



PLANNING BOARD MINUTES  
Regular Meeting  
June 14, 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  
John Ciummo  
Leon Amarant

**Also present:**

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

**Member absent:**

B.J. Owen

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

**1. Approval of minutes**

- a. May 10, 2023 regular Planning Board meeting
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the minutes. **Vote:** 6-0-0.
- b. May 24, 2023 special Planning Board meeting
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to approve the minutes. **Vote:** 6-0-0.

**2. Correspondence**

- a. Memo of the Town Planner dated May 17, 2023 re: approval of administrative subdivision – Parsonage Property, LLC & Middletown Holdings, LLC, property fronting on Howland Ave., Plat 129, Lots 61 & 700

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

### 3. Continuances

- a. None

### 4. Old Business

- 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. Mr. Martland requested a one month extension to the July 11<sup>th</sup> Planning Board meeting. He shared that the applicant revised the stormwater design following TRC comments which required reapproval from RIDOT and RIDEM. Mr. Martland shared that the applicant is just pending RIDEM approval and expects to receive it shortly.
  - ii. Mr. Croce spoke about the Planning Board policy which would table applications after six or more months of continuances. Mr. Croce agreed to allow a month extension but would table the item if it is not heard next month.
  - iii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to continue this item to the July 12<sup>th</sup> regular Planning Board meeting. **Vote:** 6-0-0.
- 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. The draft policy processes for Planning Board recommendations and appeals of Planning Board decisions to the Zoning Board of Review was discussed.
  - ii. Mr. Weber asked about the representation of the Planning Board during Zoning Board of Review meetings. Mr. Wolanski stated that the Solicitor’s office recommended this process and policy change which could address the Planning Board’s concerns.
  - iii. **Motion** by Mr. Nash, seconded by Mr. Ciummo to adopt this policy. **Vote:** 6-0-0.
- c. Discuss and provide recommendation to the Town Council on draft amendments to the Middletown Zoning Ordinance, Chapter 152, to create a new section to implement inclusionary zoning for affordable housing.
  - i. Mr. Weber expressed disappointment with limited public participation during the public workshop. Mr. Wolanski shared that the Town Council will provide a public hearing and the public will have opportunities to provide input then as well.
  - ii. Mr. Amarant pointed out that developers may not be following public meetings and if this ordinance is not attractive to developers, it may not attract development in Town.
  - iii. **Motion** by Mr. Nash, seconded by Mr. Weber to forward this item to the Town Council for consideration. **Vote:** 6-0-0.
- d. Discuss and provide recommendation to the Town Council on proposed amendments to Section 727 of the Zoning Ordinance regarding cannabis-related uses.
  - i. Mr. Wolanski shared that the Planning Board did not act on this item during the public workshop and stated that the only changes were to clarify the language.
  - ii. Mr. Weber commented on the limited public participation during the workshop.

- iii. **Motion** by Mr. Nash, seconded by Mr. Weber to forward this item to the Town Council for consideration. **Vote:** 6-0-0.

