



PLANNING BOARD MINUTES
May 11, 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
Joe Pierik

Ron Wolanski, Town Planner
Michael Monti, Assistant Town Solicitor

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

1. Approval of minutes
 - a. April 13, 2022 regular Planning Board meeting, **Motion** by Ms. Owen seconded by Mr. Ciummo to approve. **Vote:** 6-0-0 (Mr. Nash had yet to arrive.)
 - b. April 21, 2022 special meeting, **Motion** by Mr. Weber, seconded by Mr. Ciummo, to approve. **Vote:** 6-0-0 (Mr. Nash had yet to arrive.)
2. Correspondence
 - a. Memo of the Town Planner dated April 21, 2022 regarding approval of administrative subdivision of land, Saltwood Farm subdivision, Plat 126, Lots 4 & 401.
 - b. Memo of the Town Planner dated April 28, 2022 regarding West House II, affordable housing comprehensive permit application.

Motion by Ms. Owen, seconded by Mr. Weber, to receive both correspondence. **Vote:** 6-0-0. (Mr. Nash had yet to arrive.)
3. Continuances
 - a. Request of Geralyn Small, PE on behalf of the potential applicant for conceptual review of proposed development of a medical office building on property fronting an Valley Rd., AP 107NE, Lot 402B.
 - i. **Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the June 8, 2022 regular Planning Board meeting. **Vote:** 7-0-0.
4. Old 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. Wolanski stated that he had received an email communication from the applicant requesting that the application be withdrawn as he is not able to proceed at this time.
 - ii. **Motion** by Mr. Nash, seconded by Ms. Owen to approve withdrawal of the application without prejudice. **Vote:** 7-0-0.
- 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 attorney Robert Silva. Mr. Silva stated that his client wishes to proceed with consideration of the plans presented during the prior Planning Board meeting. The client’s architects considered the Board’s request to further modify the design to include traditional design elements, but given the building’s Brutalist design, they determined that such modifications are not feasible.
 - ii. Board members expressed a desire for the applicant to make additional modifications and to continue the matter to the next meeting. An effort must be made to comply with Town design requirements.
 - iii. The applicant’s facilities manager stated that the design of the existing building limits design alternatives.
 - iv. There being no members of the public wishing to speak, **motion** by Mr. Weber, seconded by Mr. Nash to close the public hearing. **Vote:** 7-0-0.
 - v. Board members again expressed concern over the proposed design.
 - vi. **Motion** by Mr. Nash, seconded by Mr. Ciummo, to make the required findings, grant the requested waiver and approve the application. **Vote:** 0-7-0, with all members voting in opposition. Motion fails.
- c. **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. A **motion** was made and duly seconded to open the public informational meeting. **Vote:** 7-0-0
 - ii. The applicant was represented by attorney Girard Galvin, who introduced the project.

- iii. Attorney J. Russell Jackson stated that he is representing Jennifer Corona and Patrick Sweet, owners of property at 10 Julia Court, abutters to the project.
- iv. The applicant, David Bazarsky, reviewed the history of the Polo Center and the subject property. The proposal to develop multi-family housing under the mixed-use ordinance is seen as a way to transition from the existing commercial development to the abutting residential districts. Based on the density provisions of the ordinance, 72 residential units would be allowed, but only 60 units are proposed. The only requested zoning relief is to allow existing businesses in the Polo Center to not be subject to the limitations on hours of operation contained in the mixed-use ordinance. The commercial structure within the new development would comply with the hours of operation requirement.
- v. Mr. Jackson asked Mr. Bazarsky to confirm that lots 108 and 109 of the subject property could be developed as a separated mixed-use development, and that the proposed development includes the existing Polo Center in calculating residential density. Mr. Bazarsky confirmed that this is the case, and that the goal is to tie the proposed residential development to the existing Polo Center. However, no changes are planned for the existing Polo Center.
- vi. The applicant's architect, John Grosvenor, addressed the Board. He was accepted by the Board as an expert in his field. He described the proposed conceptual site plan and the rationale for the layout of the buildings. He discussed the proposed building design and materials, which will use traditional Victorian design elements. He discussed the proposed density as being necessary to create a vibrant community.
- vii. Board members expressed support for the design concept.
- viii. Mr. Jackson questioned the linear layout of the buildings, which Mr. Grosvenor addressed as being preferred for promoting the Victorian design, and to facilitate pedestrian and vehicular circulation.
- ix. Mr. Galvin asked to call engineer Tom Principe as a witness. He was accepted by the Board as an expert in his field. There was discussion by Board members that the review at Master Plan stage should be conceptual and not include engineering detail not required at this stage. Mr. Galvin agreed to keep discussion at a concept level.
- x. Mr. Principe review the site plan. The rate of stormwater runoff from the site will not increase. Required parking is provided. The development will be served by public sewer and water. There would be no negative impacts to the neighborhood or environment.
- xi. There was discussion of the proposed one-way egress from the site to Johnnycake Hill Rd.
- xii. Mr. Jackson asked about wetlands located on the property. Mr. Principe stated that wetlands have been identified. Due to the small size of the wetland area RIDEM regulatory buffers are not required.
- xiii. Mr. Jackson stated that during its review of the application the Conservation Commission had requested more detailed engineering information.

