



MIDDLETOWN
Rhode Island

**PLANNING
DEPARTMENT**

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

PLANNING BOARD MINUTES
January 12, 2022, 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
B.J. Owen
John Ciummo

Ron Wolanski, Town Planner
Peter Regan, Town Solicitor

Member absent:

Joe Pierik

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

1. Approval of the minutes

December 8, 2021 regular Planning Board meeting, **Motion** by Mr. Weber seconded by Mr. Nash to approve. **Vote:** 6-0-0

2. Correspondence – None received

3. Old Business

a. Public Hearing - Application of Jack Gullison for Development Plan Review, including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, for construction of a new commercial building, to include a 17-room hotel with a restaurant, and associated site work located on property identified as 59 Aquidneck Ave., Assessor's Plat 115SE, Lot 169

i. The applicant was represented by attorney Jay Lynch, appearing remotely via Zoom. He stated that his client plans to appeal the decision of the Building /Zoning Official regarding the zoning relief needed for the project to proceed. He understands the Board's policy regarding removing items from the agenda that have been inactive.

- ii. **Motion** by Mr. Weber, seconded by Mr. Nash, to table the matter and remove it from the agenda until such time as the applicant is ready to proceed.
 - iii. **Vote:** 6-0-0.
- b. Public Hearing - Application of GD Middletown West Main I, LLC for Development Plan Review, including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, and recommendation to the Zoning Board of Review regarding special use permit application for development in Zone 1 of the Watershed Protection District, to allow construction of a ground-mounted solar photovoltaic installation on a property located at 1747 West Main Road, Plat 111 Lot 9A.
 - i. The applicant was represented by attorney Jay Lynch, appearing remotely via Zoom. He requested that the application be continued to the next Planning Board meeting.
 - ii. Mr. Wolanski stated that progress has been made on TRC review. He and Mr. Regan recommended that the matter be continued to the February 9th Planning Board meeting.
 - iii. **Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the February 9, 2022 regular Planning Board meeting.
 - iv. **Vote** 5-1-0, with Mr. Nash voting in opposition.
- c. Public Hearing – Application of Juan Campos for Preliminary Plan approval of a 5-lot subdivision including extension of an existing town road. The property is located at the end of Serenity Drive, with frontage also on Maidford River Road, and is identified as Tax Assessor’s Plat 120, Lots 68-A & 68-B.
 - i. Mr. Wolanski stated that the applicant’s attorney is requesting a continuance to the February meeting to allow time to respond to comments from the Town’s engineer.
 - ii. **Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the February 9, 2022 regular meeting. The public hearing will remain open.
 - iii. **Vote:** 6-0-0.
- d. D. Public Hearing – Application of Newport National Real Estate, LLC for Development Plan Review for development of a 9-hole golf course and associated clubhouse, and request for waivers from certain commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property fronts on Wyatt Road and Mitchell’s Lane, Tax Assessors Plat 124 lot 29
 - i. Mr. Wolanski stated that based on availability, the best date for a special meeting to consider this matter is January 24th.
 - ii. **Motion** by Mr. Weber, seconded by Mr. Nash, to continue the matter to a special meeting January 24, 2022, 6pm.
 - iii. **Vote:** 6-0-0.
- e. E. Public Informational Meeting- Application by Aquidneck Commerce Center, LLC for Master Plan approval of a major land development project for a proposed mixed-use development including 12 new residential units and approximately 15,000 sq.ft. of office space contained in two existing buildings pursuant to Article 27A of the Middletown Zoning Ordinance and including request for variances from the Middletown Zoning Ordinance sections 27A07(E)(1) and 27A07(E)(2). The property is located at 809, 811, and 819 Aquidneck Ave., Assessor’s Plat 114, Lots 129 and 504.

