



PLANNING BOARD MINUTES
April 13, 2022, 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
Michael Monti, Assistant Town Solicitor

Member absent:

Joe Pierik

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

1. Election of Officers
 - a. **Motion** by Mr. Weber, seconded by Mr. Ciummo, to elect Mr. Croce to serve as chairman. **Vote:** 5-0-1 with Mr. Croce abstaining
 - b. Motion by Ms. Owen, seconded by Mr. Weber, to elect Mr. Nash to serve as vice-chairman. **Vote:** 6-0-0.
 - c. **Motion** by Ms. Owen, seconded by Mr. Weber, to elect Mr. Fenton to serve as secretary. **Vote:** 6-0-0
2. Approval of minutes
 - a. March 9, 2022 regular Planning Board meeting, **Motion** by Mr. Weber seconded by Mr. Nash to approve. **Vote:** 6-0-0
 - b. March 30, 2022 special meeting, **Motion** by Mr. Nash, seconded by Mr. Weber, to approve. **Vote:** 6-0-0
3. Correspondence
 - a. Memo of the Town Planner dated March 25, 2022 re: Administrative Subdivision – St. George’s School, property located at 372 Purgatory Rd., Plat 121SW, Lots 28, 29, 30, 31, 35A and 39
 - b. Letter from Nancy Newbury, West House resident, dated March 25, 2022 regarding Church Community Housing’s West House II project.
 - c. Email correspondence from Mark Hastings, West House resident, received March 29, 2022, regarding Church Community Housing’s West House II project

- d. Memo from the DPW Director and Town Engineer, dated April 7, 2022 regarding Campos residential subdivision.
- e. Letter from J. Russell Jackson, Esq., dated April 11, 2022 regarding Samuel's Realty Co. Inc. Polo Center Mixed-use Development.
- f. Email from the DPW Director dated April 11, 2022 regarding Roads & Utilities Committee comments on Polo Center.
- g. Email from Jim Gedney, Conservation Commission chair, dated April 12, 2022 regarding Conservation Commission meeting 4/11/2022
- h. Letter from Brian Murray, dated April 12, 2022 regarding Parcel A subdivision, 103 & 105 Purgatory Rd.

Motion by Mr. Weber, seconded by Mr. Nash, to receive all correspondence. **Vote:** 6-0-0.

4. Continuances

- a. **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
 - i. Attorney Jay Lynch represented the applicant. He stated that the applicant is continuing to work with the Town's engineers to address design concerns. He requested a continuance to the June Planning Board meeting.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Weber, to continue the matter to the June 8, 2022 regular Planning Board meeting. **Vote:** 6-0-0
- b. **Public Informational Meeting**- Application by Samuel's Realty Co., Inc. for Master Plan approval of a major land development project for a proposed mixed-use development including 60 new residential units and approximately 4,000 sq.ft. of new commercial space, with existing commercial space pursuant to Article 27A of the Middletown Zoning Ordinance and including request for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the subdivision and Development of Land, and request for a variance from the Middletown Zoning Ordinance section 27A04(C)(1), to allow businesses within the development to be open without the limitations on hours of operation specified in this section. The subject property is located at 656 & 670-716 Aquidneck Ave., Assessor's Plat 114, Lots 107, 107A, 107B, 107D, 107E, 108 & 109
 - i. Attorney Girard Galvin represented the applicant. He noted the request for continuance submitted to the Board by an abutter's attorney, and the need to ensure that proper abutter notice is completed. A continuance to the May Planning Board meeting is acceptable.
 - ii. **Motion** by Ms. Owen, seconded by Mr. Ciummo, to continue the matter to the May 11, 2022 regular Planning Board meeting. **Vote:** 6-0-0.

5. Old Business

- a. **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
- i. Attorney Russ Jackson represented the applicant. He reviewed the status of the application. His client and the Aquidneck Land Trust, an abutting property owner, have agreed to a condition of approval regarding water quality testing.
 - ii. The applicant’s engineer, Lyn Small of Northeast Engineers and Consultants reviewed modifications made to the stormwater management plan at the request of the Town’s consulting engineer.
 - iii. There was discussion of the existing paper cul-de-sac at the end of Serenity Dr. The Town Engineer and DPW Director have requested that it be abandoned. Mr. Wolanski suggested that this could be a condition of approval.
 - iv. Warren Hall, Town Engineer, addressed the Board. He indicated no further concerns with the stormwater management plan. The proposed condition regarding abandonment of the cul-de-sac right-of-way is acceptable. Bob Hanley, DPW Director concurred.
 - v. There was discussion of possibly imposing a 15-mph speed limit on Serenity Dr. It was decided that this was not in the Planning Board’s prevue.
 - vi. Mr. Croce opened the floor for public input. There being no members of the public wishing to speak, **motion** by Ms. Owen, seconded by Mr. Ciummo, to close the public hearing. **Vote:** 6-0-0.
 - vii. **Motion** by Mr. Weber, seconded by Ms. Owen to make the five required findings and to grant Preliminary Plan approval subject to the following conditions:
 1. Prior to Final Plan application, the latest revised plans shall be submitted to RIDEM for review and approval, and a copy of the revised permit, if applicable, shall be submitted to the Planning Department with the Final Plan application.
 2. Prior to Final Plan approval, the final stormwater management plan design must be approved by the Town Engineer.
 3. Prior to final plan approval, payment of development plan review fees must be submitted.
 4. Prior to final plan approval, a landscape maintenance plan including a schedule of initial and ongoing activities to be undertaken by the property owner, homeowners’ association or other appropriate party if a landscape plan is proposed, as required by §523 of the regulations must be submitted for review and approval by the Middletown Tree Commission and, following approval, must be recorded in the Land Evidence Records.