- xiv. Mr. Wolanski stated that town committees are asked to review and comment on the plans as provided. The applicant should not be asked to provide more detailed engineering than is required at the Master Plan stage of review. Complete engineer design information must be provided at Preliminary Plan stage.
- xv. The applicant's traffic engineer, Kristen Callomet referenced work done to review traffic impacts. Mr. Jackson objected, stating that a traffic report had not been submitted to the Planning Board.
- xvi. Mr. Croce asked the applicant to wait until Preliminary Plan stage to review traffic.
- xvii. The applicant's planning consultant, Paige Bronk, was accepted by the Board as an expert in his field. He discussed consistency of the project with the Middletown Comprehensive Community Plan and zoning ordinance. He referenced a report he had prepared which cited excerpts from these documents. He stated that the project is consistent with the Comprehensive Plan and the Zoning Ordinance.
- xviii. Mr. Jackson asked about the existing bank with a drive-thru in the Polo Center development. This is a prohibited use in a mixed-use development. Also, a large-scale shopping center is prohibited. The project meets the definition of a large-scale shopping center, so is prohibited.
- xix. Mr. Wolanski stated that the existing bank with drive-thru would be prohibited. The intent of the prohibition on large-scale shopping centers is that no single building within a mixed-use development should meet that definition.
- xx. The applicant's real estate expert, Jim Houle, was accepted by the Board as an expert in his field. He stated that he agreed that the project is consistent with the Comprehensive Plan. The project will not adversely impact properties in the neighborhood. He supported the request for relief from the limitation on hours of operation.
- xxi. Mr. Croce asked which businesses specifically are impacted by the limitation on hours of operation. Mr. Bazarsky stated that the existing restaurants and medical offices are impacted.
- xxii. Board members expressed support for providing relief for these uses. Mr. Galvin stated that zoning relief for the bank use, if necessary, will be requested at preliminary plan stage.
- xxiii. Mr. Jackson stated the Board must make the required findings, including consistency with zoning, before approving the master plan, so the master plan should not be approved at this time. Mr. Galvin argued that the approval could be conditional subject to being granted required zoning relief.
- xxiv. Mr. Monti agreed that conditional approval would be appropriate.
- xxv. Mr. Weber suggested that a continuance should be considered in order for the Board to consider zoning relief needed prior to Master Plan approval.
- xxvi. Mr. Galvin stated that timing is a concern relative to new RIDEM wetlands regulations that will take effect in coming months.
- xxvii. Mr. Croce opened the floor for public input.

- xxviii. Abutting property owner Dan Donovan asked questions about the site layout and proximity to his home. These questions were addressed by the applicant and his representatives.
- xxix. Mr. Galvin reviewed the zoning variance findings that the board must make. Mr. Houle stated that the applicant has met the required findings.
- xxx. Mr. Jackson stated that the applicant has created the hardship regarding the request for relief from the limitation on hours of operation. A project separate from the existing Polo Center businesses could be considered.
- xxxi. There being no other members of the public wishing to speak, motion by Ms. Owen, seconded by Mr. Nash, to close the public informational meeting. Vote: 7-0-0.
- xxxii. **Motion** by Mr. Nash, seconded by Ms. Owen to make the required findings for the requested zoning variance and Master Plan approval, and to grant approval of the variance and plan subject to the following conditions:
 - 1. Access for Town vehicles to the existing sewer line and easement located along the westerly property line of lots 108 & 109 shall be maintained.
 - 2. A portion of the property is located within Zone 1 of the Watershed Protection District due to the presence of Stissing soils. If necessary, a special use permit to allow development in Zone 1 shall be sought and granted prior to Preliminary Plan approval.
 - 3. The stormwater management plan submitted at Preliminary Plan stage shall demonstrate a reduction in peak flows from the 2-, 10- and 25-year storms compared to current conditions, if feasible.
 - 4. Zoning relief necessary to allow for the continued operation of the existing bank with a drive-thru window must be sought and granted prior to Preliminary Plan approval, or that use must be removed from the project.
- xxxiii. Mr. Weber again expressed concern over granting Master Plan approval prior to consideration of necessary zoning relief.
- xxxiv. **Vote:** 6-1-0 with Mr. Weber voting in opposition.

