



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

July 14, 2021

In accordance with Executive Order 20-46 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

John Ciummo

Joe Pierik

B.J. Owen

Ron Wolanski, Town Planner

Rita Lavoie, Principal Planner

Marissa Deausatel, Conflict Solicitor

Christopher McNally, Assistant Solicitor

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

1. Approval of the minutes of the June 9, 2021 regular Planning Board meeting.

A. **Motion** to accept by Mr. Nash, seconded by Ms. Ciummo

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

2. Correspondence

A. Decision of the Zoning Board of Review sitting as the Planning Board of Appeal dated June 9, 2021 re: Horan Building Company Master Plan Approval, proposed subdivision Plat 129, Lot 53, 208 Howland Ave.

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

2. **Vote:** 7-0-0

B. Letter to the Planning Board from Matthew H. Leys, Esq. dated July 7, 2021 regarding application of Horan Building Company, 208 Howland Ave, Plat 129, Lot 53 ("the Howland Farm property")

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

2. **Vote:** 7-0-0

3. Mr. McNally recused himself, Ms. Marissa Deausatel sat as conflict solicitor

4. **Discussion:** Board will hold a special meeting on August 17th to hear this matter. Ms. Deausatel described the remand back to the planning board for further consideration and re-hear the application and will provide a memo on the scope of planning board review. Attorney Girard Galvin asked about the procedure on August 17th- it was determined that the planning board intends to proceed with deliberations as a public hearing. Attorney Matt Leys spoke of resubmission of plans for conventional plan and further technical review.

Additional plans or review will be addressed by Ms. Deausatel. Mr. Weber spoke of the scope of the master plan versus preliminary plan.

5. **Motion** schedule a public hearing on August 17th for a special meeting by Mr. Nash, seconded by Ms. Owen
6. **Vote:** 7-0-0
7. Ms. Deausatel left the meeting, Mr. McNally rejoined

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 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.
 1. Mr. Jay Lynch, attorney for the applicant, agreed to a continuance and notify abutters
 2. **Motion** to continue to the August 11, 2021 meeting by Ms. Owen, seconded by Mr. Nash
 3. **Vote:** 7-0-0
- B. Town Council request that the Planning Board research adopting an ordinance requiring esplanade-style sidewalks. Consider recommending ordinance language to the Town Council.
 1. **Motion** to continue to the August 11, 2021 meeting by Mr. Nash, seconded by Ms. Owen
 2. **Vote:** 7-0-0
- C. Discuss policy for removing items that are repeatedly continued from the Planning Board agenda.
 1. **Motion** to continue to the August 11, 2021 meeting by Mr. Ciummo, seconded by Mr. Weber
 2. **Vote:** 7-0-0
- D. **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.
 1. Mr. J. Russell Jackson, attorney for the applicant, requested a continuance for further review by the Town's consulting engineer and further plan revisions.
 2. Discussion: schedule a site visit for the planning board, continuing to September
 3. **Motion** to continue to the September 8, 2021 meeting by Mr. Ciummo, seconded by Mr. Weber
 4. **Vote:** 7-0-0
- E. **Public Hearing** – Application of Newport Car Vaults c/o Blake Henderson 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 and site work for and auto storage building. Property located at 55 John Clarke Rd., Plat 115, Lot 33.

1. Mr. Girard Galvin, attorney for the applicant, spoke of the positive recommendation from the Technical Review Committee, additional Special Use Permit may be necessary, asked for continuance
2. **Motion** to continue to the August 11, 2021 meeting by Mr. Weber, seconded by Ms. Owen
3. **Vote:** 7-0-0

