordinance §724(B)(2) to allow a 0 ft. vegetated buffer along the east property line where 25 feet is required.
3. Variance from Zoning Ordinance §724(B)(4) to allow building setback of 42 feet from the east property line where 50 feet is required
4. Variance from Zoning Ordinance §724(B)(5) to allow a dumpster setback of 5 feet from the east and south property lines where 50 feet is required.
5. Variance from Zoning Ordinance §719(A) to allow fewer than the cumulative number of required parking spaces.
6. Variance from Zoning Ordinance §1301(C) to allow a 0 ft vegetated buffer along the east property line where 20 feet is required.
7. Variance from Zoning Ordinance §1301(D) to allow parking with a 0 ft setback from the east property line where 10 feet is required
8. Variance from Zoning Ordinance §1301(G) to allow noncompliance with landscaping requirements.
9. Variance from Zoning Ordinance §1304 to provide 120 parking spaces where 173 spaces are required.
10. Variance from Zoning Ordinance §1307(B) to provide no loading zones where 4 are required.

1b. Condition:

1. The applicant shall establish a landscaping easement on the abutting trailer park property.

1c. Vote: 7-0-0

- xx. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to approve the Master Plan of Major Land Development Project, make the five required findings, and grant the requested waivers, subject to the following conditions of approval:

1a. Conditions:

1. A fire department water connection(s) and/or fire hydrant shall be provided on the property, and identified on the Preliminary Plan, subject to Fire Department approval.
2. The Preliminary Plan submission shall demonstrate adequate access and circulation within the property for emergency vehicles considering aisle width, turning radii, and building overhangs, subject to Fire Department approval.
3. The underground utilities serving the proposed buildings shall be located outside of the existing storm drain easement on the property.
4. The existing storm drain line located on the property shall be inspected, including using cameras to assess its condition prior to permitting for construction, subject to the approval of the Director of Public Works.

1b. Requested waivers:

1. **Section 521.1.B.3** – Pedestrian access into and throughout the site. **Not provided.**
2. **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 metal siding.**
3. **Section 521.2.D** - Minimum roof pitch of 4:12 required. **Roof pitch of 2:12 proposed.**
4. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement. Note: It says in the discussion that 17% will be provided.**
5. **521.3.D.2** - Minimum 20' landscaped buffer along property lines abutting residential. **Not provided.**
6. **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. **Not provided between the buildings and parking lot and driveways.**
7. **Section 521.3.F.2** – Deciduous parking lot trees required, 1 per 5 parking spaces. **15 trees provided where 26 are required.**

1c. Vote: 7-0-0.

6. New Business

- a. Request of Samuel's Realty Co., Inc. for a one-year extension of the Master Plan approval of a major land development project for a proposed mixed-use development as

an expansion of the existing Polo Center property, including 60 new residential units and approximately 4,000 sq.ft. of new commercial space, with existing commercial space pursuant to Article 27A of the Middletown Zoning Ordinance. The subject property is located at 656 & 670-716 Aquidneck Ave., Assessor's Plat 114, Lots 107, 107A, 107B, 107D, 107E, 108 & 109.

- i. Attorney Girard Galvin represented the applicant and shared that the plans are still being reviewed by RIDEM and is seeking an extension of the Master Plan approval. There was discussion about the changes in the plans.
 - ii. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to grant a one-year extension of the Master Plan approval. **Vote:** 7-0-0.
- b. **Public Hearing** – Application of 15 Aquidneck Ave, LLC. for Development Plan Review for a second-floor exterior deck addition, including request for waiver(s) from certain provisions of the commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The application includes a request for a special use permit from Middletown Zoning Ordinance Section 602 to allow the expansion of a restaurant with alcohol sales and a request for variance from Section 603, to allow front yard setbacks of 1' and 0.8', where 10' is required. Property located on 15 Aquidneck Ave, Tax Assessors Plat 116NW, Lots 36, 37, 37A, and 38A.
 - i. Mr. Wolanski shared he received correspondence from attorney Dave Martland for a request to continue the item to the regular June 12, 2024 Planning Board meeting.
 - ii. Mr. Amarant recused himself from this item.
 - iii. **Motion** by Mr. Weber, seconded by Ms. Owen to continue the item to the regular June 12, 2024 Planning Board meeting. **Vote:** 6-0-0.
- c. **Public Hearing** – Application of Prescott Point, LLC for combined Master and Preliminary Plan approval of a Major Land Development Project for the construction of a 20-unit multifamily condominium project with a 2,500 sq. ft. clubhouse, and associated site work, including request for waivers from certain provisions of the commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, including sections 521.1.B.3, 521.3.D.2, and 521.3.F.1. The application includes a request for a special use permit from Middletown Zoning Ordinance Section 602 to allow a multi-family dwelling project, and requests for variance from sections: 603, to allow principal building height of 45' where 35' is permitted; 1506(A), to allow service by a private sewer treatment facility, where service by public sewer is required; and 1508(A), to allow principal buildings be located within 25' of other principal buildings, where 50' is required. Property located off West Main Road, approx. less than 0.1 mile to the south of the intersection with Freedom Trail Drive, Tax Assessor's Plat 104, Lot 7.
 - i. Mr. Amarant returned.
 - ii. Attorney Jay Lynch represented the applicant and requested to continue the item to June 4, 2024 special Planning Board meeting.
 - iii. **Motion** by Mr. Weber, seconded by Ms. Owen to continue the item to June 4, 2024 special Planning Board meeting. **Vote:** 7-0-0.
- d. Request of Donovan & Sons, Inc. for concept review of a proposed merger and redevelopment of abutting properties to allow modification of an existing business use

located in the R-20A zoning district. Property located at 597 & 613 Aquidneck Ave., Assessor Plat 114, Lots 218 & 219.

- i. Mr. Wolanski shared attorney Dave Martland requested to continue the item to June 12, 2024 regular Planning Board meeting.
- ii. **Motion** by Mr. Weber, seconded by Ms. Owen to continue the item to June 12, 2024 regular Planning Board meeting. **Vote:** 7-0-0.

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 – Ms. Owen shared the Tree Commission had an event at Albro Woods and did a clean-up of the site.
 - iii. Open Space and Fields Committee – Mr. Fenton shared that the Committee also participated in the planting of trees at Albro Woods.
 - iv. Conservation Commission – No updates.
- c. Upcoming meetings:
 - i. May 9, 2024, 6pm – CPUC meeting
 - ii. June 12, 2024, 6pm – Regular Planning Board meeting.

Motion by Mr. Vaillancourt, seconded by Mr. Amarant to adjourn. **Vote:** 7-0-0

Meeting adjourned at approximately 8:25pm.

Respectfully submitted,
Mike Fenton, Secretary