



PLANNING BOARD MINUTES
Regular Meeting
December 14th, 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

Also present:

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

Member absent:

John Ciummo
Joe Pierik

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

1. Approval of minutes

- a. November 9, 2022 regular Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the November 9, 2022 minutes. **Vote:** 5-0-0

2. Correspondence

- a. None

3. Continuances

- a. **Public Hearing** - Application of GR Middletown Land, LLC for Development Plan Review for a proposed carwash commercial development including requests for waivers from certain provisions of the commercial development design standards contained in Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 991 and 995 West Main Rd., Assessor's Plat 106, Lots 115 and 116.

- i. Applicant was represented by attorney Dave Martland. Mr. Martland shared that he has been in contact with the Town Solicitor and will work on revising the public notice. He requested the public hearing to be continued to the January 11, 2023 meeting.
- ii. **Motion** by Mr. Nash, seconded by Ms. Owen to continue the matter to the January 11, 2023 regular meeting. **Vote:** 5-0-0

4. Old Business

- a. Request of the Town Council for review and recommendation on a request of Paul Thibeault, 34 Namquid Drive, Plat 105, Lot 175, for abandonment of a portion of Northam Lane, an unimproved right-of-way.
 - i. The applicant was not present at the meeting. Mr. Wolanski shared the Roads and Utilities Committee has not issued its recommendation on whether to retain the right of way for future stormwater management purposes yet.
 - ii. Mr. Weber requested the Town Planner to schedule a site visit.
 - iii. **Motion** by Ms. Owen, seconded by Mr. Weber to continue the matter to January 11, 2023 meeting and request the Town Planner to schedule a site visit. **Vote:** 5-0-0.
- b. Review of draft zoning ordinance amendments to implement inclusionary zoning for affordable housing. Consider recommendation to the Town Council.
 - i. Mr. Croce suggested a public workshop which Mr. Wolanski supported. Mr. Wolanski shared that the Town Solicitor was not involved in the drafting process and recommended that the Solicitor's office review the draft ordinance.
 - ii. Mr. Nash asked for background information. Mr. Wolanski talked about how inclusionary zoning could be a tool to promote development of affordable housing in Town. In 2018, the Board previously considered it but did not send a positive recommendation to the Town Council. Recently, with the demand for affordable housing, the Town Council requested the Planning Board revisit the issue and provide a recommendation.
 - iii. Mr. Wolanski summarized the ordinance would require any major subdivision and development (with 6 units or more) to include affordable housing as part of the development. Twenty percent of the units would have to meet affordable housing standards and the units would be available to people with area median income level of 80% or less. All units must be developed on the property rather than off-site or payment-in-lieu. In addition, the inclusionary requirement is only in zones R-30 and less since those areas have access to public utilities and transportation. State law also requires the Town to provide incentives to developers with inclusionary zoning. The proposed recommendation is a 150% density bonus with 20% of those being affordable units. If the developer does not take advantage of the density bonus, the Town will waive application and impact fees, but the developer still must provide the affordable units.
 - iv. Mr. Nash asked about the calculation of units which Mr. Wolanski addressed.
 - v. Mr. Weber stated that this ordinance will support the Comprehensive Plan.
 - vi. Ms. Owen expressed her support.
 - vii. Mr. Weber pointed out the Town Council's urgency and requested that the Solicitor's office review the draft.
 - viii. **Motion** by Ms. Owen, seconded by Mr. Nash to continue the matter to the January 11, 2023 regular meeting subject to the Town Solicitor's review. **Vote:** 5-0-0.

