



PLANNING BOARD MINUTES  
Regular Meeting  
November 13, 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  
Charlie Vaillancourt

**Also present:**

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

**Member absent:**

B.J. Owen

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

**1. Approval of minutes**

- a. October 9, 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. Memo of the Town Planner dated October 16, 2024 re: Application of ALF Properties, LLC for Development Plan Review for exterior renovation of an existing commercial building. Property located at 1149 Aquidneck Ave., Tax Assessors Plat 113, Lot 314
  - i. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to receive said correspondence. **Vote:** 5-0-0.
- b. Memo of the Town Planner dated October 17, 2024 re: Administrative Subdivision – Michael J. & Mary P. Behan, properties located at 1350 Green End Ave. and Riverview Ave., Plat 125, Lots 112 & 113

- i. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to receive said correspondence.
  - I. Mr. Fenton asked why there are two memos for the same subdivision. Mr. Wolanski shared the applicant revised the subdivision plan after recording the first subdivision; therefore, the applicant submitted a second application.
  - II. **Vote:** 5-0-0.
- c. Memo of the Town Planner dated October 28, 2024 re: Administrative Subdivision – Michael J. & Mary P. Behan, properties located at 1350 Green End Ave. and Riverview Ave., Plat 125, Lots 112 & 113
  - i. **Motion** by Mr. Weber, seconded by Mr. Fenton to receive said correspondence. **Vote:** 5-0-0.

Mr. Amarant arrived at 6:05pm.

### 3. **Agenda modifications**

- a. The remaining items were heard in the following order: 4C, 5B, 4A, 4B, 6A, 6B, 5A, 5C, 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. The public hearing remained open from the last meeting.
  - iii. Attorney Dave Martland represented the applicant and shared that they have met with the abutter and have come to a resolution to address their concerns. Mr. Martland noted the applicant proposes to install parking bollards along the fence line and obtain a larger dumpster with a lock to eliminate pests. Mr. Martland noted that the restaurant currently closes early and there are no late night activity and will continue monitoring any trash being thrown in the wrong areas.
  - iv. Mr. Martland shared that the applicant is in discussion to acquire a piece of land from RIDOT and will merge it into the property. Mr. Nash asked for the timeline on the property acquisition which Mr. Martland shared about a 3-4 month period. Mr. Weber expressed his opinion that the applicant shall wait until the property acquisition before proceeding with this application. Mr. Vaillancourt shared this is not a condition of approval and won't change his opinion on the application. There was discussion about the negotiations process and the property acquisition being a condition of approval.
  - v. The applicant requested a recess for 5 minutes.
  - vi. Mr. Martland shared the applicant is comfortable with the suggested condition.
  - vii. There was discussion about the deck capacity, seasonal operations, and parking.
  - viii. The floor was open for public input.

- ix. Barbara Wright, 76 Purgatory Rd, shared the applicant has been responsive to addressing their concerns but noted that the proposed parking is the same amount of spaces the restaurant has been using.
- x. No other members of the public wished to speak.
- xi. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to close the public hearing.  
**Vote:** 5-0-0.
- xii. **Motion** by Mr. Vaillancourt, seconded by Mr. Pierik to approve the variance requests from Zoning Ordinance §603 to allow front yard setbacks of 1' and 0.8', where 10' is required, and from Zoning Ordinance §1304 to allow provision of no additional parking spaces where 14 additional parking spaces are required as a result of the proposed deck addition. (Note that the property is currently nonconforming for parking, where 92 parking spaces are currently required and 49 spaces are provided.), subject to the following conditions of approval:
  - I. **Conditions:**
    1. The construction of the second-floor exterior deck addition shall not be commenced unless the abutting RIDOT property has been acquired by the property owner as discussed.
    2. The applicant shall submit and record an administrative subdivision plan to merge the four subject lots together: Plat 116NW, Lots 36, 37, 37A, and 38A.
    3. The applicant shall install parking bollards along the abutting property's fence line.
    4. The applicant shall secure the dumpster and relocate the grease storage.
    5. The applicant shall limit the deck addition to only ten tables and forty seats.
  - II. Mr. Weber expressed wanting to wait to approve application until the property owner has acquired the property from the State. Mr. Fenton said he cannot support the parking variance as there is increased capacity and thus inadequate parking. There was discussion about expert testimony supporting the variance request and walkability. Mr. Nash expressed support. Mr. Pierik inquired about the bike racks which the applicant is providing.
  - III. **Vote:** 3-2-0, with Mr. Weber and Mr. Fenton in opposition.
- xiii. **Motion** by Mr. Vaillancourt, seconded by Mr. Pierik to approve the special use permit from Zoning Ordinance §602 to allow to allow the expansion of a restaurant with alcohol sales in the limited business traffic sensitive (LBA) and Atlantic Beach Overlay District (ABD) zoning district, subject to the following conditions of approval:
  - I. **Conditions:**
    1. The construction of the second-floor exterior deck addition shall not be commenced unless the abutting RIDOT property has been acquired by the property owner as discussed.
    2. The applicant shall submit an administrative subdivision plan to merge the four subject lots together: Plat 116NW, Lots 36, 37, 37A, and 38A.
    3. The applicant shall install parking bollards along the abutting property's fence line.
    4. The applicant shall secure the dumpster and relocate the grease storage.

