

POSTED – April 7, 2021
SPECIAL MEETING – APRIL 28, 2021

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a Special Meeting to be held on **Wednesday, April 28, 2021 at 6:00 P.M.** - Said meeting will be conducted by telephone conference call/ webinar, in accordance with Executive Order 20-46 issued by Governor Raimondo on April 15, 2020, extended to April 29, 2021, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19. Members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID: 880 9700 3513; or on the web at <https://us02web.zoom.us/j/88097003513> .

Wendy J.W. Marshall, Town Clerk
Town of Middletown
Town Hall – 350 East Main Road
Middletown, Rhode Island 02842

Dear Ms. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2, 42-46-3, 42-46-4, 42-46-5 and 42-46-6, RIGL, I hereby call a Special Meeting of the Town Council to formally consider, discuss and vote upon the following items of business:

PLEDGE OF ALLEGIANCE TO THE FLAG

Joint meeting with the Planning Board to regarding Comprehensive Plan implementation priorities – Zoning and Full-build impact study and matters related thereto.

1. Communication of Ron Wolanski, Town Planner and Paul Croce, Planning Board Chair, re: Comprehensive Plan Zoning Implementation Status Report.
2. Communication of Paul Croce, Planning Board Chair., re: Full-build impact study prioritized recommendations.

Said meeting will be held on Wednesday, April 28, 2021 at 6:00 P.M. Town Council will meet in accordance with Executive Order 20-46.

Paul M. Rodrigues, Vice President
Middletown Town Council

cc: Town Council
Finance Director

Town Administrator
Public Library

Town Solicitor

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

Posted on April 7, 2021 at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.



Town of Middletown Planning Department

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

To: Middletown Town Council

From: Ron Wolanski, Town Planner
Paul Croce, Planning Board Chairman

Date: March 25, 2021

Re: Comprehensive Plan Zoning Implementation Status Report

Following is a listing and update on the status of implementation efforts regarding the Middletown Comprehensive Community Plan's zoning action items. Note that items 1-4 on the list below were designated by the Town Council and Planning Board as high priorities during a joint meeting in June 2015. The remaining items are not necessarily listed in priority order. Please contact me with any questions or concerns.

1. Zoning Map Consistency

The Plan identifies amendments to the town's zoning map which will be required to bring it into conformance with the comprehensive plan future land use plan.

Action: All proposed FLUP amendments have been received by the Town Council and will be scheduled for public hearing. The first set of amendments was approved by the Town Council on June 17, 2019. The second set of amendments was approved by the Town Council on June 15, 2020.

Status: The final set of amendments advertised for a Town Council public hearing on April 5, 2021.

2. Bulk Zoning

L-I.A.3. Explore residential bulk limit zoning regulations as a means to limit the scale of new construction and protect the character of existing residential neighborhoods.

Action: The Planning Board forwarded to the Town Council proposed zoning ordinance amendments that would impose floor area (0.5 FAR) and additional building height limitations (25 ft.) on homes constructed on lots with less than 10,000 sq.ft. of land. A Town Council public hearing was held on February 5, 2018, during which the Council voted to not receive the proposed amendments.

Status: No further Planning Board action proposed at this time.

3. Inclusionary Zoning for Affordable Housing

H-II.C.1. Provide for affordable housing for households up to 120% Mean Family Income (MFI) in Inclusionary Zoning Ordinance.

H-III.A.1. Consider adopting an inclusionary zoning ordinance with density bonus.

Action: During its meeting held on February 14, 2018 the Planning Board voted to recommend to the Town Council that the town not proceed with consideration of an inclusionary housing ordinance, but rather pursue the other action items on housing included in the Comp Plan. The Town Council received this recommendation on March 5, 2018, and no further Planning Board action was proposed at that time. The Planning Department has now recommended this item be reexamined and moved to the top of the priority list, as PB work on the Solar ordinance and the Airport Zoning overlay is almost done.

Status: Draft prioritized housing work plan to be provided to the Planning Board for its April 14th meeting.

4. Allow Mixed-use Development/"Big Box" Retail Development

H-IV.B.2. Allow mixed use by right in appropriate areas including second story residential over commercial properties.

L-I.A.2. Adopt mixed-use zoning ordinance which allows for mixed use in all commercial areas.

Action on Big Box retail development: The Town Council adopted a zoning ordinance amendment that imposes a strict limit of 35,000 sq.ft. footprint on retail commercial buildings.

Action on Mixed-Use development: The Planning Board recommended, and in September 2018 the Town Council adopted Zoning Ordinance amendments to allow for mixed-use development projects, including a mix of multi-family residential and commercial uses on a single parcel in the GB and LB zoning districts. Subsequently, the Planning Board forwarded additional amendments to the Town Council with a positive recommendation on September 20, 2019. After the Town Council concluded a public hearing, they voted to reject these proposed amendments.

Status: No action is planned at this time though additional amendments to the Mixed-Use ordinance may be considered by the Planning Board.