5. New Business

- a. Development Plan Review application of Olin Gambrell to allow demolition of a portion of the front façade of an existing commercial building. Property located at 1132 Aquidneck Ave., Plat 113, Lot 71A.
 - i. The applicant Olin Gambrell was present at the meeting. Mr. Gambrell shared the proposed project includes removing the deteriorated awning overhang and replacing the roof. He provided a material sample for a standing seam metal roof.
 - ii. Mr. Wolanski shared that the change to the building facade triggered a development plan review but there is no new development being proposed. The applicant intends to remove the awning area and replace the shingle roof with the standing seam metal roof.
 - iii. Mr. Gambrell pointed out the damaged areas and expressed safety concerns. He stated that the Building Inspector inspected the site and deemed it unsafe.
 - iv. Mr. Croce asked why the applicant is abandoning the shingle roof. Mr. Gambrell stated that he finds the proposed roof material more attractive and long-lasting. Mr. Croce noted that a shingle roof is more New England-style. Mr. Gambrell shared that other buildings in the area also use the proposed material.
 - v. Mr. Nash asked about shingle conditions, which Mr. Gambrell stated that they are falling off. Mr. Nash and Mr. Weber expressed their support for the proposed roof material and think the function and style will work.
 - vi. Mr. Fenton asked questions about the installation which Mr. Gambrell addressed satisfactorily.
 - vii. **Motion** by Mr. Nash, seconded by Mr. Weber to make the five required findings of fact and approve the application. **Vote:** 5-0-0.
- b. Application of Robert Reed, Jr. & Jonna Reed for Preliminary Plan approval of a 2-lot minor subdivision of land. Property located at 74 Honeyman Ave., Plat 114, Lot 503.
 - i. Attorney Dave Martland represented the applicant. He shared that the applicant is seeking a preliminary plan approval for a minor subdivision. A single-family house and a garage are currently on the property and the proposed subdivision will divide the land into two lots with one building on each. The garage will be converted to a single-family home. Mr. Martland shared that the application will need to go before the Zoning Board of Review for a variance on the frontage. He also stated that each lot will have separate access and utilities. The lots will be serviced by public sewer and private wells.
 - ii. Mr. Nash asked about the existing driveway runoff drain. Mr. Martland suggested that it could be made a condition of approval to inspect and abandon the drain.
 - iii. Mr. Fenton asked about the frontage. Mr. Martland shared that there is a frontage of 106 feet where 120 feet is required, and there is sufficient lot area.
 - iv. **Motion** by Ms. Owen, seconded by Mr. Nash to make the five required findings of fact and grant preliminary plan approval subject to the recommended conditions. **Vote:** 5-0-0

1. At the time of development on each lot the developer will be required to comply with all applicable provisions of the town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153). Prior to Final Plan approval a note to this effect must be added to the plan.
 2. The new building lot, Parcel B, will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. Prior to Final Plan approval a note to this effect must be provided on the plan.
 3. Prior to Final Plan approval all proposed utilities, including the location of existing and proposed wells and sewer connections, shall be provided, either on the subdivision survey plan or on a separate sheet.
 4. Prior to Final Plan approval the applicant must seek and be granted the required relief from certain dimensional requirements of the Middletown Zoning Ordinance. A copy of the recorded decision of the Zoning Board of Review shall be provided to the Town Planner.
 5. At the time of construction of the new driveways and removal of the existing driveway, the existing driveway stormwater drain shall be properly abandoned, subject to the approval of the Building/Zoning Official.
- c. Review of proposed amendments to Middletown Zoning Ordinance, Article 16 – Accessory Family Dwelling Units, to bring it into conformance with current state law. Provide recommendation to the Town Council.
- i. Mr. Wolanski shared that the Town Planner, Solicitor's office, and the Building/Zoning Official were involved in the drafting to bring the Town's current Accessory Family Dwelling Units ordinance into conformance with the new State law. Mr. Wolanski shared that the Town's current ordinance limits the use to just family members, which the new State law prohibits.
 - ii. Mr. Monti stated that the Town has a choice to either allow or ban accessory dwelling units (ADUs), but if the Town wants to continue to allow ADUs, then the ordinance must comply with the new State requirements. The proposed draft amendments would meet those requirements.
 - iii. Mr. Croce asked about existing units if the Town decides to not allow ADUs, which Mr. Monti addressed they will become pre-existing nonconforming uses. Mr. Croce then asked about ADUs in lots smaller than 20,000 square feet. Mr. Wolanski stated that the draft ordinance excludes zone R-10 due crowding concern and since many of those lots are smaller than 10,000 square feet. The State law allows excluding lots smaller than 20,000 square feet. Mr. Croce inquired about reasonable accommodation for family members if the Town decides to ban ADUs. Mr. Monti stated that the State law mandates reasonable accommodations for family members and citizens can seek it from the Town.
 - iv. Mr. Weber spoke about concerns with short-term rentals. Mr. Monti addressed that in the current draft, the ADU cannot be used to expand the number of transient guest units the property is allowed. The Building/Zoning Official was involved in the drafting process and the group has discussed those concerns.
 - v. Mr. Fenton asked about the definitions for household and family which Mr. Wolanski addressed that the definitions are in the ordinance.