5. New Business

- a. Silveira Irrevocable Trust, Preliminary Plan application, 2-lot subdivision of land fronting on Wapping Road and located approximately 2 tenths of a mile north of the intersection of Wapping Road and Peckham Ave., Assessor's Plat 128 Lot 74.
 - i. The applicant was represented by engineer Josh Rosen of Principe Engineering. He reviewed the plan and addressed Board members' questions.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Ciummo, to make necessary findings to select the conventional design plan over the conservation plan for approval.
Vote: 7-0-0
 - iii. **Motion** by Mr. Nash, seconded by Ms. Owen to make the required findings and grant Preliminary Plan approval of the conventional plan subject to the following conditions:

1. The new lot will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the plan prior to recording.
2. At the time of development, the owner is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153. A note to this effect must be provided on the preliminary subdivision plan prior to approval.
3. Adequate vehicular access, subject to Fire Department approval, shall be confirmed prior to issuance of permits for development of the new building lot.
4. Prior to consideration of the Final Plan for approval, the applicant shall provide a plan depicting the entire subject parcel being subdivided, including the Class 1 survey of the area of the proposed new development lot, subject to the approval of the Town Engineer.

iv. **Vote:** 7-0-0

b. **Public Hearing** - Application of Ocean State Holdings of Middletown, LLC for Development Plan Review for renovation of an existing commercial building, including request for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 1215 West Main Rd., Tax Assessors Plat 106, Lot 91.

- i. **Motion** made and duly seconded to open the public hearing. **Vote:** 7-0-0.
- ii. The applicant was represented by attorney Robert Silva who describe the plan and discussed the requested waivers from the commercial development design requirements.
- iii. The applicant's engineer, Mike Russell, described the site plan.
- iv. The applicant's architect, Tom Lenardo, reviewed the proposed building alterations, which are required by Hyundai.
- v. Mr. Weber and Mr. Nash indicated that they were not happy with the proposed design.
- vi. Jon Narcisian, the dealership's general manager, stated that Hyundai will not approve a modification to the design.
- vii. The applicant and his representatives addressed additional questions from Board members.
- viii. Mr. Croce asked for the applicant to compromise on the design to try to meet the intent of the design requirements.
- ix. The applicant stated that Hyundai will not approve design modifications. Requiring design changes would impact the viability of the dealership.
- x. Following additional Board member discussion on the requested design waivers, **motion** by Mr. Weber, seconded by Mr. Ciummo, to make the

required findings, grant the requested waivers and approve the application subject to the following conditions of approval:

1. Prior to the issuance of building permits the status of the easement for stormwater leaving the site, and maintenance of the existing stormwater management system serving the site shall be investigated by the applicant. Any necessary maintenance shall be completed prior to permitting, subject to the approval of the Town Engineer.
2. Prior to permitting, the landscape plan and landscape maintenance program shall be reviewed and approved by the Middletown Tree Commission.

xi. **Vote:** 5-2-0, with Mr. Nash and Mr. Croce voting in opposition.

c. Given the late hour, by consensus the following items were continued to the June 8, 2022 regular Planning Board meeting.

- i. **Public Hearing** – Proposed amendment to the Middletown Comprehensive Community Plan, Housing Element, to add discussion of recent and ongoing implementation activities.
- ii. Recommendation to the Town Council on proposed amendments to Middletown Zoning Ordinance, Article 13 – Off-street Parking and Loading.
- iii. Discussion of proposed historic preservation incentive program and possible recommendation to the Town Council.
- ii. Updates
 - a. Status Report on Planning Board Action Items
 - b. Committee reports

Motion by Mr. Nash, seconded by Mr. Weber to adjourn. Vote: 7-0-0

Meeting adjourned at approximately 9:25pm.

Respectfully submitted,
Mike Fenton, Secretary