



PLANNING BOARD MINUTES
Regular Meeting
September 11, 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
Leon Amarant
Joe Pierik

Also present:

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

Member absent:

B.J. Owen
Charlie Vaillancourt

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

1. Approval of minutes

- a. August 14, 2024 regular Planning Board meeting
 - i. **Motion** by Mr. Weber, seconded by Mr. Fenton to approve the minutes. **Vote:** 5-0-0.

2. Correspondence

- a. Notice of Decision from the Town Planner dated August 14, 2024 – Application of Prescott Point, LLC for Final Plan approval of a Major Land Development Project
 - i. **Motion** by Mr. Weber, seconded by Mr. Fenton to receive said correspondence. **Vote:** 5-0-0.

3. Agenda modifications

- a. The remaining agenda items were heard in the following order: 5B, 4A, 4B, 4C, 5A, and 6.

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. Mr. Wolanski shared the applicant’s attorney submitted a revised application with new requested zoning relief which need to be readvertised for next month’s meeting.
 - ii. Mr. Amarant recused.
 - iii. **Motion** by Mr. Fenton, seconded by Mr. Weber to continue this item to the October 9, 2024 meeting. **Vote:** 4-0-0.
 - iv. Mr. Amarant returned.
- b. Request of Gregory Coe of Seascape Holdings LLC for concept review of a potential project to construct a new commercial building on property located at 985 Aquidneck Ave., Tax Assessors Plat 113, Lot 208.
 - i. Attorney Richard D’Addario represented the applicant. Mr. D’Addario shared that the property owner had revised the building design from the previous application and is seeking feedback from the Board. Changes include a slight reduction in building size and reduction in waiver requests. The applicant will no longer have to request waivers for glazing, percentage of landscaping, parking lot trees, and garage doors.
 - ii. Mr. Weber asked about new zoning relief which Mr. D’Addario stated the applicant would need setback relief from the easterly side.
 - iii. Applicant Greg Coe stated the revised building design would reduce the number of waivers from eight to two. Mr. Coe requested feedback from the Board on a waiver for roof pitch. Rather than a 4:12 pitch, the proposed design would have a 3:1 pitch and would keep the building lower.
 - iv. Attorney Matt Leys represented abutters Michael and Karen Miller. Mr. Leys stated the abutters still object the application and stated concerns with cars on Trimble Road, building size, and excessive zoning relief. Mr. Leys requested the Board to not approve the request tonight until a full application has been received.
 - v. Mr. Nash stated the applicant made notable changes. Mr. Nash questioned the classification of the building as a principal building. Mr. Wolanski and Mr. Monti shared a memo from the Zoning Official who indicated that a second principal building on site is allowed. There was discussion about obtaining an opinion from the Zoning Official and Town Solicitor.
 - vi. Mr. Nash clarified that the request is for a concept review and the Board will not be voting today. Mr. Nash invited other members to share feedback.

- vii. Mr. Amarant responded positively to the proposed design and agreed with the reduction in building mass and a 3:1 roof pitch. Mr. Fenton concurred.
 - viii. There was discussion about the parking calculations and waiver requests for landscaping buffers and pedestrian access.
 - ix. Mr. Nash shared that he looks forward to a formal application and encouraged the applicant to work with the abutters to resolve the differences.
 - x. Mr. Pierik responded positively to the reduction in waiver requests and a 3:1 roof pitch design.
- c. Review and recommendation to the Town Council on a petition of Aquidneck Mini Golf, LLC to amend the zoning ordinance use table in Section 602 of Chapter 152 of the Middletown Code of Ordinances to allow the following uses by right in the limited business (LB) zoning district: motion picture theaters; video and amusement arcades; bowling alleys.
- i. Mr. Monti recused and Mr. Skwirz sat as conflict solicitor.
 - ii. Attorney Girard Galvin represented the petitioner who operates a mini golf operation on Valley Road and shared that the petitioner is looking to add an indoor arcade to the business. Mr. Galvin shared the petitioner is asking for the use to be allowed by right in the Limited Business zone, citing the comprehensive plan and improvement to quality of life for all generations.
 - iii. Mr. Amarant asked why the applicant is not asking for a variance which Mr. Galvin stated the use is currently prohibited.
 - iv. Mr. Fenton expressed feeling uncomfortable allowing the use by right but feels comfortable with a special use permit which would allow the Town to have more oversight. Mr. Amarant, Mr. Pierik, and Mr. Weber agreed.
 - v. Mr. Nash spoke about possibly allowing by right in General Business and by special use permit in Limited Business. There was discussion about traffic.
 - vi. **Motion** by Mr. Amarant, seconded by Mr. Pierik to forward a positive recommendation to the Town Council to amend the Zoning Ordinance to allow the following uses by special use permit in the limited business (LB) zoning district: motion picture theaters; video and amusement arcades; bowling alleys; and to make the required findings. **Vote:** 5-0-0.

