



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES April 7, 2021 – Special Meeting

In accordance with Executive Order 20-46, issued by Governor Raimondo, this meeting was conducted as a web and telephone conference.

#### **Board members present:**

Paul Croce, Chair

Michael Fenton, Secretary

Bill Nash, Vice Chair

Art Weber

B.J. Owen

John Ciummo

Joe Pierik

Ron Wolanski, Town Planner

Chris McNally, Assistant Town Solicitor

Rita Lavoie, Principal Planner

*Mr. Croce called the meeting to order at 6:00pm and called roll*

1. Present and accept public comment and provide recommendation to the Town Council on potential amendments to the Middletown Code of Ordinances, Chapter 152, Zoning Code, regarding airport overlay zoning.
  - A. Mr. Croce opened the meeting
  - B. Mr. Wolanski gave a PowerPoint presentation reviewing the process, background, draft ordinance, and next steps. He noted state law, comprehensive plan, planning board subcommittee
  - C. Mr. Pierik reviewed the four subcommittee meetings, hazards and opportunities of the airport, Westerly, RI regulations, state guidance
  - D. Mr. Wolanski described the draft overlay zone, requirement of development plan review for new development in the overlay zone, federal aviation administration approval of development plans, pre-existing structures may remain, runway protection zone, height compliance area, vegetation height limits
  - E. Discussion on height calculations, recusal
  - F. Mr. Ciummo and Mr. Weber recused themselves and left the meeting
  - G. Discussion on runway protection zones, existing vegetation, and structures to remain
  - H. Mr. Fenton suggested changes to require exiting hazards to be addressed

- I. Discussion on eliminating airport hazards, burden on the town or the state to enforce vegetation compliance, Westerly lawsuits regarding their airport, state actions on runway length and legislation
- J. Members of the public were invited to speak
- K. Ms. Roberta Duffy of 280 Forest Ave asked about other Towns implementing similar zoning and repercussion for not adopting an ordinance
- L. There was discussion about pre-existing vegetation, zoning violations procedure to Municipal court, insurance, airport safety, obstruction poles, Town Solicitor to research repercussions to the town
- M. Mr. Dennis Dougherty of Oliphant Lane spoke of impacts to proposed development plans on his property
- N. There was discussion on origin of draft regulations, number of properties impacted, state laws not requiring removal of structures
- O. Mr. Andrew Galvin of 201 Island Drive asked about burden to enforce
- P. Ms. Michelle Seagull of Coggeshell Circle asked about the location of her property and regulations
- Q. Mr. Bruce Vanicek of Rhode Island Nurseries asked about avigation easements, providing compensation, researching existing easements
- R. Ms. Lavoie read an email to the planning board from Sean Collins dated April 7, 2021 in support of the draft regulations
- S. Discussion on sending proposal to the Town Council, identifying existing trees, removing the word "hazard" from the name of the ordinance
- T. Discussion on the purposes of the regulations: protection from hazards, maintain viability of the airport, protecting safety of property owners. Grandfathering existing structures and vegetation
- U. Ms. Owen referenced national grid tree trimming of hazardous trees, utility easements
- V. Mr. Pierik asked about economic hardship and compensation
- W. Mr. Croce suggested looking at liability to the town, easements by airport corporation, compensation, renaming the area to not include "hazard", purpose of the overlay, sunset provisions to bring the non-compliance into compliance, what if the town doesn't do anything
- X. Ms. Owen spoke of the positive economic impact of the airport
- Y. Discussion on uncertainty of the state regulations
- Z. Discussion on sending the draft back to a subcommittee with additional input from the solicitor, planning department
- AA. Mr. Nash: "protection area" instead of hazard

BB. By consensus the draft was referred to the subcommittee, future meeting to be determined

**Motion** to adjourn by Ms. Owen, seconded by Mr. Nash  
**Vote:** 5-0-0

*Meeting adjourned at approximately 7:20pm*

Respectfully submitted:

Mike Fenton, Secretary

DRAFT