



PLANNING BOARD MINUTES
Regular Meeting
May 10th, 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
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 the minutes

- a. April 12, 2023 regular Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 7-0-0.
- b. April 26, 2023 special Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Nash to approve the minutes. **Vote:** 7-0-0.
- c. May 1, 2023 special Planning Board meeting
 - i. **Motion** by Ms. Owen, seconded by Mr. Ciummo to approve the minutes. **Vote:** 7-0-0.

2. Correspondence

- a. Memo of the Town Planner dated April 20, 2023 re: approval of administrative subdivision – Stephen Faria, 595 Aquidneck Ave., Plat 114, Lots 216 & 217
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to receive said correspondence. **Vote:** 7-0-0.

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.

- i. Attorney Dave Martland represented the applicant and shared that the applicant is requesting a continuance to the June meeting. Plans were revised to address TRC comments and the plans need RIDEM and RIDOT approval.
- ii. **Motion** by Ms. Owen, seconded by Mr. Nash to continue this item to the June 14, 2023 regular Planning Board meeting. **Vote:** 7-0-0.

4. Old Business

- a. 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. Mr. Ciummo and Mr. Amarant recused from this item.
 - ii. Ms. Guo presented the information compiled on short-term rentals in Middletown and in Rhode Island. Information included that Middletown has the 2nd highest number of short-term rentals in Rhode Island; there are 387 registered short term rental units in Town; maps that indicated the location, ownership, and owner-occupancy information of the short-term rentals; and there are 280 non-owner-occupied short-term rental unit out of the roughly 7,000 housing units in Town. Ms. Guo stated that a comparison table of ten municipalities' short-term rental ordinances was provided to the Board.
 - iii. Mr. Croce asked questions about the selection process of the ten municipalities. Ms. Guo stated that the municipalities were selected because their ordinances showcased regulation strategies that manage short term rental growth in their communities.
 - iv. Mr. Weber expressed that short-term rentals have an impact on schools, property value, quality of life, etc. and that there is more to study about its impact.
 - v. Mr. Wolanski stated that the Town Council motion was specific and that it wanted the Planning Board to look at the impact of the availability of housing for year-round residents which Planning staff found to be 280 units. Those units are not owner-occupied, which means that they are not available for use by the owner and are rented out as short-term rentals.
 - vi. Mr. Croce suggested sending the compiled information to the Town Council and if they want additional information, the Council could consider authorizing funds for a consultant.
 - vii. Mr. Weber stated a need for a rational approach to manage short-term rentals in Town.
 - viii. Ms. Owen commended Planning staff's work and agreed with Mr. Croce to forward the information to the Town Council.
 - ix. Mr. Croce asked for clarification on the determination of owner residency which staff shared is based on information on the short-term rental registration form where applicants report the owner's mailing address. Mr. Croce spoke about possible inaccuracies and requested that be noted in the memo to the Town Council.
 - x. There was discussion about how the Town Council does not want any recommendations from the Planning Board on this item.
 - xi. Mr. Croce opened the floor for public comment but no one wished to speak.
 - xii. **Motion** by Ms. Owen, seconded by Mr. Fenton to forward the compiled short-term rental information to the Town Council. **Vote:** 5-0-0.

- b. Continued discussion of 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. Mr. Croce suggested that the comments and responses to the consulting engineer's memo be included in the Planning Board's written advisory opinion to the Zoning Board of Review.
 - ii. Mr. Weber and Mr. Nash expressed their concerns.
 - iii. Mr. Wolanski and Mr. Monti shared that they would have to redraft the document as a policy statement.
 - iv. Mr. Croce asked for the changes and to continue the discussion to the next Planning Board meeting.

