



PLANNING BOARD MINUTES  
Regular Meeting  
April 12, 2023, 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

**Member absent:**

Leon Amarant

**Also present:**

Ron Wolanski, Town Planner  
Michael Monti, Assistant Town Solicitor  
Anita Guo, Principal Planner

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

**1. Approval of minutes**

- a. March 8, 2023 regular Planning Board meeting
  - i. **Motion** by Mr. Ciummo, seconded by Mr. Weber to approve the minutes. **Vote: 5-0-0**
- b. March 28, 2023 special Planning Board meeting
  - i. **Motion** by Mr. Ciummo, seconded by Ms. Owen to approve the minutes. **Vote: 5-0-0.**
- c. April 6, 2023 special Planning Board meeting
  - i. **Motion** by Ms. Owen, seconded by Mr. Ciummo to approve the minutes. **Vote: 5-0-0.**

**2. Correspondence**

- a. Memo from the Town Planner dated March 23, 2023 re: Administrative Subdivision – GR Middletown Land, LLC. Property located at 991 & 995 West Main Re., Plat 106, Lots 115 & 116.
- b. Memo from the Town Planner dated March 23, 2023 re: Administrative Subdivision – Joseph Lopes & Daniel Ashworth. Property located at 345 & 327 Mitchell’s Lane, Plat 123, Lots 8 & 9.
- c. **Motion** by Mr. Weber, seconded by Ms. Owen to receive all correspondence. **Vote:** 5-0-0.

Mr. Nash arrived at 6:03pm.

### 3. Continuances

- a. **Public Hearing** – Application of Bucci Development Inc. for Development Plan Review for a proposed medical office building and associated site work, including requested waivers from certain design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located on Valley Rd. approximately ¼ mile north of the intersection of Valley Rd. and East Main Rd., Tax Assessor’s Plat 107NE, Lot 402B. **(This item is expected to be continued to the May 10, 2023 regular Planning Board meeting.)**
  - i. **Motion** by Mr. Weber, seconded by Mr. Nash to continue the item to the May 10th, 2023 regular Planning Board meeting. **Vote:** 6-0-0.

### 4. Old Business

- a. **Public Hearing** - Application of Sisyphus Holdings LLC for Development Plan Review for construction of a warehouse/office with storage, including parking, utilities, and associated site work, and including requests for waivers from certain design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 165 Oliphant Lane, Tax Assessors Plat 111, Lot 61A.
  - i. **Motion** by Mr. Nash, seconded by Ms. Owen to open the public hearing. **Vote:** 6-0-0.
  - ii. Attorney Girard Galvin represented the applicant and went over the project site and development plan review process. Engineer Lyn Small, Peregrine Group associate Chris Cardarelli, and architect Dan Herchenrother were also present.
  - iii. Mr. Cardarelli spoke about using the back of the property for boat dock storage and additional storage inside the building.
  - iv. Mr. Fenton asked about abutter’s notice to Rhode Island Airport Corporation (RIAC). Mr. Galvin shared that RIAC received notice and that the applicant received no objections from them. There was discussion about building height and number of impermeable surfaces.
  - v. Engineer Lyn Small went over site circulation, utilities, stormwater management, and drainage. Mr. Weber asked about TRC recommended conditions of approval which referenced Crossman Engineering’s memo. Ms. Small shared the details relating to those conditions and stated that the applicant has no objections to the comments and the conditions will not change the project design.
  - vi. There was discussion about the Town Engineer personnel change and how that would affect the conditions.
  - vii. Mr. Nash asked questions about the existing stonewall and building setbacks which Ms. Small answered satisfactorily. She noted that the proposed building

