



PLANNING BOARD MINUTES  
Regular Meeting  
October 9, 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  
B.J. Owen  
Leon Amarant  
Charlie Vaillancourt

**Also present:**

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

**Member absent:**

Joe Pierik

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

**1. Approval of minutes**

- a. September 11, 2024 regular Planning Board meeting
  - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 6-0-0.

**2. Correspondence**

- a. Memo of the Town Planner dated September 6, 2024 re: Administrative Subdivision – John Joven, properties located at 109 Tuckerman Ave. & 138 Esplanade, Assessor's Plat 116NE, Lots 119 & 121
  - i. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to receive said correspondence. **Vote:** 6-0-0.

**3. Agenda modifications**

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

#### 4. Old Business

- a. **Public Hearing** – Application of 15 Aquidneck Ave, LLC. for Development Plan Review for a second-floor exterior deck addition. The application includes a request for a special use permit under Middletown Zoning Ordinance Section 602 to allow the expansion of a restaurant with alcohol sales, and a request for variances from Section 603 of the zoning ordinance to allow front yard setbacks of 1’ and 0.8’, where 10’ is required, and variance from Section 1304 to allow provision of no additional parking spaces where 14 additional parking spaces are required. Property located at 15 Aquidneck Ave., Tax Assessors Plat 116NW, Lots 36, 37, 37A, and 38A.
- i. Mr. Amarant recused.
  - ii. Attorney Dave Martland represented the applicant. Mr. Martland shared this application was heard a few months ago and a parking variance was brought up. The applicant amended the application to request a parking variance.
  - iii. Mr. Martland shared that the applicant recently acquired some parking spaces that were previously leased to the applicant. The applicant is proposing to merge the lots together through administrative subdivision. The property currently is nonconforming for parking and is providing 49 spaces where 92 is required. The deck addition requires an additional 14 spaces so the applicant is requesting a parking variance for the additional 14 spaces.
  - iv. Real estate appraiser Nathan Godfrey shared in his professional opinion, the special use permit/use is the same and from a land use perspective, the use is not inappropriate, and the relief sought is minimal.
  - v. Mr. Vaillancourt asked clarification questions on the parking space calculation for the existing outdoor seating which Mr. Martland addressed. There was discussion about the calculation based on fire code occupancy.
  - vi. Mr. Weber asked how many additional tables the deck would provide which the applicant stated around 10 tables for around 40 people.
  - vii. Mr. Fenton shared concerns about the number of cars at full capacity. He said that the parking variance would have to be judged on whether it caused a nuisance to neighboring properties.
  - viii. Engineer Lyn Small shared that RIDOT did not find a physical alternation permit was needed. Mr. Vaillancourt expressed concern with the traffic in the area.
  - ix. Mr. Martland shared the applicant is in negotiations with RIDOT to acquire a portion of the right-of-way in front of the property.
  - x. The floor was opened for public input.
  - xi. William Dore, 76 Purgatory Road, shared he and his sister Barbara Wright own a neighboring property. Mr. Dore shared their concerns with inadequate trash management, damaged fence, and parking. They request installation of steel guard poles, secured parking barriers, and noise control.
  - xii. Mr. Martland shared the applicant’s plans to meet and address issues with the abutter.
  - xiii. Mr. Nash expressed concerns with setback variance and occupancy.
  - xiv. Mr. Martland requested a continuance to the November Planning Board meeting.
  - xv. **Motion** by Ms. Owen, seconded by Mr. Weber to continue this item to the November 13, 2024 Planning Board meeting. **Vote:** 5-0-0.
  - xvi. Mr. Amarant returned.
- 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. Attorney Dave Martland represented the applicant and shared the applicant will be meeting with an abutter over concerns with the landscape features and requested a continuance to the November regular Planning Board meeting.
- ii. **Motion** by Mr. Weber, seconded by Ms. Owen to continue this item to the November 16, 2024 regular Planning Board meeting. **Vote:** 6-0-0.

