



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES April 14, 2021

In accordance with Executive Order 20-46, issued by Governor Raimondo, this meeting was conducted as a web and telephone conference.

#### Board members present:

Paul Croce, Chair

Bill Nash, Vice Chair

Michael Fenton, Secretary

Art Weber

B.J. Owen

John Ciummo

Joe Pierik

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

Rita Lavoie, Principal Planner

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

#### 1. Approval of the minutes of the March 10, 2021 regular meeting

A. **Motion** to approve by Mr. Nash, seconded by Mr. Weber

B. **Vote:** 7-0-0

C. Special meeting minutes of April 7, 2021 continued to May 12, 2021

#### 2. Correspondence

A. Memo of the Town Planner dated March 8, 2021 regarding administrative subdivision approval - Kristin M. Zekis, 172 Allston Ave., Plat 116NE, Lots 28A & 38A

B. **Motion** to receive by Ms. Owen, seconded by Mr. Nash

C. **Vote:** 7-0-0

#### 3. Continuances

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 an 17-room hotel with a restaurant, and associated site work located on property identified as 59 Aquidneck Ave., Assessor's Plat 115SE, Lot 169.

1. Mr. Jay Lynch, attorney for the applicant, requested a continuance until the June 9, 2021 meeting to allow for plan revisions

2. **Motion** to continue by Ms. Owen, seconded by Mr. Fenton

3. **Vote:** 7-0-0

**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.

1. Mr. Jay Lynch, attorney for the applicant, requested a continuance until the June 9, 2021 meeting to allow for plan revisions and easement revisions with the Town Engineer
2. **Motion** to continue by Mr. Nash, seconded by Mr. Weber
3. **Vote:** 7-0-0

**C. Public Hearing** – Application of Aquidneck Crossing, LLC for combined Master, Preliminary and Final Plan approval for a major land development project and Development Plan Review approval for a proposed mixed-use development including 12 residential units and 10,124 sq.ft. of office space contained in two existing buildings pursuant to Article 27A of the Middletown Zoning Ordinance. Property is located at 438 East Main Rd., at the intersection of Forest Ave. and East Main Rd., Assessor's Plat 113, Lot 3. ***(This item is expected to be continued to the May 12, 2021 Planning Board meeting.)***

1. Mr. Wolanski recommended a continuance for proper public notification
2. **Motion** to continue to the May 12, 2021 meeting by Mr. Nash, seconded by Mr. Ciummo
3. **Vote:** 7-0-0

#### 4. Old Business

**A. Public Hearing** - Request of James Paradise, owner of property at 170 Aquidneck Ave. Plat 115SE, Lots 145, 146, 147 for waiver of Development Plan Review pursuant to Section 908 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.

1. Mr. Wolanski explained that the attorney requested a withdrawal without prejudice
2. **Motion** to withdraw without prejudice by Mr. Nash, seconded by Ms. Owen
3. **Vote:** 7-0-0

**B.** Review and provide recommendation to the Town Council on proposed amendments to Section 400 - Definitions, Section 602 - Schedule Of District Regulations, Section 703 - Accessory Uses And Structures and Section 725 of the Middletown Zoning Ordinance regarding ground-mounted solar photovoltaic installation, including design requirements for all arrays and specific provisions for arrays mounted on carports and canopies.

1. Mr. Wolanski and Mr. Regan reviewed changes regarding decommissioning

2. Ms. Owen requested photos be included when sending the draft to the council
3. **Motion** to forward to the Town Council with a positive recommendation by Mr. Nash, seconded by Ms. Owen
4. **Vote:** 7-0-0

## 5. New Business

**A. Public Hearing** – Application for Development Plan Review by John and Pamela Wallace 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 mixed-use building with garage and associated site work on property located at 819 Aquidneck Ave., Plat 114 Lot 129.

1. Discussion on application of mixed-use ordinance or zoning ordinance
2. **Motion** to open the public hearing by Ms. Owen, seconded by Mr. Nash
3. **Vote:** 7-0-0
4. Mr. Cort Chappell, attorney for the applicant, provided an overview of the proposed project noting a previous single-family home with light business use, proposed art studio and residential use, special use permit application, no zoning relief, architectural glass door, south driveway meeting fire department requirements, one way traffic through the site, street trees, bike rack, sewer line relocation, utilities underground, proposed public water.
5. Mr. Chappell noted revisions to the plan to reduce the number of waivers requested
6. Discussion on drainage calculation and water quality filtration, RIDOT permitting
7. Mr. Weber commented on the Aquidneck Ave sidewalks proposal
8. Mr. Hall, Town Engineer, requested that final approval by the Town Engineer remain a condition of approval
9. Ms. Owen asked about the glass garage door
10. Discussion on the garage door, landscaping, ventilation
11. Mr. Nash asked that the stonewall on the southern side of the property be maintained and repaired
12. Discussion on landscaping plan
13. Mr. Croce asked about a landscape maintenance plan, rooftop equipment, signage, traffic pattern, previous traffic use
14. Mr. Fenton asked about business management
15. Members of the public were invited to speak
16. No members of the public wished to speak
17. **Motion** to close the public hearing by Ms. Owen, seconded by Mr. Weber
18. **Vote:** 7-0-0

