

**Town of Middletown
Planning Department**

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

PUBLIC HEARING

DEVELOPMENT PLAN REVIEW

THURSDAY, NOVEMBER 17 2005

5:30 P.M.

COUNCIL CHAMBERS, TOWN HALL

350 East Main Road

Board members present:

Hedy Bennett, Chair Ron Wolanski, Town Planner

Jan Eckhart, Secretary Vernon Gorton, Town Solicitor

Audrey Rearick Samantha Hogan, Assistant Town Planner

Colleen Aull

Richard Adams

David Lawrence

The meeting was called to order at 5:30 pm.

Ms. Bennett provided a brief overview of the development of the proposed amendments.

The proposal, if adopted by the Planning Board and Town Council,

will result in amendments to the Zoning Ordinance and the Subdivision Regulations to provide a process for Development Plan Review, create a Technical Review Committee, and implement commercial design standards.

Ms. Bennett described the history of this amendment.

Andrew Teitz, the consultant, presented the proposed amendments.

The Board opened the public hearing to discuss the amendments. There were approximately 10 persons in the audience.

Attorney Brian Bardoff asked whether the decision of the Technical Review Committee could be used as evidentiary? for Zoning Board approvals, and whether creating a review process would mean that expert testimony would need to be provided twice.

Mr. Teitz explained that it was not anticipated that the process would include entering of evidence into the record by experts, but would rather involve meetings between the TRC or Planning Board and the applicant and engineer and/or lead architect. He stated that in the case of Special Use Permits and Variances, the Planning Boards decision would be advisory, but that it would be taken into consideration along with other evidence during the Zoning Board review.

Aram Dermanoulian, owner AP 11 lots 9, 10, ..., discussed the standards in relation to light industrial development. He stated that while the ten-foot setback makes sense for retail uses, it would not work for industrial buildings. He said that light industrial buildings usually only have windows at the front, where offices are located, and that light industrial parks developed on cul-de-sacs would not have much driveby traffic, therefore there wouldn't be much impact on residents or passers-by. He stated that light industry uses require less parking than retail uses, therefore a well-landscaped parking lot in front of a large industrial building might be more attractive than having the parking located at the rear. He said that pitched roofs were not suited to industrial buildings, and that they usually have flat roofs. He also questioned the need for a maximum footprint of 80,000 sq.ft. due to the maximum lot coverage of 25%, when a building that large would require approximately eight acres of land and would likely be located where it would not have much impact. In general he supported the amendments, including the landscape and building material standards, however, he thought some additional thought be given to light industrial development.

Mr. Teitz responded that many of these issues are addressed in the standards. He stated that well-landscaped parking lots in front of industrial buildings might be appropriate, and that the Planning Board should consider it. He stated that the amendments do allow for flat roofs in the LI Zone with Planning Board Approval. He said that there was no guarantee that a large building would be located

toward the center or rear of a property, and that the intent of the maximum footprints was to prohibit large “big box” development.

Alan Shers, commercial property owner, explained that he was on the Design Review Committee in Portsmouth. He questioned section 1607, which requires a 50-foot setback, while in the presentation the setback was 20 feet, and wondered how everything would fit on a site. He questioned a portion of the preamble in Section 304 relating to scale, stating that regulating size regulates use, and is therefore is a Zoning issue and the Planning Board might not be the correct venue for this change. He questioned the thresholds criteria triggering Development Plan Review, specifically the 20,000 sq.ft. lot and 5,000 sq.ft footprint criteria, and asked what would happen if a developer proposed a 3,000 square foot building on a 25,000 sq.ft. lot that met all the standards – the project would be subject to the process. He stated only footprint, not lot size, should be the threshold. He stated that the fees listed in Section 304C might be prohibitive for large projects, and that they should be waived for affordable housing. He questioned Section 306, which requires a building permit to be obtained within six months, he believes it should be at least a year, since financing often takes longer, especially if an impact review is required. He was concerned how the standard for orienting entrances would be affected by ADA accessibility requirements. He recommended that the requirement for parking behind or to the rear of buildings should be “to the maximum extent reasonably possible”.