5. Agricultural Overlay Zoning

N-V.B.3. Draft agricultural overlay zoning to permit complimentary uses to be developed on farms.

E-IV.C.1. Review and revise regulations as appropriate in order to expand the permitted agricultural and ancillary uses on farm property to support on-farm operations and promote viability of agricultural use.

L-III.B.1. Craft a new overlay district and zoning amendments that would allow agricultural land owners to utilize a portion of their land for agriculturally-related business endeavors including events and the production of value-added products to support the continued agricultural use of the land and provide agri-tourism opportunities for residents and visitors.

Action: Following several public meetings and working meetings over several months, the Planning Board, with assistance from GrowSmart RI, drafted proposed zoning ordinance amendments to implement a standard process and requirements to allow for accessory uses on farm properties. Following a public hearing, on March 4, 2019 the Town Council voted to reject adoption of the amendments

Status: No further work is planned on this topic.

6. Preservation of Historic Buildings

C-I.A.1. Adopt ordinances to require historically correct restoration of historic buildings and to discourage demolition or inappropriate use of valuable historic resources.

Action: Draft documents were prepared and revised based on input received during public workshop meetings and Board discussion. During its February 5, 2020 regular meeting the

board voted to forward the proposal to the Town Council for consideration. Presentation to the Town Council was delayed due to potential budgetary impacts of the proposed program and uncertainty of COVID-19 impacts on Town finances.

Status: Proposed ordinance to be presented to the Town Council in coming months.

7. Limit Light Pollution

N-V.C.1. Consider regulations on outdoor lighting to limit night sky light pollution and glare.

Action: A draft Zoning Ordinance amendment was provided to the Planning Board for the May 13, 2020 meeting. The draft was discussed, and at the Board's October 14th meeting, it was decided to schedule a public workshop. The workshop was held on January 7th, after which the Planning Board voted to forward the amendment to the Town Council for consideration.

Status: Town Council public hearing to be scheduled.

8. Promote Transportation Options

T-III.B.6. Consider requiring installation of bike racks as part of site plan review process.

Action: Following a public hearing in January 2020 the Planning Board adopted the requirement to provide bike racks (and other items) on site plans and forwarded those amendments to the Town Council for approval.

Status: The Town Council approved the bicycle rack requirement. Planning Department staff are researching other options for promoting transportation alternatives.

9. Promote Low Impact/Smart Growth Development

T-VI.B.1. Promote initiatives that reduce greenhouse gas emissions, such as low impact/smart growth development principles in zoning.

L-I.A.1. Review and update the zoning ordinance, and subdivision regulations to ensure smart growth principles are encouraged.

Action: This is an ongoing effort to identify opportunities to incorporate smart growth principles into the Town's regulations. The recent adoption of the mixed-use zoning ordinance amendments is an example of this effort.

Status: Ongoing.

10. Airport Zoning

L-I.D.1. Develop and adopt an Airport Hazard Area Overlay District

Action: A Planning Board Subcommittee asked staff to create a draft ordinance based on the Westerly ordinance, which was approved by the subcommittee and forwarded to the full Planning Board. During its March 11, 2020 meeting the Board requested that a public workshop meeting be scheduled.

Status: A public workshop meeting to present and accept comment on the latest draft ordinance is scheduled for April 7th.

11. Rural Village District

L-III.B.2. Establish a Rural Village District along East Main Road that allows for appropriate, small scale, agriculturally -related businesses.

Action: The Planning Board subcommittee met with subject property owners to seek input and buy-in for creation of the new district. Given the lack of urgency on the part of the impacted

property owners, the subcommittee advised the board that action on this item be delayed. The Planning Board agreed to table the matter.

Status: Tabled by the Planning Board for further discussion at a future date.

Cc: Town Administrator
Planning Board



Town of Middletown Planning Department

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

To: Hon. Robert J. Sylvia, President
Town Council Members

From: Paul A. Croce, Chair
Middletown Planning Board

Date: March 18, 2021

Re: Full-build impact study prioritized recommendations

In August 2018 The Middletown Town Council authorized the Planning Department to undertake a study with Crossman Engineering of the impacts on traffic, surface water and groundwater of full residential and commercial buildout of the Town. The study was initiated later that year and completed in March 2020 with recommendations for dealing with buildout impacts and presented to the Town Council in December 2020. At that time, the Town Council authorized the Planning Board to work with Planning Department staff and with the principal investigator of the study (Steve Cabral P.E. of Crossman Engineering) to prioritize these recommendations in a manageable way.

Attached to this memo is this list of prioritized action items from the Crossman impact study. It is presented in three sections — surface water (the most pressing need), groundwater, and traffic. For the first two categories - surface water and groundwater - the prioritized action items are separated into two groups — high priority, short-term actions and long-term actions. For the traffic category, a workshop of key Town staff and the study consultant is proposed to identify and prioritize recommended actions for implementation.

Please note that estimated durations are given for accomplishing these action items, and all are considered to be realistic and achievable. It is also worth noting that an action item is included to explore new, creative approaches for extending public water to the east side of Town. Though unpopular to some, this action is seen as the best way to ease and potentially eliminate groundwater concerns.

