



PLANNING BOARD MINUTES

December 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
B.J. Owen
John Ciummo

Ron Wolanski, Town Planner
Peter Regan, Town Solicitor

Member absent:

Joe Pierik

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

1. Approval of the minutes

A. October 13, 2021 regular Planning Board meeting

1. **Motion** by Mr. Weber seconded by Mr. Nash
2. **Vote:** 6-0-0

B. Special meeting of October 7, 2021.

1. **Motion** by Mr. Weber, seconded by Mr. Nash
2. **Vote:** 6-0-0

C. Special meeting of October 14, 2021.

1. **Motion** by Mr. Weber, seconded by Mr. Nash
2. **Vote:** 6-0-0

D. Special meeting of October 19, 2021.

1. **Motion** by Mr. Nash, seconded by Mr. Weber
2. **Vote:** 6-0-0

E. Special meeting of November 2, 2021.

1. **Motion** by Mr. Weber, seconded by Mr. Nash

2. **Vote:** 6-0-0

F. **Special meeting of December 2, 2021.**

1. **Motion** by Mr. Nash, seconded by Mr. Weber
2. **Vote:** 6-0-0

2. **Correspondence** – None received

3. **Continuances**

A. Request of Benjamin J. Contessa for approval of an administrative subdivision to transfer 1,960 sq.ft. of land from one existing lot to another. Property located at 183 Wolcott Ave., Plat 115SE, Lots 282 & 283

1. **Motion** made and duly seconded to continue the matter to the January 12, 2022 regular Planning Board meeting. **Vote:** 6-0-0

B. **Public Hearing** - Application 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 by Endeavor Holdings, LLC for redevelopment of a commercial property and construction of a 2,107 square foot 2-story building located at 100 and 102 Valley Road, Tax Assessors Plat 113 Lot 19A.

1. **Motion** made and duly seconded to continue the matter to the January 12, 2022 regular Planning Board meeting. **Vote:** 6-0-0

4. **Old Business**

A. Discuss policy for removing items that are repeatedly continued from the Planning Board agenda.

1. Mr. Regan presented a proposed policies and procedures document for Board consideration, which addresses various aspects of procedure. He also proposed that language addressing “zombie” applications have commonality with the Zoning Board’s policy.
2. There was discussion of some language for clarification. Board members requested revisions to the 9pm meeting curfew to clarify that applications not reach before 9pm would be continued but that other agenda items could be considered at the Board’s discretion. Revision to language for hearing procedures regarding application opponents having legal representation was requested.
3. **Motion** by Mr. Nash, seconded by Ms. Owen, to approve the policies and procedures document as amended. **Vote:** 6-0-0

B. **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. The applicant was not present. Mr. Regan stated that the applicant continues to consider appealing decisions of the Building/Zoning Official regarding the type of zoning relief required for the project.

2. Mr. Croce stated that consistent with Board policy, if the applicant is not prepared to proceed with the Planning Board hearing during the January meeting, the application should be removed from the agenda.
3. Motion by Mr. Nash, seconded by Mr. Weber, to continue the matter to the January 12, 2022 regular meeting. Vote: 6-0-0.

C. **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. The applicant was not present. Mr. Wolanski stated that completion of TRC review is awaiting resolution of the Town Engineer's concerns with easements on the property.
2. Mr. Regan stated that he had recently discussed the matter with the Town Engineer and a resolution is forthcoming which might allow the hearing to proceed in January.
3. Mr. Croce stated that if the matter cannot proceed in January, it should be removed from the agenda.
4. **Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to January 12, 2022 regular meeting. **Vote** 6-0-0.

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. Motion made by Mr. Weber, seconded by Mr. Ciummo, to open the public hearing. Vote: 6-0-0
2. The applicant's attorney, J. Russell Jackson, and engineer Lyn Small reviewed the proposed plans. Conditions of the Master Plan approval have been addressed. RIDEM has approved the plans, as has the town's Technical Review Committee, subject to recommended conditions. Ms Small stated that the area calculation for buildable lots allows 8 whereas 5 are proposed. Also, town water and sewer will be used. They noted the distance of the proposed development from the Maidford River and discussed the stormwater management plan, and impervious coverage limitations. There should be no limitation on basements or sump pumps since any water pumped would be considered clean groundwater.
3. Ms. Owen stated that the plan addresses concerns related to stormwater runoff and impacts on wetlands.
4. Mr. Nash asked about the requirements for Cape Cod berm vs. curbing. Mr. Wolanski stated that the regulations call for Cape Cod berm as the standard, but the need for a berm is determined on case-by-case basis.
5. Mr. Fenton stated that the project design is good and met the conditions imposed by the TRC.

