



PLANNING BOARD MINUTES
Public Workshop Meeting on
Airport Overlay Ordinance
October 13th, 2022, 6pm
Town Council Chambers – Town Hall
350 East Main Road
Middletown, RI 02842

Board members present:

Paul Croce, Chair
Michael Fenton, Secretary
Art Weber
B.J. Owen
John Ciummo
Joe Pierik

Also present:

Ron Wolanski, Town Planner
Christopher McNally, Assistant Town Solicitor
Anita Guo, Principal Planner

Member absent:

Bill Nash, Vice Chair

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

1. Correspondence
 - a. Letter from KSP Law dated October 13, 2022, Re: RI Nurseries Objection to RIAC Related Proposed Ordinances. **Motion** by Ms. Owen, seconded by Mr. Ciummo to receive the correspondence. **Vote:** 6-0-0.
2. Present and accept public comment on potential amendments to the Middletown Code of Ordinances, Chapter 152, Zoning Code, regarding airport overlay zoning, and provide a recommendation regarding adoption to the Town Council.
 - a. Mr. Croce introduced the topic and invited the Town Planner to give a presentation.
 - b. Mr. Wolanski stated that there will be no Planning Board action taken tonight as the workshop is for public input. The Planning Board will consider the input and address any questions. He then gave a PowerPoint presentation reviewing the process, background, draft ordinance, and next steps. He noted state law, comprehensive plan, and previous comments from the last public workshop in April 2021. Mr. Wolanski also discussed the two separate zones: Runway Protection Zone (RPZ) and Height Compliance Area (HCA).

- c. Mr. Weber asked about limitation on vegetation height which Mr. Wolanski stated that there is no limitation on vegetation height in the HCA. For the RPZ, most of that zone is on RIAC property and that zone will have structure and vegetation height limit of 15 feet.
- d. There were questions on the how the HCA was identified and its structural height limits. Mr. Wolanski responded that properties in the HCA were identified based on land elevation and the 35 feet structural height limit. Development on those identified parcels could potentially penetrate the FAR Part 77 surface.
- e. Mr. Pierik noted that the northwest and southwest RPZ areas were modified to minimize conflict with private properties. There was discussion on changing the description of these areas as "RPZ" since RIAC said they didn't meet the definition as specified by the FAA.
- f. Members of the public were invited to speak.
- g. Roberta Duffy, Middletown, asked questions about the impact on property value, homeowners insurance, and property taxes. There were concerns about the development plan review process and benefits to taxpayers. Mr. Wolanski stated that the Tax Assessor did not see an impact on property taxes because the proposal is not a limitation in development but to require additional review. Mr. Wolanski also noted that applicants can seek a variance from the Zoning Board of Review if the proposed development would penetrate the FAR Part 77 surface. He also talked about public safety and welfare.
- h. John Price, Middletown, asked about moving the zone and questions to why the zone needs to be established. Mr. Wolanski addressed that the Town does not have control over airport property. Mr. McNally stated that there is no existing airport zoning within the Town and the Town is obliged to follow State statute to create airport zoning to promote public health, safety, and welfare.
- i. Dan Faria, Middletown, asked for elaboration on the definition of the HCA, about the development plan review (DPR) process, and verification process with Federal Aviation Administration (FAA). Mr. Wolanski noted that existing buildings will be grandfathered-in and the ordinance will not require removal and alteration of any existing structure. In addition, there is no vegetation height limitations in the HCA. Mr. Faria noted the extra costs and burden on property owners. He also asked the Planning Board to consider not requiring DPR for modifications that would not result in a higher height on grandfathered structures. Mr. Wolanski validated Mr. Faria's concerns and shared that they will look into his questions. Mr. Croce stated they will consider his suggestion.
- j. Bruce Vanicek of Rhode Island Nurseries, Portsmouth, spoke about concerns of land condemnation, development restrictions, effect on property value, existing navigation easement, and costs to the Town and taxpayers. He also spoke about the need to determine precise height restrictions on properties located in the HCA. He stated that he believes that the cost burden should be on the State and Rhode Island Airport Corporation (RIAC) rather than Middletown taxpayers. He asked whether new property owners would have to go through DPR process for the same use which Mr. Wolanski addressed that he is allowed to continue using his property for that use since it will be grandfathered-in. Mr. Weber asked about a possible agricultural easement with the Aquidneck Land Trust which Mr. Vanicek stated he will look into. Ms. Owen also expressed land conservation concerns.
- k. Peter Walsh, Newport, expressed concern and asked whether RIAC or the State is considering extending the runway to allow larger jets. Mr. Wolanski stated that there are no plans to extend the runways based on conversations with RIAC.
- l. George Sylvia, Middletown, echoed Mr. Vanicek's concerns and suggestions.
- m. Jay Miranda, Middletown, asked clarifications questions on what parcels are included in the HCA. Mr. Wolanski addressed that the map was created using the Town's

- geographic information system (GIS) and used land elevation and the building height limitation. The Town's ordinance limits building height in residential districts at 35 feet and commercial at 40 feet. Mr. Miranda expressed his belief that the larger jets will be allowed to use the runway. Ms. Owen expressed that she is aware of the planes using the airport and does not believe there is indication of larger jets utilizing the airport.
- n. Rhode Island Senator Lou DiPalma stated that he communicates with RIAC. He does not support and does not know of any intention in expanding the runways. The size of the planes is limited by the runways. Senator DiPalma expressed he will work with the Town Planner to invite RIAC to a meeting to answer any raised questions. He also touched upon working with private property owners and the State on any land condemnation situations. There was discussion on airport site visit and technological advances.
 - o. Peter Walsh, Middletown, asked about vegetation height on State property. Wolanski addressed that the Town's ordinance does not apply to State property. The RPZ height restriction only applies to private property. The Town Council will ultimately decide if they want to restrict vegetation height but currently, the draft ordinance does not restrict vegetation height in the HCA.
 - p. Andrew Panaggio, Middletown, asked specific RIAC operation questions which the Town could not speak to for RIAC. Mr. Wolanski reiterated that the amendment is to comply with State regulations. There were clarifying questions asked on RPZ.
 - q. Mike Spano, Middletown, asked the benefits to establishing the zone and the consequences in doing nothing. There was discussion that the intention is to preserve the viability of airports and for the interest of public health, safety, and welfare. Mr. McNally stated that the Town is obliged to comply with State statute but there is no language indicating a penalty. Mr. Wolanski shared that the current comprehensive plan indicates that the Town will adopt airport zoning and the Town Council has indicated that airport zoning is one of their priority items.
 - r. Raji Sernaj, Delaware, shared that he is a pilot and has flown into Newport Airport many times. Mr. Sernaj spoke about the value of airports and assured that planes are only allowed to use 60% of the runway length and that large jets cannot use this airport. He spoke about how the airport zoning would help airport operations.
 - s. Mr. Vanicek reiterated his stance and asked for more information on the height limits in the HCA. He encouraged the Planning Board to look at the option to do nothing. In addition, he asked for information on FAA verification process which Mr. Wolanski agreed to obtain from RIAC for the next meeting.
 - t. Senator DiPalma clarified RIDOT's role in all transportation-related issues in the State.
 - u. **Motion** by Ms. Owen, seconded by Mr. Ciummo to adjourn. **Vote:** 6-0-0

Meeting adjourned at approximately 7:30pm.

Respectfully submitted,
Mike Fenton, Secretary