



## Town of Middletown Planning Department

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To: Planning Board  
From: Ron Wolanski, Town Planner  
Date: August 31, 2021  
Re: Project updates

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Following is an update on the status of projects that the Planning Board is involved with, either as part of Comprehensive Plan implementation, or items otherwise initiated by or referred to the board for consideration:

### **Planning Board work complete**

- 1. Atlantic Beach District Zoning Overlay** – Final draft of the proposed zoning amendments were forwarded to the Town Solicitor for review on March 27, 2020. Planning Board recommendation and draft sent to the Town Council for consideration on June 15, 2020, received by the Town Council July 6<sup>th</sup>. **Status: During it's meeting on July 6, 2021, during its consideration of the amendments on second reading, the Town Council referred the matter back to the Planning Board in order to solicit additional public input. The TC public hearing remains open and was continued to September 20, 2021. A Planning Board public workshop meeting was held on August 23<sup>rd</sup>. During the meeting, based on public input and discussion, the Board voted to remove the 5-year sunset provision for signs, provided that signs must be brought into conformance when there is a change of use, and consistent with section 1207 of the zoning ordinance. The Board also voted to exclude the number short-term rental rooms from the total lodging rooms cap for the district, resulting in a cap of 260 rooms.**
- 2. Development impact studies** – Crossman Engineering completed analyses of impacts on water resources and traffic resulting from full buildout town-wide. Following Planning Board review Crossman provided the final revised draft, and during its March 11, 2020 meeting the Board forwarded the report to the Town Council with a memo with recommendations. A presentation of the findings of the report was provided to the Town Council during its December 14<sup>th</sup> meeting, at which time the Town Council authorized the Board to proceed with evaluating and prioritizing recommendations for further action, with Crossman's assistance. The Planning Board subcommittee last met on February 3<sup>rd</sup> to finalize the prioritized list of action items. This list, including proposed timeframes for completion was forward to the Town Engineer and DPW director for comment. During the March 10<sup>th</sup> Planning Board meeting prioritized recommendations. **Status: In response to Town Council request for more information on certain action items, the administration engaged Crossman Engineering to provide estimated costs to complete several priority items identified by the Town Council. A report was provided to the Town**

**Council during its August 2nd meeting. The Town Council authorized to the administration to proceed with work to implement the high-priority items.**

3. **Future Land Use Plan/Zoning Map Consistency Project (Comp Plan)**– All proposed FLUP amendments have been received by the Town Council and will be scheduled for public hearing. The first set of amendments was approved by the Town Council on June 17, 2019. The second set of amendments was approved by the Town Council on June 15, 2020. **Status: The final set of amendments were scheduled for Town Council public hearing on April 5, 2021. The Town Council referred the proposed amendments back to the Planning Board for additional consideration after concerns raised by residents of Toni-Lynn Terrace. Planning Board public hearing was held during the June 9<sup>th</sup> regular meeting. Revised FLUP map and proposed zoning amendment approved and forwarded to the Town Council for consideration. A TC public hearing will be held this Fall.**
4. **Marijuana Zoning** - Draft an ordinance on marijuana production, distribution & sales (Town Council) – The Town Solicitor has secured outside consultant assistance, Dwight Merriam, Esq., and a Planning Board subcommittee was established. The latest revised draft of the proposed ordinance was reviewed during a subcommittee held on January 11<sup>th</sup>, and was finalized by the Town Solicitor. A public workshop meeting to present and accept comment on the draft ordinance was held on February 24, 2021, at which point the Board voted to forward the proposed amendment to the Town Council. **Status: Town Council public hearing and first reading held August 16, 2021. Second reading and adoption scheduled for September 7<sup>th</sup>.**
5. **Light Pollution** - Consideration of amendments to the Zoning Ordinance to limit light pollution (Comp Plan) – A draft Zoning Ordinance amendment was provided to the Planning Board for the May 13, 2020 meeting. The draft was discussed, and at the Board's October 14<sup>th</sup> meeting, it was decided to schedule a public workshop. The workshop was held on January 7<sup>th</sup>, after which the Planning Board voted to forward the amendment to the Town Council for consideration. **Status: Town Council public hearing held on May 3rd. Referred back to the Planning Board to address concerns raised during the hearing. Based on research of other communities and recommendations of the International Dark Sky Association, during the June 9<sup>th</sup> meeting the Planning Board voted to recommend that the ordinance be adopted as previously drafted. With recommendation from planning staff to exempt single-family and two-family dwellings, on July 19<sup>th</sup> the Town Council voted to advertise the revised amendments for public hearing. Hearing to be advertised for this Fall.**
6. **Historic Resource Preservation** - Consideration of potential Regulations and/or Zoning Ordinance amendments to promote preservation of historic buildings (Comp Plan) – Draft documents were revised based on input received during public workshop meetings and Board discussion. During its February 5, 2020 regular meeting the board voted to forward the proposal to the Town Council for consideration. Presentation to the Town Council was delayed due to potential budgetary impacts of the proposed program and uncertainty of COVID-19 impacts on Town finances. **Status: To be presented to the Town Council in coming months.**
7. **Ground-mounted Solar Arrays** - Consideration of amendments to the Zoning Ordinance to allow solar carports and to clarify limitations on ground-mounted solar arrays in residential districts – A draft Zoning Ordinance amendment was provided to the Planning Board for the May 13, 2020 meeting. Discussion was included on the Board's October 14<sup>th</sup> and November 18<sup>th</sup> meeting agendas. A revised draft was provided for discussion during the December 9<sup>th</sup>