## 5. New Business

- a. **Public Hearing** - Application of Newport County YMCA for Development Plan Review for the renovation and 4,900+/- sq. ft. expansion of existing daycare facility, including parking, circulation, landscaping, 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 792 Valley Rd., Tax Assessor's Plat 115, Lot 1.
  - i. **Motion** by Mr. Nash, seconded by Mr. Weber to open the public hearing. **Vote:** 6-0-0.
  - ii. Attorney Bob Silva represented the applicant and shared that the project is for the expansion of the existing daycare facility. The applicant also needs Zoning Board of Review approval for a special use permit to the footprint of a building which exceeds the maximum 35,000 square feet footprint limit. Mr. Silva shared that the application received a positive recommendation from the Technical Review Committee and reviewed the recommended conditions. Mr. Silva shared that they worked with the Tree Commission, and they are in favor of the plans.
  - iii. Mr. Weber asked about the window design waiver request. Mr. Silva shared that they want to maintain the same architectural design as the main portions of building and that a waiver was approved for those windows previously.
  - iv. Jeff Caplan and Rebecca Fletcher, from Vision 3 Architect were present. Mr. Caplan shared that they explored looking at divided light windows but found the divided light window design incompatible with existing building.
  - v. Mr. Croce and Mr. Weber expressed confusion as to why a divided light window design could not be utilized instead.
  - vi. Mr. Amarant stated that he has no issues with the proposed window design and that it should not diverge from existing building design. Mr. Amarant spoke about commercial design standards and that many applications request the same waivers. He suggested a review of the existing standards. Mr. Nash shared similar sentiments, noting the traditional building materials requirement.
  - vii. Mr. Nash, Mr. Fenton, and Mr. Ciummo expressed support for the proposed design.
  - viii. There was a discussion about attic space.
  - ix. Engineer Mike Russell spoke about parking spaces, turnaround island, fire lane, retaining wall, stormwater management, and the proposed black vinyl chain link fence. Mr. Russell addressed 10' wide landscaped buffer request.
  - x. Mr. Nash asked clarification questions about fire lane, curbing, parking spaces, retaining wall, and fence which Mr. Russell addressed satisfactorily. Mr. Nash expressed support for the proposed 6' high black vinyl chain link fence but requested the addition of the mid-rail to the plans.

- xi. Mr. Ciummo asked about the parking area which Mr. Russell stated that the current parking area will be expanded and the island reduced to allow for more space.
- xii. Mr. Amarant asked about the alignment of the parking spaces. Mr. Russell spoke about space constraints but the ADA spot meets requirement. Mr. Nash suggested moving one parking space to another parking area and to change the design to angled parking. Mr. Amarant and Mr. Croce expressed support for this change.
- xiii. Mr. Croce requested that the development impact statement be revised to state that the existing curb cut serving the daycare will not be relocated.
- xiv. Mr. Weber asked about stormwater management design which Mr. Wolanski shared that there is a condition for the applicant to address these concerns. Mr. Russell shared that they worked with Town Engineer after the TRC meeting and addressed all concerns.
- xv. Mr. Fenton inquired whether the employees had any concerns with building design and access to playground which Mr. Silva shared that the applicant and his staff did not express any concerns.
- xvi. **Motion** by Mr. Nash, seconded by Mr. Weber to close the public hearing. **Vote:** 6-0-0.
- xvii. **Motion** by Mr. Nash, 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 forward a positive recommendation to the Zoning Board of Review, subject to the following conditions of approval:
  - a. Recommended conditions:
    - 1. Prior to permitting, the applicant shall investigate the relocation of the loading zone and/or redesign of the parking lot island at the daycare entrance to ensure proper access for emergency vehicles, subject to the approval of the Fire Chief.
    - 2. Prior to permitting, the plans shall be updated to include the location of the proposed exterior trash receptacles.
    - 3. Prior to permitting, the applicant shall provide a revised landscape plan, which shall address any concerns provided by the Middletown Tree Commission.
    - 4. Prior to permitting, the applicant shall address Crossman Engineering's comments (those attached, or resulting from subsequent review) on the stormwater management plan and provide revised plans as necessary, subject to the approval of the Town Engineer.
    - 5. Prior to permitting, the Development Impact Statement shall be revised to state that the existing curb cut serving the daycare will not be relocated.

6. The proposed black vinyl chain-link fence to be installed adjacent to the soccer field, and indicated on Sketch Plan 48 as presented to the Board, shall include a horizontal mid-rail for reinforcement.
7. Prior to permitting, the layout of the proposed expanded parking lot shall be redesigned to provide angled parking along the southern edge of the parking lot, resulting in the elimination of one parking space. Protective bollards or wheel blocks between these parking spaces and the abutting sidewalk shall also be indicated on the revised plan.

b. Waivers:

1. **Section 521.2.B.1** – Windows occupy between 20% and 60% of the façade visible from the public way. **Windows make up less than 20% of the street facing façade.**
2. **Section 521.2.B.2** – Where consistent with overall building design, windows are of true or simulated divided light design. **Proposed windows are not divided light design.**
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. **Building exteriors using cement-fiber or composite shiplap siding, metal roof, and other synthetic materials are proposed.**
4. **Section 521.3.D.3** – A landscaped buffer at least 10' wide shall be provided between buildings and parking lots/driveways. The buffer shall defined by curbing, and may include sidewalks, but must include a minimum 5' planting strip. **Proposed design does not meet requirements. Required planting strip between building and parking lot & driveway not provided.**
5. **Section 521.3.F.2** – Parking lot trees: a minimum of one tree for every 5 parking spaces is required. **The proposed number of parking lot trees does not meet this requirement.**
- 6.

