



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

August 17, 2021 6pm

Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

Paul Croce, Chair
Bill Nash, Vice Chair
Michael Fenton, Secretary
Art Weber
John Ciummo
Joe Pierik

Ron Wolanski, Town Planner
Marissa Desautel, Conflict Solicitor

Member absent:

B.J. Owen

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

1. Correspondence

- A. Letter to the Planning Board from Marisa Desautel, Esq. dated August 5, 2021, re: Application of Horan Building Company; 208 Howland Ave., TAP 129, Lot 53
- B. Letter to the Planning Board from Marisa Desautel, Esq. dated July 23, 2021, re: Application of Horan Building Company; 208 Howland Ave., TAP 129, Lot 53
- C. Letter to the Planning Board from Stephen MacGillivray, Esq. dated August 13, 2021 re: Application of Horan Building Company; 208 Howland Ave., TAP 129, Lot 53
- D. Email communication from Melissa Welch received August 17, 2021 re: Howland subdivision, stormwater runoff, and impact on St. Columba's chapel and Vaucluse Ave.

Motion to receive all correspondence by Mr. Weber, seconded by Mr. Nash

Vote: 6-0-0

2. **Public Informational Meeting** - Application of Horan Building Company for Master Plan approval of a 7-lot subdivision including a proposed new road and request for waivers from certain provisions of Article 5 and Article 6 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The property is located on the

southwest corner of the intersection of Green End Ave. and Vacluse Ave. and is identified as 208 Howland Avenue, Tax Assessor's Plat 129, Lot 53

Mr. Croce opened the meeting by providing background on the reason for the meeting, including to address the Zoning Board of Review's decision to reverse the Master Plan approval and remand to the Planning Board for additional review.

Ms. Desautel reviewed the travel of the case and ZBR decision. She noted that the Planning Board must decide if additional information is needed in order to proceed with the review. If additional information is requested, the applicant must decide on whether to provide the information or not. The Board can't force the applicant to provide information but would proceed to consider the application based on the information provided.

Mr. Croce requested clarification on process, which Ms. Desautel addressed. Some board members indicated an interest in requesting the applicant provide additional information.

Mr. Weber stated that the Master Plan stage is for review of a conceptual plan, without the engineering detail required at preliminary plan stage.

Mr. Fenton noted that the location of proposed homes and OWTS and rain gardens was not provided on the conventional design plan, unlike the conservation plan. He asked about the determination of the number of lots.

Mr. Wolanski cited the formulae in the subdivision regulations used for determining the basic maximum number of lots. In this case the calculation results in seven lots.

Mr. Fenton asked if the Planning Board may reduce the number of lots based on engineering or other information at a later stage. It was confirmed that the Board could.

Mr. Nash asked if, based in the language of the remand, the Planning Board must conduct a new hearing for the application. Ms. Desautel responded that the Board need not hold a full new hearing on the application but must hold a hearing to address the issues identified in the ZBR remand.

Mr. Jay Lynch, attorney for the applicant, stated that his client would provide the additional information the board needs and suggested that the matter be continued.

Mr. Mark Horan, the applicant, requested clarification on the additional information the Board is requesting. There was discussion that not all information provided on the conservation design plan was provided on the conventional plan. Page 6 of the ZBR decision was also referenced which lists information the ZBR found to be deficient.

Mr. Stephen MacGillivray, attorney for opponents to the application, stated that the applicant should be required to resubmit the full application, including the information required by the ZBR decision, and a new hearing should be held. He noted that the applicant has had the ZBR decision since it was issued on June 9th, but has yet to provide the required information.

When questioned by Mr. Croce, Ms. Desautels stated again that the board must only address the ZBR remand, rather than hold a new hearing.

Mr. Croce invited public comment.

Melissa Welch, a resident of 535 Wolcott Ave., stated that she serves on the historic preservation trust of St. Columba's Chapel. She reviewed the issue of stormwater runoff and potential impacts on the abutting St. Columba's property. She also requested that existing street flooding issues in the area be address. Mr. Croce stated that stormwater management will be addressed at the preliminary plan stage of review.

There were no additional members of the public wishing to speak.

Mr. Weber stated that the number of lots proposed by the subdivision plan should be reduced based on language in the Middletown Comprehensive Community Plan.

Motion by Mr. Nash, seconded by Mr. Fenton, to request that the applicant provide a revised conventional design plan to include all information provided on the previously submitted conservation design plan.

Other board members agreed that additional information is needed to make a good decision.

There was discussion of the applicant also providing the information noted as deficient in the ZBR decision regarding “how dramatic changes in grade will be handled”. This was determined not to be necessary for Master Plan Review.

Vote on the motion as initially stated: 5-1-0, with Mr. Weber voting in opposition.

There was discussion of options for continuing the matter to a future meeting.

Motion by Mr. Nash, seconded by Mr. Weber to continue the matter to the September 8, 2021 regular planning board meeting, 6pm. **Vote: 6-0-0.**

Following the vote, Mr. Croce clarified that the matter would be heard during the September 8th meeting only if time permits. Otherwise, a special meeting will be scheduled.

Mr. MacGillivray requested that cross-examination of witnesses be allowed during the next meeting and that the applicant be required to submit the information requested by the Board at least a week in advance of the meeting. Mr. Croce confirmed that cross-examination will be permitted, and that the Board’s policy is that new materials be provided at least a week in advance of the meeting.

Motion to adjourn by Mr. Weber, seconded by Mr. Nash

Vote: 6-0-0

Meeting adjourned at approximately 6:55pm

Respectfully submitted:

Mike Fenton, Secretary