Planning Board meeting, at which point review by the Town Solicitor was requested. A public workshop meeting was held on February 9<sup>th</sup> to present the draft and accept public comment. During the March 10<sup>th</sup> meeting the Planning Board requested revisions to the draft. **Status: Proposed ordinance amendments forwarded to the Town Council during the April 14<sup>th</sup> PB meeting. Town Council public hearing to be scheduled for October 4, 2021**

### **Prioritized ongoing Planning Board work items**

1. **Affordable Housing** – Consideration of Comprehensive Plan action items on affordable housing. Listing of action items and preliminary proposed work plan for high priority items provided to the Planning Board during the April 14, 2021 meeting. **Status: Planning Board to begin implementation work in coordination with the town’s affordable housing committee. The Planning Board has requested that one of its members be appointed to the committee by the Town Council.**
2. **Airport Zoning** - Draft overlay for airport zoning (Comp Plan) – A Planning Board Subcommittee asked staff to create a draft ordinance based on the Westerly ordinance, which was approved by the subcommittee and forwarded to the full Planning Board. During its March 11, 2020 meeting the Board requested that a public workshop meeting be scheduled. **Status: Subcommittee meeting held on July 26<sup>th</sup>. RIAC has not agreed to participate in subcommittee discussions. Legislation granting RIAC, through RIDOT eminent domain authority has been enacted, allowing RIAC to secure easements and remove obstructions over the objection of property owners, subject to paying fair market value. During its meeting on July 26<sup>th</sup> the subcommittee decided to recommend to the full board that the proposed overlay map be revised to exclude certain properties from the RPZ and that the ordinance language be approved as previously drafted. Revisions will be presented during the Sept. 8<sup>th</sup> Planning Board meeting.**
3. **Use Table/parking zoning Review** - The Board’s use table subcommittee has been tasked with also reviewing zoning ordinance parking requirements as requested by the Town Council. **Status: Subcommittee meeting held August 16<sup>th</sup>. Next meeting scheduled for 4:45pm on September 8<sup>th</sup>.**
4. **Application Fees** - Draft Regulations amendments to implement new application fees and revise application checklists (Planning Dept.) – Amendments approved and forwarded to the Town Council in February 2019. At the request of the Town Administrator, the Town Council referred the proposed fees back to the Planning Board for additional study, including review by the Finance Dept. to ensure that all overhead costs are included in the fees. Proposed revised fees to be recalculated based on current town personnel and other costs. **Status: Staff met with the Finance Director to discuss overhead costs to be incorporated in the new fee schedule. Awaiting additional information from Finance office to complete proposed fee schedule.**
5. **Rural Village District zoning amendments** (Comp Plan) – The Planning Board subcommittee met with subject property owners to seek input and buy-in for creation of the new district. Given the lack of urgency on the part of the impacted property owners, the subcommittee advised the board that action on this item be delayed. The Planning Board agreed to table the matter. **Status: Tabled by the Planning Board for further discussion at a future date.**
6. **Transportation Options** - Consideration of amendments to the Regulations and/or Zoning Ordinance to promote transportation options (Comp Plan) - Following a public

hearing in January 2020 the Planning Board adopted the requirement to provided bike racks (and other items) on site plans and forwarded those amendments to the Town Council for approval. **Status: The Town Council approved the bicycle rack requirement. Planning Department staff are researching other options for promoting transportation alternatives.**

7. **Mixed-use development ordinance amendments** – In September 2019 the Planning Board forwarded proposed amendments to the town’s mixed-use development zoning regulations (Zoning Ordinance Article 27A). The proposed amendments were subsequently rejected by the Town Council. The Board has indicated a desire to revisit the regulations for consideration of other possible amendments. **Status: During its September 8<sup>th</sup> meeting Planning Board to discuss modified recommendations to present to the Town Council.**

Cc: Town Administrator  
Town Council