6. Mr. Jackson call Paige Bronk, certified planner, as a witness. Mr. Bronk reviewed the required findings of fact and stated that the project is consistent with the Middletown Comprehensive Community Plan and other required findings.
7. Attorney David Martland, representing the Aquidneck Land Trust, owner of abutting property, submitted a letter to the Board dated December 8, 2021 which discusses his client's concerns related to stormwater management. He stated that the revised plans should be reviewed by the Town Engineer for compliance with requirements, rather than relying on the recommended conditions of approval.
8. Mr. Weber stated that the revised plan should be reviewed by the Town Engineer before a decision on the Preliminary Plan is made.
9. Abutting property owner Hedy Bennett of 89 Paradise Ave. stated that she is concerned about stormwater and the condition of the stonewall along the subject property's northerly boundary with her property. The wall should be preserved.
10. Following additional Board discussion, and discussion with the applicant's attorney, who agreed to a continuance, it was determine that a continuance to allow for the Town Engineer's review of the latest concerns was in order.
11. **Motion** by Mr. Nash, seconded by Ms. Owen, to continue the matter to the January 12, 2022 regular meeting to allow for review of the latest plans by the Town Engineer. The public hearing will remain open. **Vote:** 6-0-0.

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. There was a motion, duly seconded, to open the public hearing. **Vote:** 6-0-0.
2. Attorney Robert Silva, representing the applicant, reviewed the history of the project and the current application. He noted the prior RIDEM approval and the need for certain relief from the Zoning Board of Review.
3. Mr. Croce asked if the applicant would be agreeable to scheduling a special meeting for this matter given the length of the meeting's agenda and the amount of time that will be needed to complete the hearing. Mr. Silva stated that his client was agreeable to a continuance to a special meeting.
4. **Motion** by Mr. Nash, seconded by Mr. Ciummo, to continue the matter to the January 12, 2022 regular meeting for control purposes, and for Mr. Wolanski to poll the board members to identify a date for a special meeting to be held after January 12th. The public hearing will remain open. **Vote:** 6-0-0.

F. Public Informational Meeting- Application by Aquidneck Commerce Center, LLC for Master Plan approval of a major land development project for a proposed mixed-use development including 12 new residential units and approximately 15,000 sq.ft. of office space contained in two existing buildings pursuant to Article 27A of the

Middletown Zoning Ordinance and including request for variances from the Middletown Zoning Ordinance sections 27A07(E)(1) and 27A07(E)(2). The property is located at 809, 811, and 819 Aquidneck Ave., Assessor's Plat 114, Lots 129 and 504.

1. Mr. Patrick Hayes, attorney for the applicant, described the proposed development plans noting demolition of the existing house, 3 variances requested for setbacks and building height, 12-units, mixed-use development project.
 2. The applicant, Christopher Bicho, reviewed the waivers being requested, noting the limitations of the site. In response to a comment from a Board member he stated that the proposed flat roof design, as well as the exterior materials and color scheme is intended to be consistent with the existing office building on the property.
 3. Abutting property owner, Angelo and Sandra Botelho of 833 Aquidneck Ave stated that they are concerned with the requested reduction in the required setback and landscaped buffer along their property line. Concern about increased traffic and safety were expressed.
 4. Board members discussed with the applicant options for increasing the buffer along the northerly property line.
 5. Mr. Bicho agreed to a continuance to the January meeting for him to have the opportunity to consider and submit revised plans
 6. **Motion** by Mr. Weber, seconded by Mr. Nash to continue the matter to the January 12, 2022 meeting. **Vote:** 6-0-0
- G. 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 explained that the final draft of proposed ordinance language to be presented at next meeting.