- is within the 10 feet front yard setback requirement. Mr. Nash stated he feels it is too close to the road due to the building size.
- viii. Mr. Croce asked about the landscape waivers. Mr. Galvin noted that the street trees will most likely meet the caliper size but wants to still request the waiver. He stated that the applicant will also address the Tree Commission's comments satisfactorily.
  - ix. Ms. Small shared in her expertise, this project will not result in harm to public safety and welfare, will not injure the use of abutting properties, is a mild use in the industrial zone, and is consistent with the comprehensive plan.
  - x. Mr. Weber asked about transportation of the boat docks on and off site which Ms. Small addressed the loading and unloading of docks would be on site at the back of the property.
  - xi. Ms. Owen expressed in favor of the building design and that Tree Commission is pleased.
  - xii. Architect Dan Herchenrother and Mr. Galvin went over the waiver requests relating to the building design. Mr. Herchenrother shared in his expertise, this project will not result in harm to public safety and welfare, will not injure the use of abutting properties, and is consistent with the comprehensive plan.
  - xiii. Ms. Owen asked whether there are any height restrictions in relation to the airport. Mr. Galvin shared RIAC approached the applicant regarding a vegetation easement in the rear; however, it will not impede the current proposal.
  - xiv. Mr. Fenton expressed his support of the building design but noted his discomfort with the closeness of the building to the road. Mr. Fenton asked for clarification on the setback requirements which Mr. Wolanski noted that the front yard setback is 10 feet from the property line for the industrial zone.
  - xv. Mr. Nash shared Mr. Fenton's concerns but also expressed he is in favor of the building design and the proposal. There was discussion about shielding rooftop equipment. Mr. Herchenrother confirmed that there will not be any rooftop equipment.
  - xvi. Mr. Ciummo complimented the building design.
  - xvii. Mr. Fenton asked about front door entrances which Mr. Herchenrother addressed.
  - xviii. Mr. Croce shared similar concerns with the closeness of the building to the road but noted that it complies with town regulations.
  - xix. No member of the public wished to speak.
  - xx. **Motion** by Ms. Owen, seconded by Mr. Nash to close the public hearing. **Vote:** 6-0-0.
  - xxi. Several members of the Board expressed their support of the application but stated that they feel the building is too close to the road.
  - xxii. **Motion** by Ms. Owen, seconded by Mr. Ciummo to make the five required findings of fact, grant the requested waivers from the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, and approve the application subject to the following conditions of approval:
    - a. Conditions of approval:
      - 1. Prior to permitting, the applicant shall address all comments contained in the review memo from Crossman Engineering dated January 18, 2023, subject to the satisfaction of the Town Engineer, with the exception of items 1.f. and 6.

2. The Town Engineer will consult with Crossman Engineering regarding comments 1.f. and 6 contained in the review memo from Crossman Engineering dated January 18, 2023. Prior to permitting, the applicant will address these comments as determined necessary by the Town Engineer.
3. Prior to permitting, the landscape plan shall be revised to include the existing stone wall along the front property line. The wall shall remain in place.
4. Prior to permitting, the landscape plan shall be revised as necessary to address comments from the Middletown Tree Commission contained in its email communication to the Planning Board dated January 28, 2023.

b. Waivers granted:

1. **Section 521.1.A** - Buildings should be located so as to create a safe, pleasant walking environment and efficient pedestrian circulation pattern. Building placement, orientation and massing should be planned to promote more active pedestrian-scaled commercial design, with ample opportunities for walking and bicycling, as well as private motor vehicles and to promote the use of public transportation; and **Section 521.1.B.3** - Circulation shall be designed to provide safe and efficient access for pedestrians, automobiles, and emergency vehicles into and throughout the site, including designated pedestrian walkways and crosswalks. Pedestrian access to the site from the public way and neighboring properties shall be provided. **Pedestrian access from the public right-of-way to interior of site, including sidewalks and crosswalks, is not provided.**
2. **Section 521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. **Building exteriors include metal siding and other synthetic materials.**
3. **Section 521.2.D.2** – Gradient from level of any sloped roof at least 4:12. **Proposed design does not comply.**
4. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Applicant is proposing 21% of the project area be landscaped area.**
5. **Section 521.3.D.3** – A landscaped buffer at least 10' wide and a minimum 5' planting strip is provided between buildings and parking lots/driveways. **5' planting strip is not provided between building and parking lot. Buffer does not meet 10' wide requirement at westerly, southerly, and easterly building elevations.**
6. **Section 521.3.F.1** – Deciduous street trees, minimum 4" caliper required. **Proposed trees along the street frontage do not meet this requirement.**

c. **Vote:** 6-0-0.

