



PLANNING BOARD MINUTES  
Regular Meeting  
September 13, 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  
Marissa Desautel, Conflict Solicitor  
Anita Guo, Principal Planner

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

Agenda items were heard in the following sequence: 1, 2, 3, 5A, 4A, 4B, and 6.

**1. Approval of minutes**

- a. August 9, 2023 regular Planning Board meeting
  - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 5-0-1, Mr Croce abstained since he was absent for this meeting.
- b. August 29, 2023 special Planning Board meeting
  - i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 6-0-0. Mr Nash hadn't arrived yet

**2. Correspondence**

- a. Memo of the Town Planner dated August 2, 2023 re: Administrative Subdivision approval – Kenneth & Reine Bitting and Robert & Linda Gentry, properties located at 317 Brown's Lane and 1 Algonquin Dr., Plat 105, Lots 8 & 225

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

### 3. Continuances

- a. None

### 4. Old Business

- a. Review and recommendation to the Town Council on draft fertilizer and pesticide use policy or regulations, proposed amendment to Town Code Chapter 153- Stormwater Management, Section 153.80.
  - i. Mr. Weber questioned the reasoning behind the golf course exemption from the draft policy and regulations since it was found that they are major contributors to the issue. He expressed support for a policy. Mr. Ciummo, Ms. Owen, and Mr. Croce supported a policy statement and public education rather than an ordinance.
  - ii. Ms. Desautel shared her draft policies and the differences between the provided drafts and examples.
  - iii. Mr. Weber inquired about informing commercial law applicator companies. Ms. Desautel discussed mailing flyers and public education workshops as options. Mr. Weber suggested having the information in the Middletown Newsletter and website.
  - iv. Mr. Croce asked about informing the exempted businesses to encourage following the policy. Mr. Wolanski spoke about public education efforts as means to reach out to those businesses.
  - v. Mr. Nash expressed his support for a policy. He noted that the Planning Board can inform applicants when they are applying for new development projects.
  - vi. Mr. Amarant suggested sending the draft to the Conservation Commission and other related committees for their comments.
  - vii. By consensus, the Planning Board requested Ms. Desautel to reach out to other municipalities with similar policies for their feedback and to schedule a public workshop afterwards.
- b. Discuss and provide recommendation to the Town Council on zoning ordinance and subdivision regulations amendments and other action needed in response to legislation passed during the RI General Assembly's 2023 session, including proposed amendments to the Middletown Zoning Ordinance, Town Code Chapter 152, to revise criteria for granting special use permits.
  - i. There was discussion about the Use Table subcommittee's work over the past few years.
  - ii. Mr. Weber spoke about the required use table changes to develop specific objective criteria for each use that requires special use permits. There was discussion that the Planning Board **must** meet the January 1<sup>st</sup> deadline.
  - iii. There was discussion about the draft use table that was forwarded to the Town Council for consideration. Mr. Wolanski shared that it has been sent to the Town Council but he will speak with the Town Clerk to consider holding the public hearing to await the new revisions as a result of this work.
  - iv. Mr. Croce spoke about the survey that was distributed to Planning Board members on each special use. Mr. Croce suggested for staff to revise the draft

use table based on the results of the survey and provide a draft and suggested criteria for the Board to consider.

- v. Mr. Croce spoke about scheduling a reoccurring special Planning Board meeting on the 4<sup>th</sup> Wednesday in the coming months to address the legislation changes. There was discussion about prioritizing the special use permit and adaptive reuse items.

## 5. New Business

a. **Public Hearing** - Application of Newport CDJR Real Estate LLC for Development Plan Review for renovation of an existing commercial building including exterior changes and 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 on 310 West Main Rd., Tax Assessors Plat 108NW, Lot 16801

- i. **Motion** by Ms. Owen, seconded by Mr. Ciummo to open the public hearing.  
**Vote:** 6-0-0 (Mr. Nash was not yet present).
- ii. Architect John Free represented the applicant. Mr. Free shared the proposed work does not change the building footprint or height.
- iii. Mr. Fenton asked about the siding modifications which Mr. Free stated will be new metal paneling and paint. Mr. Fenton asked about rooftop equipment which Mr. Free stated there is existing rooftop equipment but they are not visible from the road. Mr. Wolanski stated the Town review and scope are limited to the building since there are no proposed changes to the site.
- iv. Mr. Weber spoke about adhering to New England-style architecture. Ms. Owen agreed with Mr. Weber but expressed satisfaction with the proposed design and stated that it is similar to other buildings in area. Mr. Croce agreed with Mr. Weber and asked about a modified roofline to mimic a pitched roof. General Manager of CDJR Dealership Steven Clare spoke about how car manufacturers require specific building designs and expressed difficulty with additional changes to the proposed design.
- v. Mr. Nash arrived at 6:17pm.
- vi. There was discussion about the waiver requests and that the window glazing waiver will be removed as the applicant provided plans that show it meets the requirements. Mr. Free stated the windows will be same size but the glass will be updated.
- vii. **Motion** by Ms. Owen, seconded by Mr. Ciummo to close the public hearing.  
**Vote:** 7-0-0.
- viii. Mr. Nash expressed dissatisfaction with the design.
- ix. **Motion** by Mr. Nash, seconded by Mr. Ciummo to make the five required findings of fact, grant certain waivers from the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations), and approve the application.

a. Waivers considered:

1. **Section 521.2.B.2** - Where consistent with overall building design, windows are of true or simulated divided-light design (double-hung

windows preferred where consistent). **Proposed design does not comply.**

2. **Section 521.2.C** – Building exteriors and roofs constructed of traditional materials. **Applicant is proposing the use of aluminum composite metal paneling, metal roof, and other synthetic materials.**
3. **Section 521.2.D.1** - Roof is a traditional form or a flat roof with decorative details to incorporate a sloped design for the portion of the roof visible from the public way. **Proposed flat roof design does not comply. This is an existing, non-conforming condition.**

x. **Vote:** 6-1-0, with Mr. Nash in opposition.

## 6. Updates

### a. Status Report on Planning Board Action Items.

- i. Mr. Croce spoke about creating a subcommittee to review the commercial design standards and appointed Mr. Fenton as Chair, with Mr. Amarant, Mr. Nash, and Mr. Croce on the committee.
- ii. Mr. Weber stated he is still in communication with the property owner regarding the Rural Village.
- iii. There was discussion about the lengthy time it takes for the application fees to be updated. Mr. Wolanski shared he expects to get the numbers from the Finance Office soon.

### b. Committee reports

- i. Comprehensive Plan Update Committee – No updates
- ii. Tree Commission – Ms. Owen spoke new tree plantings in Town.
- iii. Open Space and Fields Committee – No updates
- iv. Conservation Commission – Mr. Amarant shared the Conservation Commission is looking forward to reviewing the fertilizer policy and is working on an assessment matrix for conservation development.
- v. Affordable Housing Committee – Mr. Weber shared a meeting is scheduled for next week.

### c. Upcoming meetings:

- i. September 14, 2023, 6pm – Comprehensive Plan Update Committee
- ii. October 11, 2023, 6pm – Regular monthly Planning Board meeting.

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

Meeting adjourned at approximately 7:15pm.

Respectfully submitted,  
Mike Fenton, Secretary