



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**September 8, 2021, 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

Joe Pierik

B.J. Owen

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

**Members Absent:**

John Ciummo

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

**1. Approval of the minutes of the August 11, 2021 regular Planning Board meeting and the special meetings of August 10, August 17 & August 23, 2021.**

- A. **Motion** to accept the minutes of August 11, 2021 by Ms. Owen, seconded by Mr. Nash
- B. Mr. Croce requested an amendment to page 1 item 2.E.3- planning department will start handing out as guidelines the recommendations from the Tree Warden
- C. **Motion amended** to include the change
- D. **Vote:** 6-0-0
- E. **Motion** to accept the minutes of August 10, 2021 by Mr. Nash, seconded by Ms. Owen
- F. **Vote:** 6-0-0
- G. **Motion** to accept the minutes of August 17, 2021 by Ms. Owen, seconded by Mr. Nash
- H. Mr. Croce requested an amendment to page 3 last motion by Mr. Nash, seconded by Mr. Weber- add "it was expressly stated that new materials be submitted no later than September 1, 2021"
- I. **Motion amended** to add language
- J. **Vote:** 6-0-0

K. **Motion** to approved minutes of August 23, 2021 by Mr. Nash, seconded by Ms. Owen

L. **Vote:** 6-0-0

## 2. Correspondence

A. Email communication from Kerri Lewis, 54 Aquidneck Ave., received August 31, 2021 regarding 59 Aquidneck Ave., application of Jack Gullison.

B. Email communication from Mark Horan dated September 2, 2021 regarding the Horan/Howland subdivision

C. Email communication from Steve MacGillivray dated September 3, 2021 regarding the Horan/Howland subdivision

D. Email communication from Jeremiah Lynch dated September 7, 2021 regarding the Horan/Howland subdivision

E. **Motion** to receive the correspondences By Mr. Nash, seconded by Ms. Owen

F. **Vote:** 6-0-0

## 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 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, requested a continuance to address potential zoning issues with the Town Solicitor

2. **Motion** to continue to the October 13, 2021 meeting by Mr. Nash, seconded by Ms. Owen

3. Discussion: moving the process along

4. **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.

1. Mr. Jay Lynch, attorney for the applicant, requested a continuance to address easement and legal matters

2. **Motion** to continue to the October 13, 2021 meeting by Mr. Nash, seconded by Ms. Owen

3. Discussion: easement issues, other engineering issues, mortgage subordination of easements

4. **Vote:** 6-0-0

- 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.
1. Mr. Wolanski noted Technical Review Committee is reviewing pending material
  2. **Motion** to continue to the October 13, 2021 meeting by Mr. Nash, seconded by Ms. Owen
  3. **Vote:** 6-0-0
- D. **Public Informational Meeting** - Application of Horan Building Company for Master Plan approval of a 7-lot subdivision including a proposed new road and request for waivers from certain provisions of Article 5 and Article 6 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The property is located on the southwest corner of the intersection of Green End Ave. and Vacluse Ave. and is identified as 208 Howland Avenue, Tax Assessor’s Plat 129, Lot 53.
1. Mr. Regan recused himself
  2. Mr. Jay Lynch, attorney for the applicant, noted updated plans submitted after the meeting’s deadline
  3. **Motion** to continue to the October 13, 2021 meeting by Ms. Owen seconded by Mr. Nash
  4. Discussion: no further submissions
  5. **Vote:** 6-0-0
  6. Mr. Regan rejoined the meeting
- E. **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
1. Mr. Wolanski noted Technical Review Committee review and the Town’s Consulting Engineer review pending
  2. **Motion** to continue to the October 13, 2021 meeting by Mr. Nash seconded by Mr. Weber
  3. **Vote:** 6-0-0

#### 4. Business

- A. **Public Hearing** – Application of MDR Realty II, LLC & MDR Enterprises, LLC 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 an addition to an existing commercial building to be used as an auto dealership and expansion to the existing parking lot. Property located at 1235 West Main Rd. Assessor’s Plat 106, Lot 87 & Plat 112, Lot 14
1. **Motion** to open the public hearing by Mr. Weber, seconded by Ms. Owen