- b. Review subcommittee recommendations for proposed amendments to the zoning use table, Zoning Ordinance Section 602, and related amendments to sections 703, 722, and 728, and Article 13.
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to continue this item to the special meeting on April 26, 2023. **Vote:** 6-0-0.
- c. Review and discuss information compiled by Planning Dept. staff regarding examples of regulatory approaches for short-term rentals and impact of short-term rentals on housing stock for year-round residents.
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to continue this item to the special meeting on April 26, 2023. **Vote:** 6-0-0.
- d. Review and recommendation to the Town Council on proposed amendments to the Middletown Zoning Ordinance, Town Code Chapter 152, Section 727 – Marijuana Related Uses.
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to continue this item to the special meeting on April 26, 2023. **Vote:** 6-0-0.
- e. Update on the processes for Planning Board recommendations to the Zoning Board of Review, and for appeals of Planning Board decisions to the Zoning Board of Review.
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to continue this item to the special meeting on April 26, 2023. **Vote:** 6-0-0.

## 5. New Business

- a. **Public Hearing** – Application of Bank Newport for Development Plan Review for demolition of an existing building and construction of a new commercial building and associated site alterations on an existing commercial property 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. Property located at 528 West Main Rd., Tax Assessors Plat 107SW, Lot 142.
  - i. Mr. Ciummo stepped out.
  - ii. **Motion** by Mr. Weber, seconded by Mr. Nash to open the public hearing. **Vote:** 5-0-0
  - iii. Attorney Girard Galvin, Bank Newport Vice President for Facilities and Capital Planning Rod Topalewski, engineer Mike Russell, and architect Todd Carson represented the applicant. Mr. Galvin went over the project location and proposed new commercial building.
  - iv. Mr. Ciummo returned.
  - v. Mr. Topalewski shared that the existing building is older and is expensive to maintain and the proposed new building is designed for their needs. There was discussion about designing a building that is consistent with the Town's design standards and the conditions of approval which Mr. Topalewski had no objections to.
  - vi. Mr. Russell shared that the new building will be 40% less in area than existing. He also talked about the landscaping, utilizing the existing utilities connections and stormwater management system, and parking lot modifications. There was discussion about the landscape waiver requests and the existing conditions. Mr. Russell shared in his expertise, this project will not result in harm to public

safety and welfare, will not injure the use of abutting properties, and is consistent with the comprehensive plan.

- vii. Mr. Fenton asked about Bank Newport's operations during construction which Mr. Topalewski shared that a temporary mobile branch will be available on site.
- viii. Mr. Weber asked about the construction timeline which Mr. Topalewski shared that the goal is to be complete by September 2024.
- ix. Architect Todd Carson went over the design elements, design guidelines, and building materials and presented a sample material of the PVC simulated wood product to the Board. Mr. Carson spoke about the window glazing waiver request and shared it is for security reasons because a vault is proposed at the west elevation. Mr. Nash asked about adding a false window. The applicant agreed to explore that possibility but would like to still request the waiver. Mr. Nash expressed his support for the waiver request but encouraged the applicant to explore other options.
- x. Mr. Fenton expressed his support of the design.
- xi. Mr. Croce asked about rooftop equipment which Mr. Carson stated the equipment will be screened.
- xii. Mr. Nash asked about the tower which the applicant addressed that it will be an attic space for storage.
- xiii. No members of the public wished to speak.
- xiv. **Motion** by Mr. Nash, seconded by Mr. Weber to close the public hearing. **Vote:** 6-0-0.
- xv. **Motion** by Mr. Weber, seconded by Mr. Nash to make the five required findings of fact, grant the requested waivers from the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, and approve the application subject to the following conditions of approval:
  - a. Conditions of approval:
    - 1. Prior to permitting the applicant shall evaluate and address the condition of the existing sewer lateral, subject to the approval of the Public Works Director.
    - 2. Prior to permitting the applicant shall revise plans to identify bike rack(s) meeting the required 10 bike spaces.
  - b. Waivers granted:
    - 1. Section 521.1.B.3 - Pedestrian access to the site from the public way and neighboring properties shall be provided. **No pedestrian access provided to Yarnell and Hart Street.**
    - 2. Section 521.2.B.1 – Windows occupy between 20% - 60% of façade visible from the public way. **Proposed windows on west façade (Yarnell Street) is less than 20% glazing.**
    - 3. Section 521.2.C – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. **The use of cellular PVD simulated wood products for the trim, molding, and siding, and other synthetic materials are proposed.**
    - 4. Section 521.3.C – Screening element provided along all property lines. **Not provided for easterly property line. This is an existing condition.**