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

- b. Review of proposed Community Development Block Grant (CDBG) application for consistency with the Middletown Comprehensive Community Plan.
  - i. Mr. Wolanski shared that the Town is applying for the community development block grant which the funding is used for projects to help low-income populations. Mr. Wolanski referred to the list of projects to include in the Town's application but noted that the Town is only considering projects numbered 1 to 4.
  - ii. Bob Plain from Church Community Housing Corporation (CCHC) was present and shared that CCHC helps the Town with administering the CDBG. He stated that he did not find the projects in conflict with Middletown's Comprehensive Plan.
  - iii. Mr. Weber expressed support and asked about the funding source. Mr. Plain and Mr. Wolanski shared that it is funded federally but the State will determine how funds will be distributed.

- iv. Mr. Croce stated that he finds the projects consistent with the comprehensive plan.
    - v. **Motion** by Mr. Nash, seconded by Mr. Weber to find proposed application, minus projects numbered 5 and 6 (which will be submitted as part of Portsmouth's application), consistent with the comprehensive plan. **Vote:** 6-0-0.
  - c. Review and recommendation to the Town Council on draft fertilizer and pesticide control regulations, proposed amendment to Town Code Chapter 153- Stormwater Management, Section 153.80.
    - i. Mr. Weber inquired about the responsible party for inspection and enforcement of the proposed ordinance. Mr. Wolanski responded with the Building Inspector and Town Engineer.
    - ii. There was clarification questions asked about the draft.
    - iii. Mr. Croce asked about the agricultural and golf course exemptions when agricultural uses impact water quality the most. Mr. Wolanski cited agricultural uses may not be subject to the ordinance due to federal and state regulations. Mr. Wolanski shared that the conflict solicitor Marisa Desautel provided the draft ordinance but was not present at the meeting to answer questions.
    - iv. Mr. Croce asked clarification questions about the requirements, findings, definitions, and language. He stated that the draft needs to be revised before a public workshop could be scheduled.
    - v. Mr. Fenton talked about appropriate usage of fertilizer.
    - vi. Mr. Nash spoke about that the Town should ensure that there is sufficient staffing to enforce new regulations.
    - vii. By consensus, it was determined that Mr. Croce will discuss the draft with Ms. Desautel before scheduling a public workshop.
- 6. Updates
  - a. Status Report on Planning Board Action Items.
    - i. Mr. Nash asked about the Use Table workshop date which Mr. Wolanski expressed scheduling difficulty but will attempt again.
    - ii. Mr. Croce expressed frustration with the lengthy time it takes to establish the new application fees. Mr. Croce asked about the current fees which Mr. Wolanski stated have not been updated for fifteen years.
    - iii. Mr. Weber spoke about a property owner's interest in the Rural Village District.
    - iv. There was discussion about the traffic and roadway improvements.
  - b. Committee reports
    - i. Tree Commission – Ms. Owen was not present.
    - ii. Open Space and Fields Committee – Mr. Fenton shared the committee discussed potential bike paths.
    - iii. Conservation Commission – Mr. Amarant shared that they reviewed one application.
    - iv. Affordable Housing Committee – Mr. Weber shared updates on housing projects in Town.
  - c. Upcoming meetings:
    - i. July 12, 2023, 6pm – Regular monthly Planning Board meeting.

**Motion** by Mr. Nash, seconded by Mr. Weber to adjourn. **Vote:** 6-0-0  
Meeting adjourned at approximately 8:15pm.

Respectfully submitted,  
Mike Fenton, Secretary

DRAFT