5. New Business

- A. **Public Hearing** – Request of The West House Corporation for Master Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17 *Low and Moderate Income Housing- Comprehensive Permit*, for expansion of an existing multifamily dwelling structure located at 417 Forest Avenue, Assessor's Plat 113 Lot 6 and including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 and variances from the Middletown Zoning Code §602 for a multifamily dwelling project in the Office Business zoning district; §603 for a 40 foot building where 35 feet is the maximum allowable; §605 for a 42,603 square foot structure where 35,000 is the maximum allowable; §1304 for 61 parking spaces where 104 is required; §1504 for exceeding the allowable density in a multifamily dwelling project; §1505 for less than the minimum open space requirements in a multifamily dwelling project; §1507 for parking areas closer than 25 feet to the proposed structure; and §1508 for a façade greater than 80 feet without articulation in a multifamily dwelling project.

1. A motion was made and duly seconded to open the public hearing. Vote: 6-0-0.
2. Girard Galvin, attorney for the applicant, and Christian Belden, Executive Director of Church Community Housing Corporation, representing the applicant, described the project and the History of Church Community Housing. This project will consist of 100% affordable units for the elderly.
3. The applicant's architect, Paul Attemann of Union Studio Architects, reviewed the project plans. The waiver requests were discussed.
4. There was discussion of the proposed flat roof. The applicant stated that solar panels are planned. Board members noted the requirement that any rooftop equipment be screened from public view.
5. The applicant's engineer, Louis Gentili of Insite Engineering, reviewed the site plans. The stormwater management design will be provided at Preliminary Plan stage, and will be an improvement over the current situation since the proposed expansion is on an existing impervious parking area which will be reduced by 15%. Access for emergency vehicles is provided.
6. There was discussion of the proposed parking. The applicant stated that the number of spaces provided is consistent with the demand experienced at other similar facilities.
7. Real Estate expert Jim Houle provided a report and presentation. He stated that the project is consistent with the Middletown Comprehensive Community Plan. He also focused on the goals of the Town's affordable housing action plan.
8. Mr. Croce opened the floor to public input. No members of the public wished to speak.
9. Motion by Mr. Nash, seconded by Ms. Owen, to close the public hearing. Vote: 6-0-0.
10. The Board next considered the requested zoning relief and waivers:
 1. Zoning Ordinance §602 Schedule of District Regulations and Uses: Multifamily dwelling projects not permitted in the Office Business district. **Motion** by Mr. Weber, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0.
 2. Zoning Ordinance §603 District Dimensional Regulations: maximum Building Height for is 35 feet. A 40-foot structure is proposed. **Motion** by Mr. Ciummo, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0.
 3. Zoning Ordinance §605 Maximum Building Footprint: 35,000 square feet. Proposed structure is a total of 42,603 square feet. **Motion** by Ms. Owen, seconded by Mr. Weber to grant the request relief. **Vote:** 6-0-0
 4. Zoning Ordinance §1304 Minimum and Maximum Off-Street Parking Requirements: Elderly housing 1 space per dwelling unit. 104 spaces are required, 61 parking spaces are proposed. **Motion** by Mr. Nash, seconded by Mr. Ciummo to grant the request relief. **Vote:** 6-0-0