## 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 an 8-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.
  - i. **Motion** by Ms. Owen, seconded by Mr. Weber to open the public hearing. **Vote:** 6-0-0.
  - ii. Applicant Jeff Lipshires shared he is requesting adaptive reuse approval of the accessory structure for an 8-unit dwelling structure. He shared he received adaptive reuse approval for the principal structure for 14 units and the property has sufficient parking spaces for both buildings.
  - iii. Mr. Vaillancourt asked about vehicle clearance space, staircase additions, and expressed concerns with traffic and safety. Mr. Lipshires addressed that vehicles have the clearance, and the additions solely related to egress purposes are allowed for adaptive reuse.
  - iv. Mr. Wolanski shared there is no proposed site work, no requested zoning relief or waivers, and the use is allowed by right.
  - v. Mr. Nash expressed concerns about traffic and safety impacts with 8 additional units. Mr. Nash inquired about the second egress and expressed concerns with traffic cutting through.
  - vi. The floor was open to the public for input.
  - vii. Edward McPherson, 120 Oliphant Lane, expressed his strong support of the application and noted there is need for more housing in Middletown.
  - viii. There was discussion about the Board's concerns with making the finding for public safety.
  - ix. Mr. Amarant spoke about the concerns with resident safety and expressed support for additional housing.
  - x. Mr. Vaillancourt expressed desire for additional expert testimony.
  - xi. **Motion** by Ms. Owen, seconded by Mr. Weber to continue this item to the November 13, 2024 Planning Board meeting. **Vote:** 6-0-0.
- b. Request of the Zoning Board of Review for recommendation on an application of Colleen Burns for special use permit to allow construction of a dwelling within Zone 1 of the Watershed Protection District. Property located at 148 Trout Dr., assessor's plat 120, lot 903.
  - i. Attorney Dave Martland represented the applicant and shared the applicant is requesting a recommendation from the Planning Board to the Zoning Board of

review for a special use permit to allow construction of a dwelling in Zone 1 of the Watershed Protection District.

- ii. Engineer Mike Russell shared the existing lot is vacant with 60% made of wetlands. The dwelling will be constructed south of the property. The application will go to RIDEM for a wetlands permit. Mr. Russell shared stormwater management system includes subsurface stormceptors, permeable pavers, and vegetated swale. The property has access to town sewer and water and there is limited pollutant load.
- iii. Mr. Weber asked whether the plan has been reviewed by the Town Engineer which Mr. Russell shared he has consulted with the Town Engineer.
- iv. Mr. Vaillancourt and Ms. Owen expressed no concerns.
- v. There was discussion about building grade and fence. The applicant expressed they will oblige with the Town's fertilizer and pesticide policy and stormwater management regulations.
- vi. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to forward a postitive recommendation to the Zoning Board of Review, subject to the following conditions:

1. **Conditions:**

- a. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).
- b. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be in accordance with the Town's Fertilizer and Pesticide Use Policy, adopted May 20, 2024.

2. **Vote:** 6-0-0.

- c. **Public Hearing** – Request of the Town of Middletown for Master Plan approval of a Major Land Development Project to construct a building to serve as a combined middle/high school, including associated parking, landscaping, and other site work, and including requests for variances from the follow sections of the Middletown zoning ordinance: Section 605 to allow a building with a footprint of 91,750 sq.ft. where 35,000 sq.ft. is permitted, resulting in relief of 56,740 sq.ft.; Sections 27B02(D)(6)(a) & 27B02(D)(6)(b) to allow exterior lighting that does not comply with design requirements to limit projection of light on to neighboring properties and night sky light pollution, and to allow after-hours use of exterior lighting; and Section 1304 to allow provision 348 parking spaces where 995 spaces are required, resulting in relief of 647 spaces. And request for waivers from the following design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land: Section 521.1.B.2 regarding parking lot design; 521.1.D.1 & 2 regarding exterior lighting; 521.1.E.2 regarding screening of rooftop mechanical equipment; 521.2.C regarding exterior building materials; 521.2.D.1 & 3 regarding roof design; 521.3.C regarding screening along property lines; 521.3.D.1 & 2 regarding landscaped buffers along property lines; 521.3.D.3 regarding landscaping between building and parking lots; 521.3.F.1 & 2 regarding deciduous tree requirements. Properties located in the public, traffic sensitive (PA) zoning district at 1113 & 1199 Aquidneck Ave., Tax Assessor's Plat 113, Lots 199 & 198A.

- i. Mr. Wolanski shared the applicant, the Town of Middletown, requested a special meeting for November 6, 2024.
- ii. Mr. Monti shared his office is recused from this application.

- iii. **Motion** by Mr. Fenton, seconded by Ms. Owen to continue this item to the November 6, 2024 special Planning Board meeting. **Vote:** 6-0-0.

6. Updates

a. Status Report on Planning Board action items.

- i. Mr. Fenton spoke about the Citizens Advisory Committee's continued work on the Middletown Center project.

b. Committee reports

- i. Comprehensive Plan Update Committee – Mr. Wolanski shared a meeting is scheduled for tomorrow.
- ii. Tree Commission – Ms. Owen shared the Tree Commissions is investigating approved landscape plans that were not abided by.
- iii. Open Space and Fields Committee – No updates.
- iv. Conservation Commission – No updates.

c. Upcoming meetings:

- i. October 10, 2024, 6pm – CPUC meeting.
- ii. November 6, 2024, 6pm – Special Planning Board meeting
- iii. November 13, 2024, 6pm – Regular Planning Board meeting.
- iv. November 14, 2024, 6pm – CPUC meeting.

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

Meeting adjourned at approximately 8:00pm.

Respectfully submitted,  
Mike Fenton, Secretary