With this memo, the Planning Board is requesting the Town Council to authorize the Planning Department and other relevant Town departments to proceed with the implementation of these prioritized action items.

Paul A. Croce, Chairman
Middletown Planning Board

cc. Town Solicitor Director of Public Works
Town Administrator Town Engineer
Town Clerk

**Full-Build Development Impact Study
Planning Board Prioritized List of Recommendations**

Surface Water Impacts

High-priority, short-term recommendations	Responsible Department	Timeframe to complete task
1. Perform Periodic Water Quality Testing of past stormwater treatment systems to document performance (for each action step responsible party and potential funding source to be identified)		
a. Update inventory of BMPs	Engineering/DPW	3-9mo
b. Identify priority BMPs for testing	Engineering, Crossman	3-9mo
c. Establish schedule and procedures for sampling	Engineering/DPW, Crossman	
i. Identify funding		3-9mo
ii. Identify staff/contractor to conduct sampling		3-9mo
iii. Identify lab for testing		3-9mo
2. Establish Stormwater Utility & Pursue additional retrofits of existing systems (for each action step responsible party and potential funding source to be identified)		
a. Review and update as needed information previously provided to the Town Council	Engineering, Planning, Crossman	3-9mo
b. Present proposal to the Town Council for consideration	Engineering, Planning, Crossman	3-9mo
c. Review and update as needed information previously provided to the Town Council	Engineering, Planning, Crossman	3-9mo
d. Present proposal to the Town Council for consideration	Engineering, Planning, Crossman	3-9mo
3. Formalize program with other organizations for watershed monitoring/testing		
a. Establish data sharing protocols with agencies and organizations already performing testing	Engineering, Planning,	3-9mo
4. Establish Nutrient Control Ordinance (for each action step responsible party and potential funding source to be identified)		
a. Research and draft proposed ordinance	Planning, Crossman	3-9mo

b. Present ordinance to the Town Council for consideration	Planning	3-9mo
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<u>Long-term considerations</u>	Responsible Department	Timeframe to complete task
5. Update Stormwater Ordinance to address watershed specific impairments	Planning, Crossman	18-36 mo
6. Work with large agricultural properties to implement runoff control measures	Planning, Engineering, Crossman	18-36 mo
7. Identify and prioritize flood prone areas for remediation actions	Planning	18-36 mo

Groundwater

High-priority, short-term recommendations	Responsible Department	Timeframe to complete task
1. Establish Onsite Wastewater Management Plan & Ordinance (for each action step responsible party and potential funding source to be identified)		
a. Review and update as needed information previously provided to the Town Council	Engineering, Planning, Crossman	3-9mo
b. Present proposal to the Town Council for consideration	Engineering, Planning, Crossman	3-9mo
2. Evaluate financial and technical feasibility of water extensions into east side of Town (for each action step responsible party and potential funding source to be identified)		
a. Document well failures, water quality problems and Newport's water service limitations	Engineering, Planning, Crossman	36-48mo
b. Review work previously completed and identify design alternatives and cost estimates	Engineering, Crossman	3-9mo
c. Identify funding options	Engineering, Planning, Crossman	3-9mo
d. Present alternatives to the Town Council for consideration	Engineering, Planning, Crossman	3-9mo

3. Increase public awareness/education of private well testing (quality) (for each action step responsible party and potential funding source to be identified)		
a. Develop education campaign to promote well testing	Planning	3-9mo
b. Establish voluntary program to report testing results to the Town	Planning	3-9mo
c. Coordinate with existing agencies to distribute private well educational materials	Planning	3-9mo

<u>Long-term considerations</u>	Responsible Department	Timeframe to complete task
4. Establish database of well test data and database of all wells in Town (depths and performance)	Crossman, Planning	18-36 mo
5. Evaluate minimum lot sizes for homes with wells, including cluster developments	Crossman, Planning	18-36 mo

Traffic

High-priority, short-term recommendations	Responsible Department	Timeframe to complete task
1. Hold workshop with Police, DPW, Fire Department & Planning to discuss observations and to outline intersection priorities for Town and State Roads and intersections and work with RIDOT on advancing critical projects to the TIP (for each action step responsible party and potential funding source to be identified)		
a. Schedule workshop to review and prioritize recommendations	Planning, Engineering, DPW, Police, Crossman	3-9mo
b. Develop preliminary design options, cost estimates, and jurisdiction (town vs. RIDOT)	Engineering, Planning, Crossman	18-36 mo
c. Present recommendations to the Town Council for consideration.	Engineering, Planning, Crossman	3-9mo

d. Submit selected projects for inclusion in TIP	Planning, Engineering	3-9mo
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Items to be considered in the traffic public workshop:

2. Finalize list of intersections that can benefit from minor striping improvements
3. Finalize list of intersections that can benefit from signal timing adjustments
4. Finalize list of local intersections that would benefit from round-a-bout installation