



PLANNING BOARD MINUTES  
Regular Meeting  
June 12, 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  
Joe Pierik  
Charlie Vaillancourt

**Also present:**

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

**Member absent:**

B.J. Owen  
Leon Amarant

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

**1. Approval of minutes**

- a. May 8, 2024 regular Planning Board meeting
- b. June 4, 2024 special Planning Board meeting
- c. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve both minutes. **Vote:** 5-0-0.

**2. Correspondence**

- a. Memo from the Town Planner, dated May 17, 2024, regarding Administrative Subdivision – Emily A. Ferris Trust & Andrade Family Trust, properties located at 1508 & 1516 Wapping Road, Plat 125, Lots 98 & 99
  - i. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to receive said correspondence. **Vote:** 5-0-0.

- b. Email correspondence from Behan Bros., Inc., Paradise Cleaning and Restoration, Douglas Smyth, and Greg Coe regarding the application of Seascape Holdings LLC for 985 Aquidneck Ave.
  - i. **Motion** by Mr. Pierik, seconded by Mr. Vaillancourt to receive all said correspondence. **Vote:** 5-0-0.

### 3. **Agenda modifications**

- a. None.

### 4. **Old Business**

- a. **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. **Motion** by Mr. Weber, seconded by Mr. Fenton to open the public hearing. **Vote:** 5-0-0.
  - ii. Attorney Sean Bouchard represented the applicant and provided an overview of the proposed project and requested zoning relief. Mr. Bouchard shared the owner recently acquired some of the lots. The application includes an administrative subdivision plan to merge the lots together.
  - iii. Engineer Lyn Small shared that the application is an extension of the second-floor deck. The application does not trigger the need for stormwater management plan and there are no changes to utilities.
  - iv. Mr. Weber expressed his support of the front yard setback variance request.
  - v. Mr. Vaillancourt asked for clarification on the location of deck in relation to the stairs which Ms. Small addressed the deck is over existing patio area.
  - vi. Mr. Fenton asked about building materials and parking spaces. There was discussion about whether a parking variance is needed.
  - vii. Mr. Bouchard requested to continue this application to address the parking concerns but requested to allow other testimony tonight.
  - viii. Real Estate appraiser Nathan Godfrey addressed that he found the special use permit and variance request meet the required findings for approval.
  - ix. There was discussion about the increase in capacity due to the expansion.
  - x. Mr. Bouchard requested a continuance to the July 10, 2024 meeting.
  - xi. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to continue this item to the July 10, 2024 meeting. **Vote:** 5-0-0.
- b. 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. Attorney Sean Bouchard represented the applicant and requested a continuance to the July 10, 2024 meeting.
- ii. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to continue this item to the July 10, 2024 meeting. **Vote:** 5-0-0.

## 5. New Business

- a. **Public Hearing** - Application of Seascape Holdings LLC for combined Preliminary and Final Plan approval for a Minor Land Development Project for the construction of a new 40' x 60.5' commercial building for office and storage use, with associated parking, 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.A; 521.1.B.3; 521.2.A.2; 521.2.B.1; 521.3.B; 521.3.D.1; 521.3.D.3; and 521.3.F.2. The application includes requests for variance from Section 603 of the Middletown Zoning Ordinance to allow an easterly side yard setback of 5.1' where 18.7' is required, and a northerly rear yard setback of 20.8' where 47.6' is required. Property located on 985 Aquidneck Ave., Tax Assessors Plat 113, Lot 208.
  - i. **Motion** by Mr. Weber, seconded by Mr. Pierik to open the public hearing. **Vote:** 5-0-0.
  - ii. Attorney Richard D'Addario represented the applicant. Attorney Matt Leys represented abutter Michael and Karen Miller and objected to the application. Mr. D'Addario introduced applicant Greg Coe. Mr. D'Addario presented the deed and supporting photographs of the renovations done on Mr. Coe's other property which abuts the subject property. The applicant addressed the variance requests and waiver requests including buffers, landscaping, and pedestrian access. There was discussion about the site layout, circulation, and building design.
  - iii. Mr. Weber expressed that he finds the requested relief excessive.
  - iv. Mr. D'Addario introduced engineer Lyn Small who described the site layout. Ms. Small discussed the stormwater maintenance system which would improve the water quality.
  - v. There was discussion about the setbacks and parking spaces. Mr. Nash expressed concern with setback of proposed building, buffer waiver request, and windows waiver.
  - vi. Mr. Leys then asked Mr. Coe about existing tenants, office space, the increase and proposed building size. Mr. Coe stated the building size was changed to accommodate his larger vehicles. There was discussion whether dimensional variance sought is due to mere inconvenience or reasonable enjoyment of use.
  - vii. Mr. Leys asked Ms. Small to clarify the parking calculations which Ms. Small stated were confirmed by the Zoning Official. Mr. Leys stated from his interpretation of the parking calculation, the application requires a parking variance.
  - viii. Mr. Leys introduced abutter Michael Miller. Mr. Miller shared the history of the site and how he sold the two properties to Mr. Coe. Mr. Miller expressed difficulty in using Trimble Road due to vehicles parking on roadway and concern with the intensity of use of property. He stated his objection to the

application is due to the significant amount of relief requested, large building size, intensity of uses on property, and parking on Trimble Road.