He questioned how the 1 tree every 5 ft would work when the trees

grew.

Mr. Teitz explained the standard was 1 tree for every 5 parking spaces.

Mr. Shers said even so, what would happen 20 years from now when parking lots had lots of large trees? He questioned how the building footprints would work as they would prevent supermarkets, and would require schools to be only 10,000 square feet. He stated that overall the ordinance was fine, but these issues should be considered.

Mr. Teitz replied that the 50-foot setback requirement in Section 1607 was inadvertent; it should have been changed to 20 ft.

Mr. Wolanski stated that Section 1607 only applies to Shopping Centers, and that it might be appropriate to leave it at 50 feet.

Mr. Teitz stated that under state land use law, the Comprehensive Plan, Zoning Ordinance, and Subdivision & Development Regulations must be consistent, which is why this amendment applies to both the Zoning Ordinance and the Subdivision Regulations. He stated that it might be appropriate to eliminate or increase the 20,000 square foot lot size trigger, and that the Planning Board might want to consider it.

He stated that fees were not new; they are in the existing ordinance and apply to Development Impact Review. He stated that the 6-month

requirement for building permits was also in the existing ordinance, if it needed to be changed it might be more appropriate for the Zoning Ordinance Review committee. He stated that the standards wouldn't conflict with ADA requirements, since they both have a similar intent – to reduce barriers to pedestrian access. He stated that the phrase “to the maximum extent reasonably possible” was purposefully left out of the Off-Street Parking standard, since it is extremely difficult to enforce. He stated that the building footprints might need to be looked at again by the Planning Board. Finally, he said that if there were forests in the parking lots in 20 years, it would be great!

Steve? the Chairman of the Stone Wall Committee of the Middletown Historical Society provided Board Members and town staff with a copy of the Middletown Stone Wall Ordinance. He stated that he supported the amendments in general. However, he questioned how the landscape standards, specifically the “retention of stone walls” would fit in with the existing Stone Wall Ordinance. He questioned whether it might be possible to refer to the Ordinance, rather than having a different standard. Mr. Teitz stated that the standards were in no way meant to replace the Ordinance.

Gail Greenwood, resident, stated she believed that the Ordinance only protected stone walls on public rights-of-way.

Steve ? agreed, saying that if property owners wanted to remove walls on their property it they would not need to comply with the

ordinance.

Mr. Teitz stated that the idea of the standard was to preserve all stone walls on the property, not just ones on rights-of-way.

Gail Greenwood, resident 308 Forest Ave, strongly supported the Amendments. She questioned whether the design requirements imposed on the Aquidneck Corporate Park in 1972 (then the Aquidneck Industrial Park) were reflected in the standard.

Mr. Wolanski stated that the majority of those requirements were incorporated into the Ordinance, some site-specific ones were not.

Ms. Greenwood also asked whether simulated divided light windows had to have exterior grills, since some simulated divided light windows were less attractive than regular windows. She gave the Thrifty Car Rental Building as an example.

Mr. Teitz stated that currently exterior grills were not required; the Planning Board might want to consider this requirement.

Ms. Bennet stated that the Board should schedule another meeting to review the input provided.

Mr. Teitz suggested continuing the Public Hearing to the next Planning Board Meeting, and having a subcommittee prior to the

meeting to incorporate the comments. He also recommended that the Board vote to forward a recommendation to the Town Council, to give them enough time to advertise for the January Meeting.

Motion by Ms. Aull, seconded by Mr. Lawrence, to continue the public hearing to December 14, 2005 at 6pm, and schedule an additional subcommittee meeting for November 29, 2005 at 3:00pm.

Vote: 6-0-0

Motion by Ms. Rearick, seconded by Mr. Adams to forward a request to the Town Council to schedule and advertise the public hearing for the proposed Zoning Ordinance amendments for January 3, 2006.

Vote: 6-0-0

The meeting adjourned at 7:15 pm.