



PLANNING BOARD MINUTES  
Special Meeting  
June 4, 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  
Joe Pierik  
Charlie Vaillancourt

**Also present:**

Ron Wolanski, Town Planner  
Peter Regan, Town Solicitor  
Anita Guo, Principal Planner

**Member absent:**

Leon Amarant

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

1. **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.
  - a. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to open the public hearing. **Vote:** 6-0-0.

- b. Attorney Jay Lynch represented the applicant and provided a summary of the proposed project. Mr. Lynch shared that similar project was approved by the Zoning Board in 2017 but that approval has expired. He addressed the requested zoning relief and shared the principal height request is now reduced to 40', instead of 45'. He explained the height relief request is due to the need to bring in additional soil which in turn increases the grade. The structures will not exceed 35' above finished grade. Mr. Lynch addressed the requested waivers including building materials, landscaping, and sidewalks and explained the hardship facing the applicant.
- c. Engineer Lyn Small gave an overview of the proposed site layout, drainage system, public water, private sewer treatment system, culverts, and addressed the arsenic contamination on site. Ms. Small shared the applicant has obtained an emergency access easement with the property to the south of the project. There was discussion about the private sewer treatment system, including inspection, maintenance, and reporting to RIDEM.
- d. Mr. Nash asked about landscaping buffer waivers which Ms. Small addressed satisfactorily.
- e. There was discussion about the arsenic contamination, the amount of soil needed, and finished grade.
- f. Mr. Weber inquired about the addition of sidewalks which applicant Mr. Bicho cited challenges due to power lines at the southern area of the property, reduced front yards, narrower roadway, and wetlands. Mr. Nash and Mr. Weber spoke in favor of sidewalks and conformity to Middletown design standards. Mr. Lynch suggested a possibility of reducing the roadway from 24' to 20' wide, with room for sidewalks.
- g. Mr. Nash opened the floor for public input.
- h. Conrad Donahue, 18 Pages Way expressed concern with accessibility and the amount of clubhouse parking. Mr. Donahue suggested adding parking in front of the clubhouse.
- i. Mr. Nash said that, according to Middletown Regulations, sidewalks are required on the Middletown side. Mr. Lynch expressed the applicant's preference and request for a waiver to allow a 24' wide roadway with no sidewalks.
- j. Susan Wholey, 16 Colonial Way, asked whether there would be a multi-unit, singular building on site which was refuted.
- k. Barry Ripley, Portsmouth had no objection to the height variance.
- l. **Motion** by Ms. Owen, seconded by Mr. Weber to close the public hearing. **Vote:** 6-0-0.
- m. There was discussion about access to the clubhouse and the responsibility of the homeowner's association.
- n. Mr. Nash expressed his support for the addition of sidewalks to the plans. Mr. Weber and Mr. Fenton expressed their support for a smaller roadway with sidewalks that meet ADA standards.
- o. **Motion** by Ms. Owen, seconded by Mr. Pierik to grant the following zoning variances:
  - i. Variance from Zoning Ordinance §603 to allow principal building height of 40' where 35' is permitted, subject to the condition that building height shall be no greater than 35 feet above finished grade.

- ii. Variance from §1506(A) to allow service by a private sewer treatment facility, where service by public sewer is required for multifamily dwelling projects.
- iii. Variance from §1508(A) to allow principal buildings be located within 25' of other principal buildings, where 50' is required for multifamily dwelling projects.  
Variance
- iv. **Vote:** 6-0-0
- p. **Motion** by Mr. Weber, seconded by Ms. Owen to grant a special use permit per Zoning Ordinance §602 to allow a multi-family dwelling project in the Residential Multifamily (RM) zoning district. **Vote:** 6-0-0.
- q. **Motion** by Mr. Weber, seconded by Ms. Owen to approve the combined Master and Preliminary Plan of a Major Land Development Project subject to the following conditions of approval, make the required findings, and grant the requested waivers:
  - i. **Conditions:**
    1. Prior to Final Plan approval, documentation shall be provided to show the rating of the culvert weight load capacity.
    2. Prior to Final Plan approval, the applicant shall demonstrate adequate access for emergency vehicles to buildings 40 and 41, subject to the approval of the Fire Chief.
    3. Prior to Final Plan approval, the plans shall be revised to provide 10 bicycle spaces.
    4. Prior to Final Plan approval, calculations shall be provided to demonstrate the plans meet the required minimum 25% landscaping of the project area.
    5. Prior to Final Plan approval the plans shall be revised to include a proposed emergency vehicle access road entering from the abutting property to the south.
    6. Roadway pavement width may be reduced to no less than 20 feet wide, and a sidewalk meeting Americans with Disabilities Act (ADA) standards shall be provided along the entire length of Private Drive "B" and Private Drive "C" within Middletown. Prior to Final Plan approval the plans shall be revised to include these revisions.
  - ii. Requested waivers:
    1. **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 composite siding and PVC trim.**
    2. **Section 521.3.C** – Landscape screening elements required along all property lines. **Not provided along the northerly property line.**
    3. **Section 521.3.D.1** – A landscaped buffer at least 10' is provided along all property lines. **Not provided along the northerly property line.**
    4. **Section 521.3.D.2** – A landscaped buffer at least 20' with screening at least 6' high along lot lines abutting residential properties or uses. **Not provided along the northerly property line.**
  - iii. **Vote:** 6-0-0.

**Motion** by Ms. Owen, seconded by Mr. Weber to adjourn. **Vote:** 6-0-0  
Meeting adjourned at approximately 7:30pm.

Respectfully submitted,  
Mike Fenton, Secretary

DRAFT