- ix. Mr. Vaillancourt asked for clarification on frontage designations for corner lots. Mr. Wolanski addressed the Town ordinance was amended to comply with state law and with the new amendment, Trimble Road is designated as the front for this property.
- x. Mr. Leys stated he thinks the new building is an accessory structure and thus does not meet dimensional requirements. He requested the Board deny the application.
- xi. Mr. D'Addario expressed that the application meets the required findings and it is the Town's responsibility if there is need to enforce parking on Trimble.
- xii. There was discussion about whether the structure is considered an accessory structure. Mr. Monti stated the decision falls on the Zoning Official, who considered it to be a principal structure.
- xiii. Mr. Nash inquired whether applicant will consider reducing size of building and increasing the easterly buffer to 10' wide. Mr. Coe stated difficulties in meeting the easterly buffer requirement and the 5' wide buffer meets the fire code and spoke about his need for a 40' building.
- xiv. No other members of the public wished to speak.
- xv. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to close the public hearing. **Vote:** 4-1-0, with Mr. Fenton in opposition.
- xvi. Mr. Vaillancourt expressed concern about the width of Trimble Road and access. Mr. Weber stated the applicant should comply with setbacks requirements. Mr. Pierik stated he is struggling with the waiver requests. Mr. Fenton expressed the applicant is improving property and runoff.
- xvii. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to approve the variance from Zoning Ordinance §603 to allow an easterly side setback of 5.1 feet where 18.7 feet is required and a northerly rear setback of 20.8 feet where 47.6 feet is required.
  - 1. Mr. Vaillancourt shared he finds the proposed project fits in the neighborhood. Mr. Weber stated he finds the requested relief excessive and encouraged the applicant to comply with the zoning ordinance. Mr. Fenton found the dimensional requirements challenging. Mr. Pierik expressed support for variance and found it consistent with area, would improve the property, and cited challenges of the property. Mr. Nash stated he does not support the application because it does not meet the standards for variance, building size is too big, and does not meet the required findings.
  - 2. **Vote:** 3-2-0, with Mr. Weber and Mr. Nash in opposition.
- xviii. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to approve the combined preliminary and final minor land development project, make the five required findings, and approve the requested waivers.
  - 1. Mr. Vaillancourt expressed his support. There was discussion about the waiver requests. Mr. Nash stated he found the testimonies do not support the waiver requests.
  - 2. **Motion** to amend the motion to add the following condition:

- a. **Condition(s):** The proposed new building shall be served by a separate sewer connection directly to the public sewer main located in Trimble Rd. The existing abandoned sewer lateral located on the property shall be capped as part of the construction process, subject to the approval of the Director of Public Works.

**3. Requested waivers:**

- a. **Section 521.1.A and 521.1.B.3** – Building located to create and provide a safe, walking environment and provide pedestrian access, walkways, and crosswalks. **No pedestrian access is proposed.**
  - b. **Section 521.2.A.2** – No unbroken plan of a wall exceeds forty feet without a minimum 4” wide architectural design feature on the building façade. **The easterly building elevation exceeds forty feet in length with no break in plane.**
  - c. **Section 521.2.B.1** – Windows occupy between 20% and 60% of façade visible from the public way. **The westerly, northerly, and easterly facades that are visible from Aquidneck Ave and Trimble Road do not meet this requirement.**
  - d. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement.**
  - e. **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.**
  - f. **Section 521.3.D.3** – A landscaped buffer at least 5’ wide shall be provided between buildings and parking lots/driveways. The buffer shall defined by curbing. **No buffer is provided between the front of the building and parking lot.**
  - g. **Section 521.3.F.2** – Require a minimum of one parking lot tree for every five parking spaces. **Not provided.**
4. **Vote:** 2-3-0, with Mr. Weber, Mr. Nash, and Mr. Pierik in opposition. **Motion fails.**

6. Updates

- a. Status Report on Planning Board Action Items.
  - i. No comments.
- b. Committee reports
  - i. Comprehensive Plan Update Committee – Meeting is scheduled for tomorrow.
  - ii. Tree Commission – No updates
  - iii. Open Space and Fields Committee – No updates.
  - iv. Conservation Commission – No updates.
- c. Upcoming meetings:
  - i. June 13, 2024, 6pm – CPUC meeting
  - ii. July 10, 2024, 6pm – Regular Planning Board meeting.

**Motion** by Mr. Weber seconded by Mr. Vaillancourt to adjourn. **Vote:** 5-0-0

Meeting adjourned at approximately 9:30pm.

Respectfully submitted,  
Mike Fenton, Secretary

DRAFT