5. Section 521.3.D.1 – A landscaped buffer at least 10' is provided along all property lines. **Existing buffers are less than 10'. This is an existing condition.**
  6. Section 521.3.D.2 - Along lot lines abutting residential properties or uses, a landscaped buffer at least 20' with screening at least 6' high is required. **Existing buffers along residential Yarnell Street, Hart Street, and Maple Ave do not comply. This is an existing condition.**
  7. Section 521.3.F.1 – Deciduous street trees. **Number and spacing of existing street trees along West Main Road do not comply. This is an existing condition.**
    - c. **Vote:** 6-0-0.
- b. Request of Ocean State Holdings of Middletown, LLC (Hyundai of Newport) for approval of a revised landscape plan associated with a previously approved Development Plan Review application, including relocation of a stone wall on property located at 1215 West Main Road, Tax Assessors Plat 106, Lot 91.
    - i. Attorney Robert Silva, engineer Mike Russell, and landscape architect Pamela Rogers represented the applicant. Mr. Silva shared that the application received Zoning Board of Review approval for the development plan review application and now is submitting a revised landscape plan for Planning Board approval.
    - ii. Ms. Rogers spoke about relocating the existing stonewall and using the stones to reconstruct a new wall on West Main Road
    - iii. Ms. Owen, Mr. Croce, and Mr. Weber expressed their support for the proposal.
    - iv. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the revised landscape plan request. **Vote:** 6-0-0.
  - c. **Public Hearing** – Application of St. George's School for Development Plan Review for construction of a 2,800 sq.ft. three-story addition to an existing dormitory building and associated site alterations on an existing developed property 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. Property located at 372 Purgatory Rd., Tax Assessors Plat 121SW, Lot 39.
    - i. **Motion** by Mr. Weber, seconded by Mr. Nash to open the public hearing. **Vote:** 6-0-0.
    - ii. George Staples, the Director of Operations for St. George's School introduced the project.
    - iii. Architect Robert Douglas went over the restoration work on the exterior of the building, proposed addition, and building materials. Mr. Weber asked whether the building is protected under any historic preservation process, which Mr. Douglas stated no.
    - iv. Mr. Croce asked about tree waivers which Mr. Staples and Mr. Douglas addressed and shared that the Tree Commission were not concerned with the requests.
    - v. Engineer Jon Stabach went over the site layout, stormwater management, new utility and sewer connections, and new fire and domestic service. Mr. Stabach stated that the plans were also revised to use reenforced turf to address the Fire Chief's concern with emergency vehicle access.
    - vi. Mr. Fenton asked about the uses of the space in the addition which Mr. Douglas stated no students will be housed in the addition, but there will be study and lounge space.

- vii. Mr. Croce asked about the lighting waivers which Mr. Stabach noted that they want to match existing lighting. The standing fixtures will be dark-sky compliance with a painted globe but will still need to request waivers for the building fixtures.
- viii. Mr. Stabach addressed the waiver for the exterior litter receptacles.
- ix. No members of the public wished to speak.
- x. **Motion** by Mr. Nash, seconded by Ms. Owen to close the public hearing. **Vote:** 6-0-0.
- xi. **Motion** by Mr. Nash, seconded by Mr. Weber to make the five required findings of fact, grant the requested waivers from the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, and approve the application subject to the following conditions of approval:
  - a. Conditions of approval:
    1. Prior to permitting, applicant shall revise plans to allow for emergency vehicle access to the building, subject to the approval of the Fire Chief.
    2. Prior to permitting, the Town's consulting engineer will review the stormwater management plan and applicant shall address any comments, subject to the approval of the Town Engineer.
    3. Prior to permitting the applicant shall demonstrate that the landscaped area meets the minimum 25% green space of the project area.
  - b. Waivers granted:
    1. **Section 521.D.2** – Fixtures illuminating building façade are required to be shielded and directed towards the building and decorative fixtures are required to be directed to the ground. **Proposed fixture designs do not comply.**
    2. **Section 521.E.3** – Exterior litter receptacles are required on all commercial properties and a trash management control plan is required. **No exterior trash receptacles are proposed and no trash management control plan was submitted.**
    3. **Section 521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. **Synthetic materials for the window trims are proposed.**
    4. **Section 521.3.F.1** – Deciduous street trees. **Proposed trees do not meet minimum 4” caliper size.**
    5. **Section 521.3.F.2** – Parking lot trees. **Proposed trees do not meet minimum 4” caliper size.**
  - c. **Vote:** 6-0-0.
- d. Request of the Town Council for review and recommendation on a request of Tucker Holmes and Amanda McKelvey, owners of property at 161 Briarwood Ave., Plat 116NE, Lot 52, for abandonment of a portion of St. Georges Ave., an unimproved right-of-way.
  - i. Petitioner Tucker Holmes was present and shared that the Town currently has right to put down cement on the St. Georges paper road and is requesting for the Town to abandon that right and allow it to become a private road and for the abutters to maintain it. He also shared that the Roads and Utilities Committee found no utilities on site.



