



PLANNING BOARD MINUTES
Regular Meeting
October 11th, 2023, 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
Leon Amarant

Also present:

Ron Wolanski, Town Planner
Peter Regan, Town Solicitor
Michael Monti, Assistant Town Solicitor
Marissa Desautel, Conflict Solicitor
Anita Guo, Principal Planner

Member absent:

Bill Nash, Vice Chair

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

1. Approval of minutes

A. September 13, 2023 regular Planning Board meeting

- i. There was clarification about the votes for the Newport CDJR Real Estate LLC application. Mr. Croce was in opposition and Mr. Nash abstained.
- ii. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the amended minutes. **Vote:** 5-0-0, Mr. Amarant has not arrived yet.

B. September 27, 2023 special Planning Board meeting

- i. **Motion** by Ms. Owen, seconded by Mr. Weber to approve the minutes. **Vote:** 5-0-0, Mr. Amarant has not arrived yet.

2. Correspondence

- A. Memo of the Town Planner dated September 6, 2023 re: Administrative Subdivision – Kevin Perhamus & Kristen Laquatra and Ocean Watch, LLC, properties located at 629 Wolcott Ave., Assessor’s Plat 116SE, Lots 96 & 97
 - i. **Motion** by Ms. Owen, seconded by Mr. Weber to receive said correspondence.
Vote: 6-0-0.

3. Agenda modifications

- A. Item 5A was heard prior to 4A.

4. Old Business

- A. Review and recommendation to the Town Council on a draft fertilizer and pesticide use policy for the town.
 - i. Mr. Wolanski shared the draft policy and examples provided by Conflict Solicitor Marissa Desautel and suggested holding a public workshop.
 - ii. Ms. Owen spoke in favor of public education on fertilizer and pesticide usage.
 - iii. Mr. Weber noted agriculture and golf courses should not be exempt from policy and spoke about difficulty with enforcement.
 - iv. Mr. Ciummo echoed Mr. Weber’s sentiments and supported public education.
 - v. Mr. Croce noted the provided examples were ordinances rather than policies and suggested the draft include references to guidelines for golf courses to adhere to.
 - vi. **Motion** by Mr. Ciummo, seconded by Mr. Weber to schedule a public workshop on the draft policy following review by the Conservation and Tree Commission.
Vote: 6-0-0.
- B. Discuss and provide recommendation to the Town Council on amendments to the zoning ordinance, Town Code Chapter 152, and the Rules and Regulations Regarding the Subdivision and Development of Land, and other action needed in response to legislation passed during the RI General Assembly’s 2023 session, including Senate bills S1032A, S1034A, S1035A, S1037A, S1038A, and S1050A.
 - i. Mr. Monti shared that he and Mr. Regan reviewed the provided draft and provided comments. Mr. Wolanski stated he is working on revising the draft to address the Solicitor’s comments and that the next task would be the public workshop scheduled for October 25th. The focus of the workshop will be on the Special Use Permit (SUP) changes and adaptive reuse.
 - ii. Mr. Amarant asked the Solicitor about single-family home uses which Mr. Regan stated single-family homes must be permitted in all zones except in zones where there are health or safety concerns such as the industrial zone.
 - iii. Mr. Wolanski and Mr. Regan shared that memos will be sent to the Town Council and Zoning Board of Review regarding the changes.

5. New Business

- A. **Public Hearing** - Application of A1 Roofing & Construction 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 at 1133 West Main Rd., Tax Assessors Plat 106, Lot 111.