19. **Motion** to approve the development plan review and provide a positive recommendation to the zoning board by Mr. Nash, seconded by Ms. Owen subject to and including:

- Waiver: garage door facing public street
- Conditions:
  - a. Stormwater management plan approved by the Town Engineer prior to permitting
  - b. Stormwater maintenance easement submitted and approved by the Town Solicitor prior to permitting
  - c. Access driveway one way with signage
  - d. Finished grading shall be confirmed by the Town Engineer
  - e. Stonewall repair on southerly side of the property
  - f. Landscape maintenance plan be submitted and approved and contain language to retain landscaping in front of the garage door

20. **Vote:** 7-0-0

Mr. Ciummo left the meeting

**B.** Application of Regal, LLC and The James H. Clausen Revocable Trust for Final Plan approval of a three-lot minor subdivision of property fronting on Valley Rd., Plat 107NE, Lot 402.

1. Mr. Regan recused and Ms. Marisa Desautel sat as conflict solicitor
2. Attorney for the applicant, Ms. MaryJo Carr, and engineer for the applicant Ms. Lyn Small presented the plans. Ms. Small noted: three lot subdivision with no improvements at this time, RI Dept. of Environmental Management edge verification, supplement plantings, adding nominal area to the right of way, sewer system improvement
3. Discussion on correcting labeling of parcels
4. **Motion** for final plan approval by Ms. Owen, seconded by Mr. Nash subject to :
  - Condition: correct labeling of parcel on mylar

5. **Vote:** 6-0-0

6. Mr. Regan rejoined the meeting

**C. Public Hearing** - Application for Development Plan Review by A-1 Roofing & Construction, LLC including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, and including recommendation to the Zoning Board of Review for construction of two commercial buildings and associated site work in Zone 1 of the Watershed Protection District on property fronting on Aquidneck Avenue, Plat 114, Lot 507.

1. **Motion** to open the public hearing by Mr. weber, seconded by Mr. Nash
2. **Vote:** 6-0-0

3. Mr. David Martland, attorney for the applicant, Mr. Mike Russel, engineer for the applicant and applicant Sean Napolitano were present.
4. Mr. Martland presented the plans noting: new buildings for office and special trade contractor use, zone 1 watershed protection district, stormwater runoff quality treatment, RI Dept. of Environmental Management permitting, improvements to water quality, architectural plans.
5. Mr. Russel reviewed the proposed and existing conditions noting: parking, no zoning relief, state permitting process, physical connection to the property to the south, landscaping, lighting, crosswalk to proposed Aquidneck Ave sidewalk, waiver request for not meeting 20 foot buffer to residential property, public utilities, working within the current limit of disturbance
6. Mr. Wolanski added a waiver request for synthetic building materials
7. Ms. Owen asked about revisions and conservation commission
8. Discussion on process of application, landscape maintenance plan
9. Mr. Nash asked about the current conditions, proposed improvements, and existing stockpiles
10. Mr. Martland explained removal of stockpiles on lot, relocation of existing bulk bins, some container storage, jersey barriers to be removed
11. Mr. Nash asked for details on proposed plans for stockpile relocations and future plans for abutting lot
12. Mr. Weber spoke of economic confidence in the town
13. Mr. Pierik asked about stormwater management design
14. Mr. Russel described stormwater flow, wetland protection measures
15. Mr. Warren Hall, Town Engineer offered that the perimeter drains are adequate
16. Mr. Croce asked about the topography of the land and drainage patterns
17. There was discussion on existing drainage patterns, small area not entering watershed management practices
18. Mr. Croce asked about rooftop mechanical equipment, lighting plan
19. Mr. Fenton asked about rooftop mechanicals on the rear building
20. Members of the public were invited to speak
21. Mr. Kraig Ruth of 22 Spinnaker Court asked about the relocation of the storage bin
22. Mr. Napolitano said there would be limited noise from moving of the storage containers
23. **Motion** to close the public hearing by Ms. Owen, seconded by Mr. Nash
24. **Vote:** 6-0-0
25. Mr. Wolanski reviewed the necessary waivers and conditions of approval
  - Use of synthetic building materials

- Less than 20 feet of buffer to residential

26. Conditions:

- Pedestrian access be provided to Aquidneck Ave
- Bike rack and trash receptacle be provided on plans
- Provide calculations for amount of windows for street facing
- Lighting to comply with dark sky regulations
- Landscape maintenance plan be submitted and approved by the tree commission prior to permitting
- Plans identify the proposed new location of materials bins prior to permitting
- Any rooftop mechanical shall be shielded from view from the public right of way
- Plan to comply with stormwater mgmt. ordinance
- Provide a stormwater maintenance easement for review and approval by the Town Solicitor
- Restrict use of lawn chemical and fertilizers due to watershed location

27. **Motion** for positive recommendation subject to conditions and including waivers and meeting required findings by Mr. Weber, seconded by Ms. Owen

28. **Vote:** 6-0-0

**D.** Request of the Town Council for recommendation on the request of Peter Gallipeau, developer of the Saltwood Farm subdivision to modify the open space conservation easement to allow reduction in the area of land subject to the easement.