5. The applicant shall limit the deck addition to only ten tables and forty seats.
- II. **Vote:** 5-0-0.
- xiv. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve the development plan review application and make the required findings, subject to the following conditions of approval:
    - I. **Conditions:**
      1. The construction of the second-floor exterior deck addition shall not be commenced unless the abutting RIDOT property has been acquired by the property owner as discussed.
      2. The applicant shall submit an administrative subdivision plan to merge the four subject lots together: Plat 116NW, Lots 36, 37, 37A, and 38A.
      3. The applicant shall install parking bollards along the abutting property's fence line.
      4. The applicant shall secure the dumpster and relocate the grease storage.
      5. The applicant shall limit the deck addition to only ten tables and forty seats.
    - II. Mr. Fenton stated he does not find that the application met the second finding regarding that the approval will not substantially injure the appropriate use of the property in the surrounding area.
    - III. **Vote:** 4-1-0, with Mr. Fenton in opposition.
  - xv. 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.
    - ii. The public hearing remained open from the previous meeting.
    - iii. Mr. Martland provided revised elevations dated October 28, 2024 and examples of the proposed standing seam metal roof and siding materials. The siding materials would be board and batten along the northerly and easterly elevations and metal siding on the westerly and southerly elevations. Faux windows will be installed facing the residential neighborhood.
    - iv. Mr. Martland provided a revised landscape plan dated October 13, 2024 showing the addition of trees to the rear of site. There was discussion about adding conditions to allow Tree Commission input, to cap the height of the trees to 35 feet, and to install rooftop equipment to the southwestern portion of the roof. Mr. Weber expressed satisfaction of the applicant's effort with the abutter.
    - v. Mr. Amarant asked about the rooftop equipment. Garrett Bian, 12 Harrison Ave, stated that there are proposed rooftop equipment and there are mechanical units currently on the ground.

- vi. Attorney Jay Lynch represented the abutter at 12 Julia Court shared that the abutter is satisfied with the proposed pad-mounted equipment on the southwestern portion of the roof. Mr. Lynch requested spreading out the location of the windows on the easterly elevation and for the applicant to adhere to the proposed board and batten siding designs.
- vii. Mr. Nash and Mr. Pierik expressed their support of the application. There was discussion about the Tree Commission's role and the landscape plans.
- viii. No members of the public wished to speak.
- ix. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to close the public hearing. Vote: 6-0-0.
- x. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve the development plan review application, the three requested waivers, and make the required findings, subject to the following conditions:
- xi. **Requested waivers:**
  - I. **Section 521.2.A.2** – Street side façade does not consist of an unarticulated blank wall, does not consist of an unbroken series of garage doors, and no unbroken plane of a wall exceeds forty feet without a minimum 4 feet wide architectural design feature. Proposed street side façade consists of an unarticulated blank wall and walls exceed forty feet without a 4 feet wide design feature.
  - II. **Section 521.2.B.1** – Windows and glass doors occupy between 20% and 60% of façade visible from the public way. No windows are proposed on the street-facing façade.
  - III. **Section 521.2.C** – Building sidings, roofs, and trim shall be constructed of traditional materials. Substitute materials may include fiber cement board, composite that resemble traditional materials, standing seam metal roofs, and non-flammable siding (Use of non-traditional or substitute materials require Planning Board or Administrative Officer approval). Building exteriors include a metal roof, metal siding, and PVC trim.
- xii. **Conditions:**
  - I. The applicant shall revise the landscape plan dated October 13, 2024 to a substantially similar plan to address the Tree Commission's comments.
  - II. Any HVAC and rooftop equipment shall be installed and shielded on the southwestern portion of the roof.
  - III. The window placement on the easterly building elevation shall be revised to a more uniform distribution.
  - IV. The design of the sidings shall be revised to be similar to the designs submitted on November 13, 2024.
  - V. The height of the proposed arborvitae trees shall be capped to a maximum height of 35 feet.
- xiii. Mr. Fenton and Mr. Nash expressed their support for the applicant working with the abutter to address concerns.
- xiv. **Vote:** 6-0-0.