- i. **Motion** by Mr. Weber, seconded by Ms. Owen to open the public hearing.
Vote: 6-0-0.
- ii. Attorney Dave Martland represented the applicant. He shared that Sean Napolitano, the new property owner is renovating the building to move his business there. Proposed work include new metal paneling, additional windows, stucco on the exterior façade(s), and replacing some garage doors with manual doors. Mr. Napolitano shared the stucco would match the existing building façade and there are new windows proposed at the north elevation. Mr. Napolitano stated he is requesting a waiver for the window design.
- iii. Ms. Owen expressed satisfaction with the improvements but expressed confusion as to why the Planning Board had not heard about the project until now. The applicant shared the building permit process and learned about the required Planning Board review.
- iv. Mr. Fenton asked whether there would be outdoor storage of materials, which Mr. Napolitano denied.
- v. Mr. Croce asked about improvements to the roofline design of the road-facing façade to comply with Town’s commercial design such as a roof parapet. Mr. Napolitano cited difficulty due to the amount of glazing on the existing structure and that it would be a major improvement. He stated that proposed improvements and stucco conform to the existing design. Mr. Martland noted that the proposed work is limited to renovation of an existing structure with preexisting conditions.
- vi. Mr. Amarant asked about rooftop equipment which Mr. Napolitano noted that he will comply with the condition of approval that requires shielding the equipment.
- vii. Mr. Ciummo and Mr. Croce suggested for the applicant to take a continuance to consider options for the roofline design and shielding. Mr. Napolitano noted the urgency to obtain approval to continue his business’ operations. There was discussion about amending the condition to require the applicant return to the Planning Board for reviewing the screening of the rooftop equipment.
- viii. Mr. Croce opened the floor for public comment.
- ix. Emily Leialoha, Middletown expressed concern with additions to the roofline which would encroach on the usage of her property, which abuts the applicant’s property. Ms. Leialoha expressed her preference for the roof to be as low as possible and no additional structures.
- x. No one else wished to speak.
- xi. There was discussion to leave the public hearing open for the sole purpose of reviewing the roof screening.
- xii. **Motion** by Mr. Amarant, seconded by Ms. Owen 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, subject to the following recommended condition(s) of approval.

a. Recommended Condition(s):

1. The applicant shall return to the Planning Board for review and approval of the design for screening the rooftop equipment In accordance with Zoning Ordinance 306 (C), rooftop equipment must be screened from view from public streets.

b. Waivers considered:

1. **Section 521.2.B. 1 & 2** – Windows must make up 20% – 60% of each façade and be of true or simulated divided-light design. **The amount of window glazing meets requirements at West Main Road but not at Forest Avenue. Proposed windows not divided-light. This is an existing, non-conforming condition.**
2. **Section 521.2.C** – Building exteriors and roofs must be constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone. **The applicant proposes the use of non-traditional exterior materials, such as metal panels and stucco.**

c. Vote: 6-0-0.

6. Updates

A. Status Report on Planning Board Action Items.

- i. Mr. Croce asked about marijuana ordinance which Mr. Wolanski confirmed has been adopted by the Town Council.

B. Committee reports

- i. Comprehensive Plan Update Committee – Mr. Wolanski shared the next meeting is scheduled for Nov. 9th and the Town is still pending approval from the State for the Housing Element consultant.
- ii. Tree Commission – Ms. Owen spoke about new paths at Middletown Valley. Mr. Wolanski shared the Town received authorization from the State to use the funding for the new paths.
- iii. Open Space and Fields Committee – Mr. Fenton said the committee will be meeting with the Town Administrator.
- iv. Conservation Commission – No updates.
- v. Affordable Housing Committee – No updates. There was discussion about ongoing housing projects in Town.
- vi. Commercial Design Standards Subcommittee - Mr. Wolanski will send out another poll to schedule a meeting date.

C. Upcoming meetings:

- i. October 25, 2023, 6pm – Special Planning Board Meeting - Zoning Ordinance Amendments
- ii. November 8, 2023, 6pm – Regular monthly Planning Board meeting.
- iii. November 9, 2023, 6pm – Comprehensive Plan Update Committee
- iv. November 15th and 27th, 2023, 6pm – Special Planning Board Meeting– Affordable Housing Comprehensive Permit Applications (pending application submission)

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

DRAFT