5. New Business

- a. Application of Mello Realty, Inc. for Preliminary Plan approval of a Major Land Development Project for the construction of four (4), 14,400 sq.ft. commercial buildings, each containing twelve (12) tradesman units, with parking, and 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. Property located at 300 Coddington Hwy, Tax Assessors Plat 103, Lot 103.
- i. Attorney Girard Galvin represented the applicant and shared this project received approval for the master plan application, requested waivers, and zoning relief back in May 2024. This request is for a preliminary plan approval of a major land development project. Minor changes from previous application.
 - ii. Mr. Wolanski shared there were no concerns from the TRC except for two recommended conditions.

- iii. Mr. Galvin provided an affidavit from a real estate appraiser, James Houle who found the plan consistent with the comprehensive plan. Mr. Galvin also shared that the draft landscaping and stormwater easement documents would be filed and recorded following final approval.
- iv. Engineer Lyn Small shared the plans have been submitted to the state for approval. There was discussion about the layout, drainage, and building design. Ms. Small shared the building canopy has been removed to reduce impact on the travel lane.
- v. Mr. Pierik asked about the Tree Commission comments. Mr. Galvin shared the applicant had no issues with the comments and will comply with their recommendations.
- vi. Mr. Weber asked about construction timeline which Mr. Mello shared that a majority of the site would be cleared in three months following final approval for the initial two buildings' construction.
- vii. **Motion** by Mr. Weber, seconded by Mr. Fenton to approve the preliminary plan of a major land development project and make the required findings, subject to the following two conditions:
 - 1. **Conditions:**
 - a. Prior to permitting, the final design of the fire department water supply shall be determined, subject to the approval of the Fire Chief.
 - b. Prior to permitting, the final design of the sewer line placement shall be revised to maintain at least a 5 feet separation from any building, subject to the approval of the DPW Director.
 - 2. **Vote:** 5-0-0.
- b. **Public Hearing** - Application of 72 Johnny Cake Hill, LLC for Development Plan Review for modification to a previously approved plan for construction of a 15,000 sq. ft. wholesale commercial use building, with associated parking, office space, landscaping, stormwater management, utilities, and associated site work, and including requests for waivers from certain design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located on 72 Johnnycake Hill Road, Assessor's Plat 114, Lot 601.
 - i. Mr. Wolanski shared that the applicant agreed to a continuance at the request of an abutter.
 - ii. **Motion** by Mr. Weber, seconded by Mr. Fenton to continue this item to October 9, 2024. **Vote:** 5-0-0.

6. Updates

- a. Status Report on Planning Board Action Items.
 - i. Mr. Nash asked about the use table amendments which Mr. Wolanski stated the amendments are still waiting for to be advertised by the Town Council.
- b. Committee reports
 - i. Comprehensive Plan Update Committee – Mr. Weber shared a 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. October 9, 2024, 6pm – Regular Planning Board meeting.
- ii. October 10, 2024, 6pm – CPUC meeting.

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

Meeting adjourned at approximately 7:20pm.

Respectfully submitted,
Mike Fenton, Secretary

DRAFT