4. New Business

- A. Request of the Zoning Board of Review for a recommendation on an application of On the Pond, LLC for a Special Use Permit to allow construction of a deck(s) in Zone 1 of the Watershed Protection District. Property located at 116 Aquidneck Ave., Plat 115SE, Lots 135 & 136.
 1. Mr. David Martland, attorney for the applicant, described the proposed addition to an existing deck located in the watershed protection district
 2. Mr. Spencer McCombe, architect for the applicant, shared images of the existing and proposed deck, noting current disrepair, redesigning deck to one level, aesthetics
 3. Questions from the board about: architectural details, setbacks, roof runoff, any hazardous materials, redirecting run off out of zone 1 to the greatest extent.
 4. Mr. Martland described no change to run off patterns
 5. Mr. Mike Russell, engineer for the applicant, spoke of no significant alteration stormwater, impervious area existing under deck, no increase in impervious area, compliance with construction site runoff and soil erosion control plan
 6. Mr. Nash asked about the parking up to the deck support structures, adding landscaping areas
 7. There was discussion on roof runoff direction, groundwater elevation, stormwater management plan, no new proposed sources of pollution, entire size is in zone 1 of the watershed protection district, not feasible to direct stormwater out of zone 1.
 8. Mr. Martland spoke of off-site parking on City of Newport land, superior court decision, appeal, decrease of restaurant capacity with re-design
 9. Ms. Owen asked about additional review by the technical review committee and conservation commission
 10. **Motion** for a positive recommendation subject to the July 1 Planner's memo by Mr. Croce, seconded by Ms. Owen
 11. **Motion amended** by Mr. Croce, seconded by Ms. Owen to include taking appropriate measures to prevent runoff during construction and review for water quality
 12. **Vote:** 7-0-0
- B. Request of Michael J. Richards, Esq., representing George P. Lewis Family Limited Partnership III for release of subdivision performance security for the Lewis Drive Subdivision, Tax Assessor's Plat 125, Lots 947, 948, 949, 950 in accordance with

Section 703 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.

1. Mr. Michael Richards, attorney for the applicant, asked for release of the performance security
 2. Mr. Wolanski reviewed the memo from the Town Engineer
 3. Mr. Richards showed images of scrapes in the curb cut noting a likelihood that a new curb cut will be placed at the location of the scrapes
 4. **Motion** by Mr. Croce, seconded by Mr. Pierik to recommend release of the bond and the outstanding items be addressed during the maintenance period
 5. **Motion amended** by Mr. Croce to include only items 1 and 2 from the Town Engineer's memo, seconded by Mr. Nash
 6. **Vote:** 7-0-0
- C. Recommendation to the Town Council regarding acceptance of Lewis Drive for town maintenance in accordance with Section 703.5 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.
1. Mr. Michael Richards, attorney for the applicant, asked for a positive recommendation for Town Council to accept Lewis Drive as a public road and spoke of releasing the performance security and posting a maintenance bond
 2. Discussion on Town Engineer's approval, request that the Engineer provide more clarity in the approval memo
 3. **Motion** by Ms. Owen, seconded by Mr. Nash to recommend to the Town Council that Lewis Drive be accepted for Town maintenance
 4. **Vote:** 7-0-0
- D. Discuss Town Council referral back to the Planning Board of the proposed Atlantic Beach District overlay zoning, and process for reconsideration.
1. Mr. Croce reviewed the Town Council discussion noting impacts on potential businesses and limiting number of hotel rooms.
 2. Mr. Weber spoke of public workshops, public input, lengthy time between planning board recommendation to the town council discussion
 3. Discussion on having additional public workshops, providing a cover memo to the town council, inviting council members to the workshop, providing notice to the council members, providing history of the proposal, notification of abutters within 200feet of the proposed district, public relations officer to write an article, schedule a separate meeting to discuss, date TBD

5. Updates

- A. Status Report on Planning Board action items.
 1. Questions: affordable housing committee membership, mixed use ordinance back on the planning board agenda next month for further discussion
- B. Committee reports

1. Airport Overlay Zoning Subcommittee

1. July 26 next subcommittee meeting

2. Town Solicitor review of Town's actions

2. Use Table Subcommittee

3. Parking Ordinance Subcommittee

1. Parking and use table combined, schedule for in-person if possible, otherwise on zoom, hybrid meeting

4. Tree Commission

1. Planting at Forest Ave school

5. Open Space and Fields Committee

1. \$80K Grant received for valley trail expansion. Committee to review options at next meeting

6. Conservation Commission

Campos plan was presented but continued, Maidford River is close to this development and needs to be looked at for impacts

C. Upcoming meetings:

1. August 11, 2021, 6pm – Regular monthly Planning Board meeting.

2. August 17, 2021 6pm – Special Meeting

Motion to adjourn by Ms. Owen, seconded by Mr. Weber

Vote: 7-0-0

Meeting adjourned at approximately 7:45

Respectfully submitted:

Mike Fenton, Secretary