5. Zoning Ordinance §1504 Maximum density in a multifamily dwelling structure: for the proposed mix of 1- and 2-bedroom units, 654,000 square feet of lot area is required where 200,689 square feet exists. **Motion** by Mr. Ciummo, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0
6. Zoning Ordinance §1505 Open Space requirement in a multifamily dwelling structure: ratio of open space divided by floor area must exceed 1.5. Proposed open space is 110,039 square feet where 186,025 square feet is required. **Motion** by Mr. Nash, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0
7. Zoning Ordinance §1507(B) No off-street parking area shall be located within 25 feet of any wall of a principal building (except a garage) used for residential purposes along which is located an entrance or exit generally intended for use by residence thereof or along which are located windows serving habitable rooms less than ten feet above the ground. Proposed parking is approximately 19.5 feet from the building. **Motion** by Mr. Weber, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0
8. Zoning Ordinance §1508(B) No facade of any principal building in any multifamily dwelling project or structure shall exceed 80 lineal feet without a building jog of at least 45 degrees for a building having two wings, or 30 degrees for a building having three or more wings. Facade is approximately 83 feet without jog. **Motion** by Mr. Weber, seconded by Mr. Nash to grant the request relief. **Vote:** 6-0-0
9. Middletown Rules & Regulations Regarding the Subdivision & Development of Land §521.1 E. 4 Bicycle racks shall be provided, minimum 1 bicycle space per 5 automobile parking spaces or fraction thereof. No bicycle racks are proposed. **Motion** by Mr. Ciummo, seconded by Ms. Owen to grant the request relief. **Vote:** 6-0-0
10. Middletown Rules & Regulations Regarding the Subdivision & Development of Land §521.2C - Building exteriors and roofs constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone (synthetic materials require Planning Board approval). The applicant proposed wood composite siding and rubber roof. **Motion** by Mr. Fenton, seconded by Mr. Nash to grant the request relief. **Vote:** 6-0-0
11. Middletown Rules & Regulations Regarding the Subdivision & Development of Land §521.2.D 1-3 Traditional roof forms such as hip, gambrel, or gable shall be required. The gradient from level of any sloped roof shall be at least 4:12. Flat roofs may be permitted if decorative details are incorporated into the roof design and/or the roof is designed to incorporate a sloped design for the portion of the roof visible from the public way, and provided that any mechanical equipment installed on the roof is not visible from the public way and abutting properties. Flat roof is proposed. **Motion** by Ms. Owen, seconded by Mr. Nash to grant the request relief. **Vote:** 6-0-0

11. **Motion** by Mr. Weber, seconded by Mr. Ciummo, to grant Master Plan approval subject to the relief granted, the seven required findings of fact, and the following conditions of approval:

1. The Preliminary Plan submission shall include stormwater management to ensure no increase in the rate or volume of runoff to the existing stormwater facilities located on abutting property.
2. The Preliminary Plan submission shall address concerns over steep grades proposed for new parking areas.
3. The Preliminary Plan submission shall demonstrate adequate access to the building for fire and other emergency vehicles.
4. The Preliminary Plan submission shall demonstrate an attempt to incorporate a pitched roof design or other traditional New England design elements and ensure that any rooftop mechanical equipment and solar panels are screened from view from public streets and surrounding properties.
5. **Vote:** 6-0-0

B. Request of Thomas Welch for Preliminary Plan approval of a 2-lot minor subdivision, and recommendation to the Zoning Board of Review on a Special Use Permit application to allow residential development in Zone 1 of the Watershed Protection District. Property located at 536 Mitchell's Lane, and fronting on Fayal Lane, Assessor's Plat 124, Lot 19.

1. Mr. Nash recused from discussion of this item.
2. **Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue this matter to the January 12, 2022, regular Planning Board meeting. **Vote:** 6-0-0.

C. Request of Tony Lorusso, applicant for the Morrison Farm Subdivision, Morrison Ave., Plat 114, Lot 820, for the Planning Board to set the amount of performance security per Section 702 of the *Middletown Rules and Regulations Regarding the Subdivision and Development of Land* to secure completion of remaining infrastructure work.

1. **Motion** made and duly seconded to continue this matter to the January 12, 2022, regular Planning Board meeting. **Vote:** 6-0-0.

D. Request of the Town Council for review and recommendation on parking requirements for residential uses.

1. **Motion** made and duly seconded to forward this matter to the use table/parking zoning amendment subcommittee and to continue this matter to the January 12, 2022, regular Planning Board meeting. **Vote:** 6-0-0.

6. Updates

A. Status Report on Planning Board action items.

1. Mr. Croce noted that the Board is awaiting additional information from the Finance Director to complete calculation of revised application fees.

B. Committee reports

1. Use Table/Parking Subcommittee

1. Mr. Nash: Next meeting scheduled for Dec. 17th

2.Tree Commission

1. Ms. Owen: No update.

3.Open Space and Fields Committee

1. Mr. Fenton: Work continues on the trails for The Valley Park with the award of a contract to East Coast Construction to do the work. Also, Northeast Tree is cutting an area at Paradise Park for future trail development. A potential east – west bikepath across Middletown is being discussed with a proposed route in discussion.

4.Conservation Commission

1. No update.

C. Upcoming meetings:

1. January 12, 2022, 6pm – Regular monthly Planning Board meeting.

Motion made and duly seconded to adjourn.

Vote: 6-0-0

Meeting adjourned at approximately 9:55pm

Respectfully submitted:

Mike Fenton, Secretary