- ii. Mr. Croce asked about Mr. Holmes's proposal to plant privets. Mr. Holmes shared that they will be located on St. Georges Ave and that is the reason behind his request so that he has approval to plant privets there.
  - iii. Mr. Holmes shared that he has spoken with his neighbors and he has the support from several neighbors on both Wolcott Ave. and Briarwood Ave.
  - iv. Mr. Monti clarified the road abandonment process.
  - v. Mr. Croce invited members of the public to speak.
  - vi. Patricia Connors, 65 Center Ave, expressed that if that portion of St. Georges Ave is abandoned, she would have not access to her garage entrance on St. Georges Ave. Ms. Connors shared that a road abandonment request for the same area happened in 1998 and it was denied.
  - vii. Deborah O'Hara, 157 Briarwood Ave, expressed her support of the abandonment and shared that she is willing to take over and care for the portion of St. Georges Ave near her property and wants to plant trees there.
  - viii. There was discussion about recommending easements to be put in place for access.
  - ix. Kathy Celera, 52 Center Ave. expressed her opposition to the abandonment and suggested removing the vegetation near Mr. Holmes's property to allow for privets.
  - x. **Motion** by Mr. Nash, seconded by Mr. Fenton to forward a positive recommendation to the Town Council to abandon a portion of St. Georges Ave., subject to the establishment of easements or other means to allow continued use of the abandoned right-of-way area by abutting property owners for access to their properties. **Vote:** 6-0-0.
- e. Request of YMCA of Newport County for approval of a revised landscape plan associated with a previously approved Development Plan Review application. Property located at 792 Valley Road, Tax Assessors Plat 115, Lot 1.
- i. Attorney Robert Silva and landscape architect Pamela Rogers represented the applicant. Mr. Silva shared that the YMCA is going through expansion and renovation and the current request is for a revised landscape plan because benefactors donated money for additional landscaping.
  - ii. Ms. Rogers went over the changes to the landscape plan that includes additional plantings on the north and south elevation and along parking areas.
  - iii. Ms. Owen shared that the Tree Commission met on this item and were satisfied with changes. Mr. Silva pointed out that the YMCA representatives voluntarily invited the Tree Commission for a site visit to develop a maintenance plan for the existing trees and stonewall.
  - iv. There was discussion about the proposed chain-linked fence on the plan. A decorative fence was previously approved at that location, but the applicant is exploring the option of utilizing a black vinyl chain-linked fence instead. Mr. Russell and Mr. Silva shared that this change will be discussed during the next application for the YMCA daycare expansion.
  - v. **Motion** by Mr. Fenton, seconded by Ms. Owen to approve the revised landscape plan, minus the inclusion of the proposed chain-link fence identified on the plan adjacent to the soccer field.
    - a. **Vote:** 5-1-0, with Mr. Weber voting in opposition due to concern over the unresolved fence issue.

6. Updates

- a. Status Report on Planning Board Action Items.

- i. Mr. Croce asked about the inclusionary zoning item which Mr. Wolanski stated that inclusionary zoning will not be on the special meeting agenda.
- b. Committee reports
  - i. Use Table Subcommittee – The use table discussion will be held during the April 26, 2023 special planning board meeting.
  - ii. Tree Commission – No updates.
  - iii. Open Space and Fields Committee – No updates.
  - iv. Conservation Commission – No updates.
  - v. Affordable Housing Committee – No updates.
  - vi. Citizens Advisory Committee – Mr. Fenton shared the committee is working on a presentation and will be presenting its recommendations to the Town Council in May.
- c. Upcoming meetings:
  - i. April 26, 2023, 6pm – Special Planning Board meeting
  - ii. May 10, 2023, 6pm – Regular monthly Planning Board meeting.

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

Meeting adjourned at approximately 9:06pm.

Respectfully submitted,  
Mike Fenton, Secretary