2. **Vote:** 6-0-0
  3. Mr. Matt Leys, attorney for the applicant, described the site, current construction, proposed alternations to the plan, zoning compliance, addition to an existing structure, expansion of parking lot for inventory storage, RIDEM approval, location of nearby residential abutters, requested waivers from the rules and regulations regarding the subdivision and development of land
  4. Mr. Mike Russel, engineer for the applicant, reviewed the stormwater management and state permitting, landscaping elements, pre-treatment basins, soil remediation
  5. Discussion by the board: significant remediation, opposition to waiver requests, building design not compatible with traditional New England architecture, stormwater system maintenance, rear site lighting, landscape maintenance plan
  6. Mr. Thomas Lanardo, architect for the applicant explained that the roof form is required by BMW, waiver process to BMW standards for minor alterations to standards
  7. Mr. Russell described the stormwater pre-treatment mechanism, perimeter lighting moved to the corner of the pavement, maintenance, inspection ports
  8. **Motion** to close the public hearing by Mr. Weber, seconded by Mr. Owen
  9. **Vote:** 6-0-0
  10. **Motion** to approve with seven waivers and three TRC conditions subject to the required findings by Mr. Weber, seconded by Ms. Owen
  11. **Vote:** 6-0-0
- B. Request for concept review – Mesolella Development Corp. Affordable housing comprehensive permit application, mixed-use development, 1747 West Main Rd., Plat 111, Lots 8 & 9. (As a concept review, the Board will take no action on this item.)
1. Mr. David Martland, attorney for the applicant, requested a special hearing date for the project
  2. There was discussion on available dates, planning board member availability, a complete application pending, affordable housing committee
  3. The planning board requested additional overview of the project
  4. Mr. Derek Mesolella, applicant, provided an overview of the proposed 15 ½ acre site with 144 residential rental units and ground floor commercial uses, 35-40% affordable housing, conducted in two phases, federal funding, state tax credits, current use
  5. Mr. Martland reviewed the comprehensive permit process where the Planning Board is the unified review board
  6. Questions from the board: applicant's experience with similar projects in the state, existing ground mounted solar application on rear lot, comprehensive permit application process, experience of the developer, size of the units, abutter's notification and concern, technical review committee review referral, no consulting engineer review typical at this stage.

7. Once a complete application is received, the board will work to schedule a special hearing date as soon as possible
- C. Review of revised draft of Airport Overlay Zoning amendment to the Middletown Zoning Ordinance and recommendation to the Town Council.
1. Mr. Pierik, subcommittee chair, reviewed the updated draft noting abutter feedback
  2. Mr. Wolanski described the updated map which limits the runway protection zones and minor changes to the text to remove the word “hazard”.
  3. Mr. Croce asked about RIAC and state law compliance
  4. Discussion: hold a public workshop, consolidate RPZ to limit impact, state and RIAC to be invited, existing easements shown for information
- D. Town Council request that the Planning Board research adopting an ordinance requiring esplanade-style sidewalks. Consider recommending ordinance language to the Town Council.
1. Mr. Regan spoke with the Town Administrator about what board should include in the new draft, A revised draft will be provided at next meeting
  2. Continued to October 13, 2021 by consensus
- E. Discuss policy for removing items that are repeatedly continued from the Planning Board agenda.
1. Mr. Regan coordinated with zoning board to have identical policies; adding to the ordinances with Town Council approval; will provide updated text for the October 13, 2021 meeting and recommendation on where in the ordinance it should be placed.
  2. The term “dismiss without prejudice” was discussed. It implies that if brought before the board in the future that new existing ordinances would apply to the application.
- F. Discuss and provide recommendation to the Town Council on proposed amendment to mixed-use development regulations, Zoning Ordinance Article 27A
1. Mr. Wolanski reviewed Town Council concern on removing hours of operation limitations, changes to the draft to keep hours of operation limitations in place
  2. Discussion by the board: 8pm too early for restaurants to close, changing to 10pm just for restaurants in the limited business
  3. Discussed closing times of businesses. Proposed closings at 8pm for non-restaurant business and 10 pm for restaurant business.
  4. **Motion** to adopt as amended and forward to Town Council by Ms. Owen, seconded by Mr. Nash
  5. **Vote:** 6-0-0

## 5. Updates

### A. Status Report on Planning Board action items

1. Finance Director to calculate overhead costs

### B. Committee reports

#### 1. Use Table/Parking Subcommittee

1. Meeting today was cancelled due to staffing issues, will be rescheduled

#### 2. Tree Commission

1. Golf course proposal was discussed

#### 3. Open Space and Fields Committee

1. No report. Mr. Croce mentioned neighborhood noise complaints about pickle ball players

#### 4. Conservation Commission

1. Upcoming meeting September 13, 2021

### C. Upcoming meetings:

1. October 13, 2021, 6pm – Regular monthly Planning Board meeting

**Motion** to adjourn by Ms. Owen, seconded by Mr. Fenton

**Vote:** 6-0-0

*Meeting adjourned at approximately 7:50pm*

Respectfully submitted:

Mike Fenton, Secretary