



PLANNING BOARD MINUTES
Regular Meeting
January 11th, 2023, 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
Joe Pierik
John Ciummo

Also present:

Anita Guo, Principal Planner
Michael Monti, Assistant Town Solicitor
Ron Wolanski, Town Planner (via Zoom)

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

1. Approval of minutes

- a. December 14, 2022 regular Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 7-0-0
- b. November 29, 2022 special Planning Board meeting
 - i. Mr. Croce requested that the job titles of the representatives from Rhode Island Airport Corporation be added to the minutes in line 1a. of the minutes.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to accept the suggested change and to approve the amended minutes. **Vote:** 7-0-0.

2. Correspondence

- a. Email communication of Donna Levesque received December 27, 2022 regarding draft zoning ordinance amendments for accessory dwelling units.
 - i. **Motion** by Ms. Owen, seconded by Mr. Nash to receive the correspondence. **Vote:** 7-0-0.

3. Continuances

- a. **Public Hearing** – Application of Bucci Development Inc. for Development Plan Review for a proposed medical office building and associated site work, including requested waivers from certain design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located on Valley Rd. approximately ¼ mile north of the intersection of Valley Rd. and East Main Rd., Tax Assessor's Plat 107NE, Lot 402B.
 - i. Mr. Croce shared this item will be continued to the February 8th Planning Board meeting. The applicant was not present at the meeting.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to continue this matter to the February 8, 2023 Planning Board Meeting. **Vote:** 7-0-0.

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. Mr. Croce noted that the Planning Board conducted a site visit on January 3, 2023.
 - ii. Mr. Nash asked about the Roads and Utilities Committee's recommendation on this request. Ms. Guo shared that the Committee issued a recommendation to retain the portion of Northam Lane that is to the west of Mr. Thibeault's property (Plat 105, Lot 175) and to abandon the portion of Northam Lane to the rear and east of the property.
 - iii. There was discussion about utilities in the area and whether an easement is necessary. Mr. Monti clarified that the Roads and Utilities Committee recommended to retain the western portion of Northam Lane as Town property and would not need an easement. The proposed abandoned portions will be transferred to abutting property owners.
 - iv. Mr. Weber spoke about abandoning the entire Northam Lane since the Town is not proposing any new utilities in the area.
 - v. Mr. Nash stated he supports the Roads and Utilities Committee's recommendation. He asked with the abandonment, who would be responsible for the expense in redrawing all the property lines and producing the new survey maps. Mr. Monti addressed that expense would fall on the petitioner.
 - vi. There was discussion about retaining an easement for the utilities.
 - vii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to forward a positive recommendation to the Town Council consistent with the recommendation of the Roads & Utilities Committee. The Planning Board recommends retaining the portion of Northam Lane to the west of Mr. Paul Thibeault's property (Plat 105, Lot 175) and abandoning the portion of Northam Lane to the rear and east of his property. **Vote:** 7-0-0.
- b. Review of draft zoning ordinance amendments to implement inclusionary zoning for affordable housing. Consider scheduling public workshop meeting to present proposed amendments.
 - i. Mr. Croce stated that the Town Solicitor's office has reviewed the draft ordinance. Mr. Croce suggested a public workshop and requested the Planning Department to assist in scheduling a date which Ms. Guo agreed to.