5. New Business

- a. **Public Hearing** - Request of John Clarke Retirement Center for waiver provisions of section 521 Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land to allow use of vinyl siding on a building located at 600 Valley Rd., Plat 114, Lot 248A.
 - i. Mr. Ciummo was not in the room.
 - ii. **Motion** by Mr. Nash, seconded by Mr. Weber to open the public hearing. **Vote:** 6-0-0.
 - iii. Mr. Ciummo returned.
 - iv. Ray Mead, representative from John Clarke Retirement Center, was present at the meeting. Mr. Mead shared that the waiver is for the use of vinyl siding and that the non-profit organization received a grant to replace the existing vertical vinyl siding with horizontal vinyl siding but they were not aware that a waiver would be needed to use vinyl siding. Mr. Mead expressed hardship and funding constraints if they cannot utilize vinyl.
 - v. Mr. Weber asked about the cost between vinyl siding and hardie plank siding. Mr. Mead shared that the cost for vinyl is around \$300,000; hardie board would be an additional \$78,000; and cedar siding would be an additional \$166,000. The applicant provided a sample of the proposed vinyl siding.
 - vi. Mr. Weber expressed that the building is not very visible from the public way.
 - vii. Mr. Fenton asked clarification questions which the applicant shared that the proposal is for horizontal vinyl siding on the retirement center building.
 - viii. Mr. Nash stated he does not support vinyl siding but suggested an alternative of using non-vinyl siding on the road-facing façade and the other sides in vinyl.
 - ix. Mr. Croce shared he cannot support using vinyl not just because of the appearance but also because of fire safety concerns. He spoke about other waiver applications where applicants reconsidered and utilized a different material. Mr. Croce offered a continuance for the applicant to consider all options.
 - x. Mr. Amarant suggested hardie board and other composite materials. He stated that he also is not in favor of vinyl but sympathized with the organization. Mr. Amarant inquired about the grant application process which the applicant expressed that they have to stay within the grant amount; otherwise, they would have to reapply and the entire process would take an additional 6-9 months.
 - xi. Mr. Nash suggested other materials such as azek and hardie board.
 - xii. Mr. Croce opened the floor for public input.
 - xiii. John Bagwill, Middletown shared that the building is set back from the road and not very visible. He also talked about how it would be an improvement from the existing and that the Town requirements do not specify a fire safety concern.

- xiv. There was discussion about fire safety concerns with vinyl siding. Ms. Owen sympathized with the organization but shared similar concerns. Mr. Ciummo also expressed concern. Mr. Mead cited federal regulations and stated that the vinyl siding today does not catch fire but rather melts.
 - xv. Mr. Mead stated he is open to Mr. Nash's suggestion of utilizing composite material on the front and vinyl on the other sides. The applicant stated they would be able to stay within the budget with this option. Mr. Amarant expressed his support.
 - xvi. There was further discussion about the grant application process.
 - xvii. Mike Flynn, 34 Warren Ave, shared his thoughts and questioned the fire safety concerns with vinyl siding. Mr. Croce stated based on his own expertise, he does not support using vinyl on residential facilities.
 - xviii. **Motion** by Mr. Nash, seconded by Ms. Owen to approve the waiver request subject to the use of composite siding and trim, rather than vinyl, on the front façade. **Vote:** 5-2-0, with Mr. Croce and Mr. Weber in opposition.
- b. Application of Robert Reed, Jr. & Jonna Reed for Final Plan approval of a 2-lot minor subdivision of land. Property located at 74 Honeyman Ave., Plat 114, Lot 503.
- i. Attorney Dave Martland represented the applicant and shared that this matter received preliminary plan approval from the Planning Board and variance relief from the Zoning Board of Review. Mr. Wolanski shared that there is one recommended condition regarding the abandonment of the existing storm drain at permitting stage.
 - ii. Mr. Fenton inquired about separate utilities which Mr. Martland stated a utility plan was submitted which showed separate services for the lots.
 - iii. Mr. Nash expressed his support.
 - iv. **Motion** by Mr. Nash, seconded by Ms. Owen to make the five required findings of fact and grant final plan approval subject to the recommended condition.
 - a. Recommended condition:
 - 1. At the time of construction of the new driveways and removal of the existing driveway, the existing driveway stormwater drain shall be properly abandoned, subject to the approval of the Building/Zoning Official.
 - b. **Vote:** 7-0-0.
- c. **Public Hearing** - Application of Jason Gold for Development Plan Review for construction of a retail/office building, including parking, utilities, and associated site work, and including requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 48 Valley Rd., Tax Assessors Plat 107SE, Lot 103B.
- i. **Motion** by Mr. Weber, seconded by Mr. Ciummo to open the public hearing. **Vote:** 7-0-0.
 - ii. Attorney Girard Galvin, engineer Mike Russell, architect Dan Herchenrother, and applicant Jason Gold were present. Mr. Galvin shared that the applicant is seeking planning board approval for a proposed liquor store. The application will also need approval from the Zoning Board of Review for a special use permit. The TRC gave a positive recommendation with a couple conditions of approval.
 - iii. Applicant Jason Gold that he intends to move his existing liquor store business to the subject lot. Mr. Gold addressed the pedestrian access waivers and he does not have any knowledge of any customers walking to his establishment.
 - iv. Mr. Weber gave his compliments to Mr. Gold and spoke about the success of local businesses.