- i. Mr. Patrick Hayes, attorney for the applicant, stated that site plan has been revised to address the concerns of the abutter to the north, Mr. Botelho.
 - ii. The applicant, Christopher Bicho, reviewed the plans and addressed questions from Planning Board members.
 - iii. Abutting property owner, Angelo Botelho of 833 Aquidneck Ave stated that the revisions to the plans have addressed his concerns.
 - iv. The Board considered the requested variances from provisions of the Zoning Ordinance:
 - 1. Setback to residential building on abutting lot 62 feet where 100 feet is required (Zoning Ordinance section 27A07(E)(1)) – **Motion** by Mr. Nash, seconded by Ms. Owen to grant the variance. **Vote:** 6-0-0.
 - 2. Area within setback to be landscaped not provided (Zoning Ordinance section 27A07(E)(2)) – **Motion** by Mr. Weber, seconded by Mr. Nash to grant the variance. **Vote:** 6-0-0.
 - 3. Building height of 39.5 feet where 35 feet is required (Zoning Ordinance section 27A07(E)(3)) – **Motion** by Mr. Nash, seconded by Ms. Owen to grant the variance. **Vote:** 6-0-0.
 - 4. Buildings within the development separated by 16.3 feet where 20 feet is required (Zoning Ordinance section 27A07(E)(5)) – **Motion** by Mr. Nash, seconded by Ms. Owen to grant the variance. **Vote:** 6-0-0.
 - v. The Board considered waivers from the design standards of Section 521 of the Subdivision and Land Development Regulations as follows:
 - 1. 521.2.C. - Use of synthetic exterior building materials proposed. Need elevations to identify proposed exterior building materials. – **Motion** by Mr. Weber, seconded by Ms. Owen, to grant the waiver. **Vote:** 6-0-0.
 - 2. 521.2.D. – Flat roof proposed for new building. – **Motion** by Mr. Weber, seconded by Ms. Owen, to grant the waiver subject to no roof mechanicals and a roof treatment to eliminate “boxiness”.. **Vote:** 6-0-0
 - 3. 521.3.D.2 – Required 20-foot landscaped buffer not provided along northerly property line (abutting residential use) The landscape Plan and Maintenance Plan to be provided to the Tree Commission – **Motion** by Mr. Nash, seconded by Mr. Ciummo, to grant the waiver. **Vote:** 6-0-0
 - vi. There was discussion that any additional waiver requests will be identified and considered by the Board at Preliminary Plan stage.
 - vii. **Motion** by Ms. Owen, seconded by Mr. Weber to grant Master Plan approval subject to the required findings and variances and waivers granted and subject to the following conditions:
 - 1. Prior to Preliminary Plan approval, the plans must be revised to demonstrate adequate turning radii for emergency vehicles, subject to the approval of the Fire Department.
 - 2. Prior to Preliminary Plan approval, the applicant must confirm the location, size and slope of the existing sewer main in Aquidneck Ave intended to serve the development.
 - viii. **Vote:** 6-0-0
- f. Request of Benjamin J. Contessa for approval of an administrative subdivision to transfer 1,960 sq.ft. of land from one existing lot to another. Property located at 183 Wolcott Ave., Plat 115SE, Lots 282 & 283.

- i. Mr. Contessa described the proposed subdivision.
 - ii. Mr. Croce suggested an alternative design that reduce the amount of zoning relief needed.
 - iii. Mr. Contessa agreed to consider a revised plan for the Board's consideration.
 - iv. **Motion** by Ms. Owen, seconded by Mr. Ciummo to continue the matter to the February 9, 2022 regular meeting.
 - v. **Vote:** 6-0-0.
- g. **Public Hearing** - Application for Development Plan Review including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521 by Endeavor Holdings, LLC for redevelopment of a commercial property and construction of a 2,107 square foot 2-story building located at 100 and 102 Valley Road, Tax Assessors Plat 113 Lot 19A.
- i. By unanimous vote of the board, the public hearing was opened.
 - ii. The applicant was represented by attorney David Martland and engineer Karen Beck, who described the proposal.
 - iii. There was discussion of stormwater runoff. Ms. Beck stated that the plans will be revised to maintain flow rate for the 100-year storm as requested by the TRC.
 - iv. There being no members of the public wishing to speak, Motion by Ms. Owen, seconded by Mr. Ciummo to close the public hearing. Vote: 6-0-0.
 - v. The Board considered the requested waivers, which were granted as follows:
 - 1. 521.1.C Development to be served by underground utilities. *As proposed, the project will be served by existing overhead utility lines on the property.* **Motion** to approve the waiver by Mr. Weber, seconded by Mr. Ciummo, **Vote:** 6-0-0.
 - 2. 521.2.A.2 No façade exceeding 40 feet in length without a break in plane of at least 48 inches. *South façade does not meet this requirement.* **Motion** to approve the waiver by Ms. Owen, seconded by Mr. Weber, **Vote:** 6-0-0
 - 3. 521.2.C Traditional exterior building materials required. *Proposed use of non-traditional materials.* **Motion** to approve the waiver by Mr. Weber, seconded by Mr. Fenton, subject to a prohibition on vinyl siding. **Vote:** 6-0-0
 - 4. 521.3.C Landscape screening element required along property lines. *Screening elements not provided.* **Motion** to approve the waiver by Mr. Weber, seconded by Ms. Owen, **Vote:** 6-0-0
 - 5. 521.3.D.1 Landscaped buffer of at least ten feet along all property lines. *Required buffer not provided along northerly property line. Existing buffers were reduced by 2019 paving activity. It is unclear if required permits and zoning relief were sought or granted at the time of paving.* **Motion** to approve the waiver by Mr. Fenton, seconded by Mr. Ciummo, **Vote:** 6-0-0