- c. **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. Attorney Jay Lynch represented the applicant and shared the applicant is requesting a continuance to conduct a traffic study.
  - ii. Mr. Vaillancourt noted traffic as a major concern.
  - iii. **Motion** by Mr. Weber, seconded by Mr. Vaillancourt to continue this item to the December 11, 2024 regular meeting. **Vote:** 6-0-0.

## 5. New Business

- a. **Public Hearing** - Application of Centreville Bank on behalf of 160 East Main Road, LLC for combined Preliminary and Final Plan approval of a Minor Land Development Project for the construction of a 1,734 +/- sq. ft. bank with two drive-thru PTM lanes, 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, including sections 521.1.B.1, 521.2.C, 521.3.D.1, 521.3.D.3, and 521.5. The application includes requests for special use permits per Middletown Zoning Ordinance Section 717 to allow drive-up windows, Section 1106 to allow development in Zone 1 of the Watershed Protection District, and Section 1212(A) to allow three wall signs where one is permitted, with a total area of 65 sq.ft. where 60 sq.ft. is permitted. Property located at 160 East Main Road, Tax Assessors Plat 107SE, Lot 72.
  - i. Mr. Monti recused.
  - ii. Attorney Dave Martland represented the applicant and provided an overview of the proposed project including the emergency access easement, location within the Watershed Protection District, RIDEM approval, positive recommendation from TRC, and comments from the Tree Commission.
  - iii. Engineer Mike Russell went over the existing and proposed conditions, stormwater management system, parking, and layout. Mr. Fenton asked about impacts on Bailey Brook which Mr. Russell shared the water would be directed to the rear and front of the site. Mr. Russell addressed an abutter's concerns with ponding on their property.
  - iv. There was a discussion about the relocating the ATM by pulling it back 9 feet and would satisfy the Town Engineer's concern.
  - v. Geologist Dave Hazebrouck shared his report on property and stated that the contaminants are limited to RIDOT property. Contaminants do not impact ground water and are not on applicant's property. Mr. Wolanski shared there were no concerns during TRC.
  - vi. Architect Spencer McCombe addressed the building design, building materials, and signage. Mr. McCombe described the unique shape of the parcel which additional signage would help in improving visibility. Mr. Amarant asked about lighting on signs will be dark-sky compliance which Mr. McCombe confirmed.

- vii. Mr. Weber cited increase in banks in Town. The applicant Harold Horvat shared Centreville is a community bank and saw an opportunity to increase its presence on Aquidneck Island.
- viii. No members of the public wished to speak.
- ix. There was discussion about visibility of signage and necessity of three signs. Mr. Amarant and Mr. Vaillancourt expressed support. Mr. Pierik said signage is critically important due to proposed layout.
- x. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to close the public hearing. **Vote:** 6-0-0.
- xi. **Motion** by Mr. Vaillancourt seconded by Mr. Weber to approve the special use permit requests from Zoning Ordinance §717 to allow two drive-up windows, from §1106 to allow development in Zone 1 of the Watershed Protection District, and §1212(A) to allow for three wall signs where one is permitted, with a total area of 65 square feet where 60 square feet is permitted, subject to the following three conditions of approval:
  - I. **Conditions:**
    - 1. Prior to permitting, the applicant shall address the comments from the Roads and Utilities Advisory Committee dated November 8, 2024.
    - 2. The applicant shall comply with the Town's Fertilizer and Pesticide Use Policy, adopted May 20, 2024.
    - 3. The applicant shall comply with the provisions of the Town's Stormwater Management Ordinance (Chapter 153).
  - II. **Vote:** 6-0-0.
- xii. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve the five requested waivers, subject to the following three conditions of approval.
  - I. **Requested waivers:**
    - 1. Section 521.1.B.1 – Parking lots located to the rear or side of building or where site configuration does not allow, no more than one row of parking is located at the front. Proposed layout has parking at the front.
    - 2. Section 521.2.C – Building exteriors constructed of traditional materials such as wood, stone or brick. Substitute materials may include composite materials that resemble traditional materials with Planning Board or Administrative Officer approval. The applicant proposes the use of substitute materials including hardie cement fiber clapboard, PVC trim, and stone veneer.
    - 3. Section 521.3.D.1 – A landscaped buffer at least 10' is provided along all property lines. Proposed landscaped buffer does not meet the full 10' wide requirement along the east and west property lines.

