



PLANNING BOARD MINUTES  
Regular Meeting  
July 10, 2024, 6pm  
Town Council Chambers – Town Hall  
350 East Main Road  
Middletown, RI 02842

**Board members present:**

Bill Nash, 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

**Member absent:**

Art Weber, Vice Chair

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

1. **Approval of the minutes of the June 12, 2024 regular Planning Board meeting.**
  - A. **Motion** by Mr. Vaillancourt, seconded by Mr. Fenton to approve the minutes. **Vote:** 6-0-0.
2. **Correspondence**
  - A. Letter from Frank Freitas, dated June 25, 2024, regarding the request of Donovan and Sons' for a zone change
    1. **Motion** by Ms. Owen, seconded by Mr. Vaillancourt to receive said correspondence. **Vote:** 6-0-0.
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.

1. Mr. Amarant recused.
2. Mr. Martland requested this matter be continued to the August 14<sup>th</sup> meeting as the applicant needs to address the parking issue and may need to readvertise.
3. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to continue the item to August 14<sup>th</sup> regular meeting. **Vote:** 5-0-0.
4. Mr. Amarant returned.

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.

1. Attorney Dave Martland represented the property owner of both lots. Mr. Martland shared the owner needs more space and parking to accommodate its nonconforming business in a R-20A zoning district. The proposal is to merge the two lots together, continue the nonconforming use, replace and relocate one of the existing structures into a storage building, and install additional parking.
2. Mr. Martland provided letters of support from abutters Steve and Barbara Faria, and William and Rosaline Pascoe.
3. Mr. Martland introduced property owner Dan Donovan who expressed the need for more space.
4. Ms. Owen expressed her support and suggested replanting the dying trees.
5. Mr. Fenton asked about parking spaces which Mr. Donovan addressed.
6. Mr. Nash encouraged the owner to correct the parking encroachment and easement. There was discussion about parking, curb cut, zone change, and expansion of nonconforming use.
7. Mr. Amarant and Mr. Nash expressed their support. Mr. Vaillancourt expressed support, but noted the zoning needs to be addressed.

5. New Business

A. **Public Hearing** - Application for combined Preliminary and Final Development Plan Review by Jeff Lipshires on behalf of CCE Development, LLC for adaptive reuse of an existing commercial building to establish a 14-unit multi-family dwelling structure under the provisions of Middletown Zoning Ordinance Section 728. Property located at 499 East Main Road, Tax Assessors Plat 113, Lot 27.

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

2. Attorney Jay Lynch represented the applicant, Jeff Lipshires. Mr. Lynch shared applicant wants to convert the existing building to establish a 14-unit multifamily dwelling structure. The changes will be limited to windows and doors to comply with fire code, there will be no other exterior changes or site work. There is sufficient parking for the proposed adaptive reuse.
3. Mr. Wolanski shared under state law, the applicant can add as many units within the structure according to building code. The Planning Board has a very limited review because there is no proposed site work or exterior building work. The proposed new windows will match existing ones to preserve the historical nature of the structure so no issues with commercial design standard.
4. Ms. Owen expressed support for matching windows.
5. Mr. Fenton asked about the apartment makeup. Mr. Lipshires shared that they will be all single bedroom apartments, ranging from 600-800 square feet. Mr. Lipshires and Mr. Wolanski shared a transient use is not allowed for adaptive reuse projects and the applicant stated the intention is for long-term residential use.
6. Mr. Fenton asked about fire safety which Mr. Lipshires shared proposal meets fire code and access requirements.
7. There was discussion about converting the accessory building to residential use in a future application, possible use for short-term rentals, and enclosing the patio space.
8. Mr. Amarant expressed his support. Mr. Fenton asked whether the units would be affordable, which the applicant denied.
9. Mr. Fenton asked about impact fees which Mr. Wolanski confirmed will be applied for the change from commercial to residential.
10. No other members of the public wished to speak.
11. **Motion** by Ms. Owen, seconded by Mr. Vaillancourt to close the public hearing. **Vote:** 6-0-0.
12. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to approve the development plan review application, subject to the required findings. **Vote:** 6-0-0.

B. Recommendation to the Town Council on potential amendments to several sections of the Middletown Zoning Ordinance to address updated procedures resulting from 2023 state legislation, including amendments to sections: 1401 & 1402 regarding motels and hotels; 1501 & 1502 regarding multi-family dwelling; 1801 & 1802 regarding shopping centers; 2102 & 2103 regarding residential care and assisted living facilities; 2202 & 2203 regarding senior independent living facilities; 2301 & 2302 regarding mobile home parks; 2402 & 2403 regarding transient trailer parks; 2502 & 2503 regarding wireless telecommunications facilities; 902 regarding special use permits for farm promotion accessory use, drive-up windows, and the watershed protection district; 719 regarding mixed uses within a building; and 17A01 & 17A02 regarding community residences and family daycare homes.

1. **Motion** by Mr. Vaillancourt, seconded by Ms. Owen to continue this item to the August 14, 2024 meeting. **Vote:** 6-0-0.

## 6. Updates

- A. Status Report on Planning Board action items.
  1. No comments.
- B. Committee reports
  1. Comprehensive Plan Update Committee – Meeting is scheduled for tomorrow. Main topic will be housing and remainder of plan.
  2. Tree Commission – Ms. Owen and Mr. Wolanski shared that the trail extension at Middletown Valley has been completed.
  3. Open Space and Fields Committee – No update.
  4. Conservation Commission – No update.
- C. Upcoming meetings:
  1. July 11, 2024, 6pm – CPUC meeting.
  2. August 8, 2024, 6pm – CPUC meeting.
  3. August 14, 2024, 6pm – Regular Planning Board meeting.

**Motion** by Ms. Owen, seconded by Mr. Vaillancourt to adjourn. **Vote:** 6-0-0

Meeting adjourned at approximately 7:10pm.

Respectfully submitted,  
Mike Fenton, Secretary