- c. Review of proposed amendments to Middletown Zoning Ordinance, Article 16 – Accessory Family Dwelling Units, to bring it into conformance with current state law. Consider scheduling public workshop meeting to present proposed amendments.
- i. Mr. Croce shared that the Planning Board reviewed two accessory dwelling unit (ADU) draft ordinances. The first draft allows ADUs in Town and is in conformance with state law. The second draft, provided by the Solicitor's office, prohibits ADUs except in certain circumstances.
 - ii. Mr. Weber expressed that he is concerned with short-term rentals and believes ADUs will exacerbate the problem. Mr. Weber stated he supports banning ADUs in Town.
 - iii. Mr. Monti shared that the Solicitor's office found an inherent conflict in the legislation which states that the Town has the authority to ban ADUs but would still need to provide reasonable accommodation for family members. However, another provision of the statute states that the Town cannot discriminate based on familial status. Mr. Monti expressed concern that if the Town adopts an ordinance that only allows reasonable accommodation for family members, it may not hold up if it was challenged in court. Mr. Monti also shared that a statewide planning group is advocating for a redrafting of the legislation to alleviate the conflicts.
 - iv. Mr. Croce inquired about tabling the discussion. Mr. Monti stated that it is an option; however, it is unknown when it will be resolved. Thus, homeowners will be unclear on what they can do.
 - v. Mr. Nash shared he supports creating more affordable housing; however, he believes that there should be alternative ways to achieve that. He stated he supports moving forward with the second draft that bans ADUs. Mr. Nash stated he does not support allowing an additional dwelling unit by right. Mr. Monti shared that the second draft is similar to the current ordinance and allows reasonable accommodation for family members.
 - vi. Mr. Fenton asked for clarification on accommodating family members which Mr. Monti stated the state law requires accommodation for family members with disabilities, those who are 62 years of age or older, and all other family members.
 - vii. Mr. Weber asked about enforcement of the proposed ordinance which Mr. Monti addressed would be handled by the Zoning Official and the owner-occupant would have to sign an affidavit attesting that ADU shall be occupied by a family member.
 - viii. Mr. Pierik shared Mr. Nash and Mr. Weber's sentiments and shared in the first draft, there is a provision that limits short-term rental properties from increasing the number of rental units through establishing ADUs. Mr. Pierik expressed his support in keeping that provision in the new ordinance. Mr. Monti added that in the second draft, ADUs used for short term rental would be in violation since it is only for family members.
 - ix. Ms. Owen noted in her experience at another town, ADUs are only for family members.

- x. Mr. Ciummo stated he agrees with other Planning Board members. He expressed concern that people will be able to provide ADUs for all family members.
 - xi. Mr. Croce stated he agrees with the other members and believes there are better ways to address the affordable housing issue. He expressed concern that allowing ADUs would change neighborhoods dramatically. He stated he supports banning ADUs.
 - xii. Mr. Weber stated he supports tabling the discussion until the state legislation conflicts are resolved, and then reconsider. Mr. Weber expressed concern that the state wants to interfere with local zoning laws for affordable housing.
 - xiii. Mr. Monti noted as the law is written, the Town has a reasonable basis to ban all ADUs except for reasonable accommodation.
 - xiv. Mr. Croce stated that no public comments will be taken tonight and requested that a joint public workshop with inclusionary zoning be scheduled.
 - xv. **Motion** by Mr. Nash, seconded by Ms. Owen to accept the draft ordinance received on January 11, 2023. The draft ordinance bans ADUs except for reasonable accommodation for family members. **Vote:** 7-0-0.
- d. Discussion of draft historic preservation incentive ordinance.
- i. Mr. Croce shared that the draft ordinance was prepared a while ago and the Planning Board was ready to forward it to the Town Council for consideration in 2020. The Board decided to table the discussion, due to financial concerns, until now. Mr. Croce suggested that the Planning Board schedule a joint meeting with the Town Council and add the historic preservation incentive ordinance as an agenda item.
 - ii. Ms. Guo inquired whether the Board would consider scheduling another public workshop before forwarding it to the Town Council since it has been a while since it was last held. Mr. Croce stated he wants to speak with the Town Council first.
 - iii. Ms. Owen stated the Historical Society was interested in this subject.
 - iv. There was discussion on historic preservation and the importance of creating an inventory of historic properties.
 - v. Planning Board members agreed to schedule a meeting with the Town Council to discuss this ordinance and other topics.