1. Mr. Peter Gallipeau explained his request to reduce open space by about 10,000 square feet. He spoke of a stonewall bisecting the current lot line, adding frontage for proposed lot 1, a 10 foot-wide area to be added for proposed lot 3, co-owner's signatures on the application, more than required open space, approval from the town council for alterations of the maintenance easements
2. Mr. Weber and Mr. Fenton spoke in favor due to the minimal reductions in open space
3. Mr. David Martland, attorney for the applicant spoke of the small change in square footage of the open space
4. Ms. Owen asked about the cemetery
5. **Motion** for a positive recommendation by Mr. Weber, seconded by Mr. Nash
6. **Vote:** 6-0-0

**E.** Request of Peter Gallipeau, developer of the Saltwood Farm subdivision, to modify the design of proposed improvements to Cross Country Ln. (Phase 2 of the subdivision improvements) to provide 18 feet of pavement width rather than the 20 feet indicated on the approved plan.

1. Mr. Gallipeau reviewed the request noting narrower pavement is advantageous for snow plowing, reduction in impervious area
  2. Mr. Warren Hall, Town Engineer, spoke of preservation of trees while still allowing for drainage and pavement, fire department approval
  3. Mr. Nash asked for fire department approval in writing
  4. Mr. Wolanski spoke of an email from the fire department supporting the proposal
  5. Mr. Regan noted concerns about the road being a private driveway
  6. **Motion** to modify the design by Mr. Nash, seconded by Ms. Owen
  7. **Vote:** 6-0-0
- F.** Discuss process for addressing Comprehensive Plan Future Land Use Plan amendments recently referred back to the Planning Board by the Town Council for additional review.
1. Mr. Regan explained that members of the public expressed concerns to the town council on the zoning change.
  2. There was discussion on changing zoning and future land use plan, hold a public hearing for Toni Lynn Terrace area
  3. Mr. Weber expressed concern about re-advertising after the planning board already held a meeting on the matter
  4. Discussion on keeping the entire package of propose changes together, slow progress of items going to the town council
  5. It was agreed that the board would schedule a public hearing and notify abutters to the Toni Lynn Terrace area of concern, date TBD.
- G.** Review of proposed action plan for Planning Board implementation of action items from the housing element of the Middletown Comprehensive Community Plan.
1. Mr. Wolanski reviewed the memo of March 26, 2021 relative to affordable housing planning board action items
  2. Discussion on Town Council actions, affordable housing for economically eligible, seniors, and workforce, concerns on alignment with town council initiatives, waiting for Town Council formation of committee first, putting planning board members on the council's proposed committee, requesting two planning board members be appointed

## 6. Updates

- A.** Status Report on Planning Board action items: memo sent to Town Council, special joint meeting on April 28, 2021, feedback from the Town Council to the planning board
- B.** Update on BRAC Navy Surplus Land reuse planning process: no update
- C.** Committee reports
  1. Use Table Subcommittee: Mr. Nash- open to meeting in person. Zoom for the public. Use table refresher memo
  2. Marijuana regulation subcommittee: before the town council

3. Buildout study recommendations subcommittee: to be discussed on April 28th
4. Tree Commission: Ms. Owen- earth day week and nature walk on Saturday. Corey Lane/Green End Ave trees under overhead wires
5. Open Space and Fields Committee: Mr. Fenton- meetings at same time as PB meetings. Trail work in Middletown Valley, cleanup at Demery Park. Dropped pursuit of Valley Rd access point to Valley Trails.
6. Conservation Commission: Mr. Pierik- no meeting
7. Aquidneck Island Planning Commission: No representation, open for new appointment, no executive director, future direction, funding
8. Airport Overlay Subcommittee – Looking into tour airport and identification of runway obstructions by RIAC, TBD, inviting Town Council, state legislation, Westerly ordinance

**D. Upcoming meetings:**

1. May 12, 2021, 6pm – Regular monthly Planning Board meeting
2. April 28, 2021 6pm

**Motion** to adjourn by Ms. Owen, seconded by Mr. Weber  
**Vote:** 6-0-0

*Meeting adjourned at approximately 9:00pm*

Respectfully submitted:

Mike Fenton, Secretary