- vi. Mr. Nash expressed concern that the Town is not in compliance with State law and inquired about other municipalities' ordinances.
- vii. Ms. Owen talked about her experience with ADUs in another town and noted that most were for family members.
- viii. Mr. Croce questioned the amount of housing accommodations ADUs would provide as compared to housing projects. Mr. Wolanski expressed any residential property, within those residential zones, would have the ability create an ADU if they choose to.
- ix. Mr. Nash expressed concern that the new State regulations would allow detached structures. Mr. Croce echoed Mr. Nash's concerns and reiterated that citizens can still provide for families through seeking reasonable accommodation with the Town.
- x. Mr. Monti shared that ADUs are independent units with its own kitchen and bathroom. Property owners could create and then rent out an ADU, thus increase the Town's housing inventory.
- xi. Mr. Nash asked about special use permits which Mr. Monti addressed the Town cannot require special use permits, except in conditions where it is otherwise required.
- xii. Mr. Wolanski expressed the purpose of the legislation is to provide additional housing. It provides this option to the Town to help create additional housing units to meet the need.
- xiii. Mr. Croce emphasized that if the Town decides to ban ADUs, existing units would be grandfathered-in, and residents would still be able to seek reasonable accommodation for family members with the Zoning Board of Review.
- xiv. Mr. Wolanski spoke about the ongoing Town discussion on the housing crisis and housing affordable issues where the number of units being constructed are not meeting the demand. Mr. Croce asked if anyone would be able to rent an ADU which Mr. Wolanski confirmed.
- xv. Several members of the Board expressed their concern. Mr. Weber stated he supports restricting ADUs to family members.
- xvi. Mr. Monti shared that if ADUs are banned, then each resident who wants reasonable accommodation for family members, would have to take it before the Zoning Board of Review as a special case.
- xvii. There was discussion about drafting an ordinance that would ban ADUs and about reasonable accommodation. Residents would have to show a need, such as accommodating family members who are elderly or have a disability.
- xviii. Mr. Fenton asked whether utilities have to be updated to accommodate an additional unit which Mr. Wolanski confirmed yes.
- xix. Mr. Nash expressed he is willing to keep an open mind on the issue and consider both sides.
- xx. **Motion** by Mr. Nash, seconded by Ms. Owen for the Town Planner and Solicitor's office to draft an ordinance that prohibits ADU and to continue the matter to the January 11, 2023 regular meeting. **Vote:** 5-0-0.

6. Updates

- a. Status Report on Planning Board Action Items.
 - i. Mr. Weber spoke about the Rural Village District and asked about next steps. Mr. Wolanski shared that property owners were not interested in a meeting priorly. Mr. Weber stated that he will speak with some impacted property owners to gauge their interest.
 - ii. Mr. Croce asked about transportation options updates. Mr. Wolanski shared that Ms. Guo is involved in a local advisory committee led by Bike Newport that is identifying options to improve bicycle facilities on Aquidneck Island. A local resident/pastor is also talking with the Town Council on East-West bicycle connections.
 - iii. Mr. Croce asked about application fees. Mr. Wolanski shared he has no updates. Mr. Croce expressed he will work with Mr. Wolanski on seeking options.
 - iv. Mr. Croce asked about the full build-out study and noted that there are no target dates for completion. Mr. Wolanski expressed that the Town Council adopted and directed to the Town Administrator to proceed with implementing these high priority action items. The Town Administrator has expressed that he intends on following through on this task.
- b. Committee reports
 - i. Use Table Subcommittee – Mr. Nash shared that they completed the use table review and the subcommittee will do a final review before presenting it to the Planning Board. A public workshop is being considered.
 - ii. Tree Commission – Ms. Owen stated that the Tree Commission chairman provided questions and feedback to the Board. The Commission also raised questions about arranging meetings with applicants. Mr. Wolanski shared that he notifies applicants that the Tree Commission will be meeting on their application.
 - iii. Open Space and Fields Committee – Mr. Fenton shared that they looked at pickleball court costs and are reevaluating the project costs.
 - iv. Conservation Commission – Mr. Pierik was not in attendance.
 - v. Affordable Housing Committee – Mr. Weber shared that there is a meeting next week.
 - vi. Citizens Advisory Committee – Mr. Fenton shared that the Committee is looking at bike path routes, library space, and a memorial at the corner of West Main and Coddington. The Committee intends to report on their work in early 2023.
 - vii. Inclusionary Zoning Subcommittee – Mr. Ciummo was not in attendance.
- c. Mr. Weber asked about updates on Middletown Center. Mr. Wolanski shared that the developer and the Town have been working on the project. A financial analysis will be presented to the Town Council in early 2023.
- d. Upcoming meetings:
 - i. January 11, 2023, 6pm – Regular monthly Planning Board meeting.

Motion by Ms. Owen, seconded by Mr. Weber to adjourn. **Vote:** 5-0-0

Meeting adjourned at approximately 7:25pm.

Respectfully submitted,

Mike Fenton, Secretary

DRAFT