4. Section 521.3.D.3 – A landscaped buffer at least 5' wide, that is defined by curbing, shall be provided between buildings and parking lots/driveways. The proposed buffer does not comply.
5. Section 521.5 – Signage shall meet requirements of Article 12 of the Zoning Ordinance. The applicant is seeking a waiver from this section and a special use permit to allow for three wall signs where one is permitted, with a total area of 65 square feet where 60 square feet is permitted.

II. **Conditions:**

1. Prior to permitting, the applicant shall address the comments from the Roads and Utilities Advisory Committee dated November 8, 2024.
2. The applicant shall comply with the Town's Fertilizer and Pesticide Use Policy, adopted May 20, 2024.
3. The applicant shall comply with the provisions of the Town's Stormwater Management Ordinance (Chapter 153).

III. **Vote:** 6-0-0.

- xiii. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to approve the preliminary and final plan of a minor land development project, make the required findings, subject to the following conditions of approval:

I. **Conditions:**

1. Prior to permitting, the applicant shall address the comments from the Roads and Utilities Advisory Committee dated November 8, 2024.
2. The applicant shall comply with the Town's Fertilizer and Pesticide Use Policy, adopted May 20, 2024.
3. The applicant shall comply with the provisions of the Town's Stormwater Management Ordinance (Chapter 153).

II. **Vote:** 6-0-0.

- xiv. Mr. Monti returned.

- b. **Public Hearing** – Application of Seaview Inn LLC for Master and Preliminary Plan approval of a Major Land Development Project for the construction of a 12,000 sq. ft. hotel consisting of 72 units, with parking, utility, stormwater, and other site improvements. The application includes request for a special use permit per Sections 602 and 1401 of the Middletown Zoning Code to allow a hotel building in the office park (OP) zoning district. 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 as follows: Sections 521.1.B.2; 521.1.B.3; and 521.3.C.1. Property located at 240 Aquidneck Ave., Tax Assessor's Plat 115, Lot 54. **(This item is expected to be continued to the December 11, 2024 Planning Board meeting.)**

- i. Mr. Amarant recused.
  - ii. Attorney Dave Martland represented the applicant and shared the application is pending TRC review and need to be readvertise for the requested zoning relief. The applicant requested a continuance.
  - iii. Mr. Weber asked for a site visit.
  - iv. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to continue to the December 11, 2024 regular Planning Board meeting. **Vote:** 5-0-0.
  - v. Mr. Amarant returned.
- c. Consideration of, and recommendation to the Town Council on a proposed amendments to the Middletown zoning ordinance and the Middletown Rules & Regulations Regarding the Subdivision & Development of Land per 2024 state legislation, including amendments to sections 320, 400, 707 and 805 of the zoning ordinance, Town Code Chapter 152; and Article 2 and sections 406, 407, 701, 702, 703, 904, 906, 909, 1003, 1005, and 1006 of the subdivision and development regulations.
- i. Mr. Wolanski shared three staff memos that were presented to Board. The proposed amendments are all housekeeping items to comply with 2024 state legislation and there is little discretion on Town's side. The Planning Board is required to hold public hearing to adopt amendments and recommendation to Town Council on zoning amendments. Mr. Wolanski suggested scheduling a public hearing during the next available regular meeting.
  - ii. **Motion** by Mr. Amarant, seconded by Mr. Pierik to have Planner schedule public meeting. **Vote:** 6-0-0.
6. Updates
- a. Status Report on Planning Board Action Items.
    - i. No comments.
    - ii. **Motion** by Mr. Vaillancourt, seconded by Mr. Weber to receive said correspondence. **Vote:** 6-0-0.
  - b. Committee reports
    - i. Comprehensive Plan Update Committee – A meeting is scheduled for tomorrow.
    - ii. Tree Commission – No updates.
    - iii. Open Space and Fields Committee – No updates.
    - iv. Conservation Commission – Mr. Amarant shared a meeting happened last evening and the Commission provided comments on applications.
  - c. Upcoming meetings:
    - i. November 14, 2024, 6pm – CPUC meeting.
    - ii. December 11, 2024, 6pm – Regular Planning Board meeting.
    - iii. December 12, 2024, 6pm – CPUC meeting.

Mr. Nash shared tonight is his last's Planning Board meeting as he has been elected to School Committee. Mr. Nash shared he served 9 years on Board and expressed gratitude to the other members and the Town Planner.

**Motion** by Mr. Nash, seconded by Mr. Vaillancourt to adjourn. **Vote:** 6-0-0  
Meeting adjourned at approximately 8:45pm.

Respectfully submitted,  
Mike Fenton, Secretary

DRAFT