5. Prior to final plan approval, all legal documents, such as sewer easements, stormwater maintenance easements, and HOA bylaws and covenants must be reviewed and approved by the Town Solicitor and other Town staff as applicable.
6. The stormwater operations and maintenance plan for the proposed system shall include annual water quality testing of the outfall of the stormwater management system. Results shall be reported to the Planning Department, with a copy provided to the Aquidneck Island Land Trust. If results indicate failure of the water quality treatment provided by the stormwater management system, or other sources of contamination, immediate corrective action must be taken. Language to this effect shall be included in the operations and maintenance plan, drainage easements, and other applicable documents subject to the approval of the Town Solicitor.
7. Prior to recording of the Final Plan, the applicant shall seek abandonment of portions of the existing public right-of-way of Serenity Drive created to accommodate possible future construction of a cul-de-sac turn-around located along the street frontage of proposed lots 1 & 5. Such abandonment, if approved by the Town Council, shall be reflected on the Final Plan for recording, and shall take effect only with the recording of the Final Plan for the subject subdivision. Town Council denial of the abandonment request shall not preclude the recording of the approved Final Plan.

Vote: 6-0-0.

- b. **Public Hearing** – Request of People’s Credit Union for Development Plan Review of proposed modifications to the front façade of an existing commercial building, and request for waivers from certain provisions of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 858 West Main Road, Assessor’s Plat 107NE, Lots 4, 5, 6, 7, 8.
 - i. The applicant was represented by its architect, Crispen Conklin of P.W. Campbell, who reviewed the proposed building modifications, revised since the prior meeting. He provided a sample of the siding material proposed to be used around the front entry.
 - ii. Board members expressed support for the proposed siding material. Some members expressed a desire for the applicant to consider incorporation of additional traditional design elements, while recognizing the limitation on options due to the overall building design.
 - iii. A motion was made to close the public hearing but was then withdrawn.
 - iv. The applicant agreed to consider additional design options for the Board’s review during the May Planning Board meeting.

- v. **Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the May 11, 2022 regular Planning Board meeting with the public hearing remaining open. **Vote:** 6-0-0.

6. New Business

- 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.
 - i. Mr. Contessa addressed the Board, requesting that an earlier administrative subdivision plan design be approved. A plan recently approved by the Board for his property results in privacy concerns due to the location of the existing house in relation to the approved new property line. He confirmed that the existing house is a two-family dwelling that he is willing to convert to a single-family dwelling.
 - ii. Board members expressed concern with the requested plan, since the side yard setback between the existing house and the proposed property line would be only 2.3 feet. The required setback for a single-family dwelling of 15 feet would be acceptable.
 - iii. Mr. Contessa agreed to continue the matter to reconsider design options.
 - iv. **Motion** by Mr. Nash, seconded by Mr. Weber, to continue the matter to the May 11, 2022 Planning Board meeting. **Vote:** 6-0-0.
- b. Request of Brian W. Murray on behalf of WAM Nominee Trust and the Lisa C. Muir Revocable Trust of 2011 for approval of an administrative subdivision to transfer 1,955 sq.ft. of land from one lot to another. Properties located at 103 & 105 Purgatory Road, Plat 116NW, Lots 52 & 55.
 - i. Mr. Murray described the purpose of the proposed subdivision, which is to convey land back to his property.
 - ii. There was discussion of the shared private driveway that serves six contiguous lots. Continued common use of the private driveway must be confirmed.
 - iii. Mr. Murray stated that in response to the request, a note will be added to the plan to reference the common use of the private driveway. The note will reference the deeds of the subject properties. He read the proposed language to the Board. Assistant Solicitor Monti confirmed that the language is acceptable.
 - iv. **Motion** by Mr. Nash, seconded by Ms. Owen, to make the required findings and to grant approval of the subdivision subject to a condition that the note read during the meeting and approved by the solicitor be added to the plan prior to recording. **Vote:** 6-0-0.

4. Updates

- a. Mr. Wolanski provided an update on the hiring process for the Principal Planner position.
- b. Status Report on Planning Board Action Items – Mr. Croce requested that discussion of the proposed historic preservation incentive program be included on the May 11th meeting agenda.

c. Committee reports

1. Use Table/Parking Subcommittee - Mr. Wolanski stated that he will work to have a revised draft of the proposed zoning ordinance revisions regarding parking ready for review during the May 11th Planning Board meeting.
2. Tree Commission – Ms. Owen stated that the commission is working on its Spring planting program and sapling distribution.
3. Open Space & Fields Committee – Mr. Fenton stated that the committee is still reviewing a proposed “futsal” mini-soccer proposal recently presented to the OS&F committee.
4. Affordable Housing Committee – Mr. Weber stated that a public meeting was recently held to discuss a potential affordable housing project at Oliphant School. The committee voted to send a favorable recommendation to the Town Council.

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

Meeting adjourned at approximately 7:45pm.

Respectfully submitted,

Mike Fenton, Secretary