- v. Mr. Russell went over the existing conditions, proposed utilities, and approvals from RIDEM and RIDOT. Mr. Russell stated a significant change to the plans is flipping the circulation pattern to move the driveway to the northern side of the property along Valley Road.
- vi. Mr. Fenton asked about runoff to the east side of the property which Mr. Russell addressed. Mr. Galvin and Mr. Russell shared that they have addressed Crossman Engineering's comments and provided a memo.
- vii. Mr. Croce asked about the required frontage which Mr. Wolanski shared that it is a preexisting nonconforming lot. There were questions about the location of mechanical equipment. Mr. Herchenrother stated the mechanicals will be screened on the roof. Mr. Croce requested that the Development Impact Statement be revised to reflect the changes caused by the relocation of the driveway.
- viii. There was discussion about sidewalks.
- ix. Mr. Galvin asked Mr. Russell if he thought this project will trigger any negative impact to stormwater management or traffic flow, conditions inimical to public health, safety, and welfare; or injure the use of neighboring properties which he stated no. Mr. Russell stated he believed this project is consistent with the comprehensive plan.
- x. Mr. Herchenrother shared that they strived to meet the Town's design standards and is only requesting a building materials waiver.
- xi. Mr. Galvin asked Mr. Herchenrother if he thought this project will result in conditions inimical to public health, safety, and welfare or injure the use of neighboring properties which he stated no. Mr. Herchenrother stated he believed this project is consistent with the comprehensive plan. He also confirmed that the rooftop equipment will be shielded.
- xii. Mr. Fenton asked for clarification on the rooftop screening which the applicant addressed. Mr. Croce requested that the building elevation drawings be revised to reflect the recessed roof.
- xiii. There was discussion about the parking lot curbing, landscape improvements, signage, and landscape buffer.
- xiv. Mr. Weber, Ms. Owen, Mr. Ciummo, and Mr. Croce expressed approval.
- xv. No members of the public wished to speak.
- xvi. **Motion** by Mr. Weber, seconded by Mr. Nash to close the public hearing. **Vote:** 7-0-0.
- xvii. **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 forward a positive recommendation to the Zoning Board of Review, subject to the following conditions of approval:
 - a. Recommended conditions:
 - 1. In order to provide for greater separation between the proposed driveway and driveways on abutting properties, prior to permitting, the plan shall be revised to move the proposed curb cut and driveway providing access from Valley Rd. to be to the north of the proposed front parking lot, subject to approval of the revised design by the Town Engineer and Fire Chief.
 - 2. Prior to permitting, any outstanding items from the review comments submitted by Crossman Engineering in a memo dated

April 24, 2023, shall be addressed subject to the satisfaction of the Town Engineer.

3. Prior to permitting, the Development Impact Statement shall be revised as necessary to reflect any changes caused by the relocation of the access driveway.
 4. Prior to permitting, the building elevation drawings shall be revised to accurately reflect the recessed roof, which is proposed to provide visual screening of rooftop HVAC equipment.
- 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 street sidewalk 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 using synthetic siding, PVC trim, partial standing seam metal roof, and other synthetic materials are proposed.**
 3. **Section 521.3.D.3** – A landscaped buffer at least 10' wide shall be provided between buildings and parking lots/driveways. The buffer shall be defined by curbing, and may include sidewalks, but must include a minimum 5' planting strip. **The proposed design does not meet requirements along all elevations.**
- c. **Vote:** 7-0-0.

6. Updates

- a. Status Report on Planning Board action items.
 - i. Mr. Croce inquired about status of application fees. Mr. Wolanski pointed out the change in staffing and the ongoing budget preparation period.
 - ii. Mr. Weber shared that a property owner is interested in joining in the Rural Village District and they will meet with the Town Planner to discuss.
- b. Committee reports
 - i. Use Table Subcommittee – Mr. Wolanski stated, as requested by the Board, he will schedule a public workshop after the marijuana-related uses public workshop.
 - ii. Tree Commission – Ms. Owen stated the Tree Commission's work has been shared with the Planning Board and is very active.
 - iii. Open Space and Fields Committee – Mr. Fenton had no updates.
 - iv. Conservation Commission – Mr. Amarant had no updates.
 - v. Affordable Housing Committee – Mr. Weber stated the next meeting is in June. Mr. Weber spoke about the Town's recent land acquisition for affordable housing.

- vi. Citizens Advisory Committee – Mr. Fenton stated the committee presented their report and suggestions to the Town Council which was well-received.
- c. Upcoming meetings:
 - i. June 14, 2023, 6pm – Regular monthly Planning Board meeting.

Motion by Mr. Ciummo, seconded by Ms. Owen to adjourn. **Vote:** 7-0-0

Meeting adjourned at approximately 8:00 pm.

Respectfully submitted,
Mike Fenton, Secretary

DRAFT