5. New Business

- a. Discussion of process to complete update of the Middletown Comprehensive Community Plan.
- i. Mr. Croce shared that he wants feedback from the Town Council on how to proceed with updating the Comprehensive Plan and requested that this be added to the joint Town Council meeting agenda.
 - ii. There was discussion on how to plan special meetings to discuss each of the Comprehensive Plan topics and who to invite to those meetings.
 - iii. Mr. Nash expressed his interest in being involved and participating as a member of the public when his Planning Board term ends.

- iv. Mr. Weber shared his previous experience with the drafting of the 2014 Comprehensive Plan.
 - v. Mr. Croce talked about adding sustainability as a topic.
 - vi. Mr. Weber spoke about addressing short-term rentals and ADUs in the new Comprehensive Plan.
 - vii. Mr. Nash shared that the process of drafting the last Comprehensive Plan was successful and he would like to learn about that process first and then decide how to move forward.
 - viii. Mr. Croce stated he will meet with the Planning Department to further discuss.
- b. Request of Peter Gallipeau, developer of the Saltwood Farm subdivision, Bailey Ave., Plat 126, Lot 4, for extension of the time to record the approved plans for subdivision phase 3.
- i. Peter Gallipeau, the developer was present at the meeting and shared updates on the Saltwood Farm subdivision project. Mr. Gallipeau shared this is the final phase of the project and requested an extension to record the phase 3 subdivision plan due to drainage work. He shared that he is working with the Town Engineer on determining an amount for the bond. He requested a six month extension for the recording of the plan.
 - ii. Ms. Owen noted that Mr. Gallipeau has been very upfront with the Board on the project update.
 - iii. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the request and grant a six-month extension to record the approved plans for subdivision phase 3 to July 31, 2023. **Vote:** 7-0-0

6. Updates

- a. Status Report on Planning Board Action Items.
 - i. Mr. Croce congratulated the Planning Department on obtaining approval for the amendment to the Comprehensive Plan.
 - ii. Mr. Croce asked about the status on the Rural Village District. Mr. Weber said he will contact some impacted property owners in the following week to determine their interest in proceeding.
- b. Committee reports
 - i. Use Table Subcommittee – Mr. Nash shared the subcommittee met on January 6th and reviewed the use table draft a final time and will be forwarding it to the full Planning Board. Mr. Wolanski shared that it will be on the February 8th Planning Board agenda.
 - ii. Tree Commission – Ms. Owen shared that the Tree Commission is concerned with the loss of trees in relation to the Purgatory sidewalks project. Ms. Owen also shared a public message from the Tree Commission that it is part of the Ordinance that “any person who shall cut, destroy, or carry away any tree, lumber, wood, underwood whatsoever lying or growing on public land without a written permit from the Tree Commission shall for every trespass pay the party injured twice the value of any tree so cut, destroyed, or carried away; and for the wood or underwood thrice the value therefore to be recovered by civil action.

Tree value will be determined by the Tree Commission acting under the guidelines contained in the International Society of Arbor Culture.” Ms. Owen also noted that historic stone wall alternation or removal shall require permits from the Building Inspector.

- iii. Open Space and Fields Committee – Mr. Fenton shared he was absent from the meeting last month.
 - iv. Conservation Commission – Mr. Pierik shared that no new applications have been received and there has not been any meetings scheduled.
 - v. Affordable Housing Committee – Mr. Weber shared that the Committee will be meeting on January 18, 2023.
 - vi. Citizens Advisory Committee – Mr. Fenton shared that there has been a meeting looking at the library and finalizing a report for the Town Council. Mr. Wolanski shared that the Town Administrator is working with the Town’s consultants on the financial due diligence activities and is discussing the topic with the Town Council.
- c. Upcoming meetings:
- i. February 8, 2023, 6pm – Regular monthly Planning Board meeting.
 - ii. Mr. Croce requested the Planning Department to arrange a meeting date with the Town Council as soon as possible.

Motion by Ms. Owen, seconded by Mr. Ciummo to adjourn. **Vote:** 7-0-0

Meeting adjourned at approximately 7:15pm.

Respectfully submitted,
Mike Fenton, Secretary