6. 521.3.D3 A landscaped buffer at least 10' wide, which is defined by curbing and may include sidewalks but must include a minimum 5' planting strip, is provided between buildings and parking lots/driveways. *A 10-foot landscaped buffer is not provided between the building and parking lot on all sides.* **Motion** to approve the waiver by Mr. Weber, seconded by Mr. Ciummo, **Vote:** 6-0-0
7. 521.3.F.2 Required parking lot trees, 1 per 5 space. *Parking lot trees not provided* **Motion** to approve the waiver by Mr. Fenton, seconded by Ms. Owen, **Vote:** 6-0-0
- vi. **Motion** made and duly seconded to forward a positive recommendation to the Zoning Board of review subject to the required findings and waivers granted, subject to the following conditions:
 1. Prior to permitting, the stormwater management plan shall be revised to demonstrate that the rate of runoff from the site resulting from the 100-year storm will not increase over existing conditions, subject to review and approval by the Town Engineer.
 2. Prior to permitting the plans shall be revised to include required screening of existing and proposed dumpsters and exterior mechanical equipment on the property.
 3. The waiver to allow the use of non-traditional or synthetic exterior building materials is granted subject to the condition that selected exterior building materials closely mimic traditional materials and shall not consist of vinyl siding
- vii. **Vote:** 6-0-0
- h. Request of Thomas Welch for Preliminary Plan approval of a 2-lot minor subdivision, and recommendation to the Zoning Board of Review on a Special Use Permit application to allow residential development in Zone 1 of the Watershed Protection District. Property located at 536 Mitchell's Lane, and also fronting on Fayal Lane, Assessor's Plat 124, Lot 19.
 - i. Mr. Nash recused himself from discussion of this matter.
 - ii. The applicant was represented by engineers Lyn Small and Dan Welch of Northeast Engineers & Consultants, who reviewed the proposed plan.
 - iii. **Motion** by Ms. Owen, seconded by Mr. Weber, to grant Preliminary Plan approval subject to the required findings, and the following conditions:
 1. Prior to Final Plan approval, the applicant must seek and be granted a special use permit from the Zoning Board of Review to allow the residential development of proposed Lot 2 in Zone 1 of the Watershed Protection District.
 2. Prior to Final Plan approval, the plan shall be revised to provide an easement to contain the subdrain which extends from proposed Lot 2 onto abutting Lot 101
- iv. **Vote:** 5-0-0.
- v. **Motion** by Mr. Weber, seconded by Mr. Nash, to forward a positive recommendation to the Zoning Board of Review regarding the request for special use permit for development within Zone 1 of the Watershed Protection District, subject to the following conditions:

1. 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). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.
 2. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited within Watershed Protection District, Zone 1.
- vi. **Vote:** 5-0-0
- i. Request of Tony Lorusso, applicant for the Morrison Farm Subdivision, Morrison Ave., Plat 114, Lot 820, for the Planning Board to set the amount of performance security per Section 702 of the *Middletown Rules and Regulations Regarding the Subdivision and Development of Land* to secure completion of remaining infrastructure work.
 - i. The applicant was represented by attorney David Martland, who described the request.
 - ii. **Motion** by Mr. Weber, seconded by Mr. Nash, to set the amount of performance security at \$295,012.50 in accordance with the recommendation of the Town's consulting engineer.
 - iii. **Vote:** 6-0-0.
 - j. Town Council request that the Planning Board research adopting an ordinance requiring esplanade-style sidewalks. Consider recommending ordinance language to the Town Council.
 - i. Mr. Regan presented a draft of proposed amendments to Town Code Chapter 94 to require esplanade-style sidewalks where possible, subject to Planning Board discretion.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Ciummo, to forward the draft amendment to the Town Council with a positive recommendation.
 - iii. **Vote:** 6-0-0.
 - k. Status Report on Planning Board Action Items
 - i. There was discussion of the status of work on affordable housing. It was noted that the Town now has an affordable housing committee, with Art Weber serving as a representative of the Planning Board. Mr. Wolanski was asked to provide Mr. Weber with a summary of affordable housing action items from the Comprehensive Plan to share with the affordable housing committee.
 - ii. Committee Reports.
 1. Use Table/Parking Subcommittee -Mr. Nash reported that the subcommittee completed review of parking requirements and will provide its recommendations to the full board during the February meeting.
 2. Tree Commission – Ms. Owen stated that the commission continues to focus on maintenance of public trees and developing a planting program for the next planting season.
 3. Open Space & Fields Committee – Mr. Fenton stated that he will have a report for the February meeting following the next Open Space & Fields Committee meeting.

4. Conservation Commission – Mr. Pierik was not present.

I. Motion by Ms. Owen, seconded by Mr. Nash to adjourn. Vote: 6-0-0

Meeting adjourned at approximately 7:55pm.

Respectfully submitted,

Mike Fenton, Secretary

DRAFT