



Town of Middletown
Planning Department

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

PLANNING BOARD MINUTES

May 11, 2011
Town Council Chambers

Board members present:

Jan Eckhart, Chairman
Richard Adams, Vice Chairman
Audrey Rearick, Secretary
Betty Jane Owen
Gladys Lavine
Pete Marnane

Ron Wolanski, Town Planner
Frank Holbrook, Assistant Town Solicitor

Member Absent:

Charlene Rose-Cirillo

The meeting was called to order at 6:30 pm.

• **Approval of the minutes of the April 13, 2011 regular Planning Board meeting –**

Mr. Marnane requested that a typographical error be corrected. **Motion** by Ms. Rearick, seconded by Mr. Adams, to approve the April 13, 2011 regular Planning Board meeting minutes as amended. **Vote:** 6-0-0.

• **Correspondence**

- Letter to Ronald M. Wolanski, Chairman, TRC, from Alice May Curran, 429 Forest Ave. Middletown, RI, dated April 13, 2011, regarding Enterprise Center/Gilbane Properties Inc. **Motion** by Ms. Rearick, seconded by Mr. Adams to accept the correspondence. **Vote** 6-0-0.

Ms. Curran addressed the board. She stated that the special use permit granted by the Zoning Board of Review should not have been granted due to certain restrictions contained in the covenants for the Enterprise Center subdivision, including use restrictions.

Mr. Eckhart stated that the Planning Board is not the proper venue to address such concerns, particularly given that the permit has already been granted. Such concerns should be presented to the Zoning Board of Review.

Mr. Wolanski stated that the Technical Review Committee and Town Engineer had confirmed that the proposed stormwater drainage plan meets local and state regulations and the requirements of the subject covenant regarding drainage. Concerns related to the granting of the special use permit and possible use restrictions contained in covenants should have been brought to the Zoning Board of Review. The TRC and Planning Board's role was only for site plan development plan review.

Mr. Holbrook confirmed that the Zoning Board of Review was the proper venue to address Mrs. Curran's concerns.

- Letter to Alice May Curran, 429 Forest Ave., Middletown, RI, from Ronald M. Wolanski, dated April 15, 2011 regarding Gilbane Development/KVH – Enterprise Center. **Motion** by Ms. Rearick, seconded by Mr. Adams to accept the correspondence. **Vote** 6-0-0.
- Letter to Middletown Planning Board from Vernon L. Gorton, Jr. Esq, dated April 18, 2011, regarding Saltwood Farms Subdivision. **Motion** by Ms. Rearick, seconded by Mr. Adams to accept the correspondence. **Vote** 6-0-0.
- Memo to the Planning Board from Ron Wolanski, dated April 14, 2011 regarding Mile One LLC, Administrative Subdivision, Plat 108NW, Lots 163, 168. **Motion** by Ms. Rearick, seconded by Mr. Adams to accept the correspondence. **Vote** 6-0-0.
- Memo to the Planning Board from Ron Wolanski, dated April 14, 2011, regarding TRC review of application for TNT Fireworks (Developers Diversified Realty) Plat 112, Lot 707. **Motion** by Ms. Rearick, seconded by Mr. Adams to accept the correspondence. **Vote** 6-0-0.

Old Business

1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Holbrook recused himself from the discussion of this matter.

Attorney David Martland, representing the applicant, stated that the applications for Watershed Protection District special use permits for two proposed building lots were denied by the Zoning Board of Review. His client is assessing options and therefore requests a continuance of the public hearing.

Mr. Eckhart stated that the applicant had submitted a letter agreeing to an additional continuance to June 8, 2011.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the June 8, 2011 regular Planning Board meeting. **Vote:** 6-0-0.

2. Lockwood/McKinnon (Taco Bell), 641 West Main Rd., Plat 107SE Lot 15. Request for Development Plan Review for exterior renovations and new signage for existing commercial building.

Attorney David Martland, representing the applicant, requested that the matter be continued to the next Planning Board meeting. His client is continuing to consider design options.

Motion by Ms. Rearick, seconded by Ms. Owen to continue the matter to the June 8, 2011 regular Planning Board meeting. **Vote:** 6-0-0.

New Business

3. Michael J. & Patricia Graham Nunes, Request for final subdivision plan approval, 5-lot minor subdivision, Wolcott Ave., Plat 121NW, Lots 101 and 102A.

Attorney David Martland, representing the applicant, stated that the required variance to allow for reduced frontage on one of the subject lots has been approved. The written decision will be recorded shortly.

Mr. Wolanski stated that the recording of the zoning board decision is one of three recommended conditions of approval.

Motion by Mr. Adams, seconded by Ms. Owen, to grant final subdivision plan approval, subject to the following conditions:

- a. Prior to recording, a copy of the recorded ZBR decision regarding the required frontage variance must be provided to the Planning Department.
- b. At the time of development of each lot the developer will be required to comply with all applicable provisions of town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153), including limiting the storm water runoff rate to pre-development levels. Prior to recording, a note to this effect must be added to the plan.
- c. Prior to recording the subdivision plan, the RI Superior Court judgment (C.A. No. NC99-528) awarding ownership of a portion of the subject property to the applicant shall be recorded in the Town of Middletown Land Evidence Records. Said document shall be properly referenced on the final subdivision plan prior to recording.

Vote: 6-0-0

4. Collins Family, LLC (East Bay Vision Center), 939 West Main Rd., Plat 106, Lot 118. Development Plan Review for proposed exterior renovations to an existing commercial building.

Mr. Marnane recused himself from discussion of this matter stating that he is a patient of Dr. Collins.

Architect Richard Quinn represented the applicant. He provided a sample of the proposed exterior siding materials, which are cement fiber board simulated wood clapboard siding (a.k.a. Hardiplank)

Mr. Adams stated that the proposed alterations to the exterior of the building are an improvement over the current building. Other members agreed.

Motion by Ms. Owen, seconded by Ms. Rearick, to grant the waiver to allow for the use of simulated wood siding materials and approve the development plan. **Vote:** 5-0-0.

5. Cora Saccucci, Carol Saccucci, Barbara Saccucci (Saccucci Auto Group), 1350 West Main Rd., Plat 106, Lots 58 & 59. Development plan review for proposed site work and renovations to an existing commercial building.

Attorney David Martland represented the applicant.

Barbara Saccucci addressed the Board, providing a history of the company and describing the need for the proposed project, including Honda's facilities requirements. If Saccucci doesn't comply with the requirements, the franchise in Middletown would be in jeopardy.

The applicant's engineer, Lynn Small of Northeast Engineers and Consultants discussed the proposed site alterations. The line separating the two subject lots currently bisects the existing building. A subdivision plan will be submitted to relocate the lot line. The applicant is seeking a waiver in order to not be required to install the required landscaped buffer along the relocated property line. A new oil-water separator is proposed for the sewer line. The proposed stormwater drainage improvements and reduced impervious area will be designed to meet the requirements of the new RIDEM stormwater management design manual. New landscaped areas are proposed at the front of the building and along the Brown's Lane frontage. A revised site plan was provided for Planning Board review. A more formalized curbcut to Brown's Lane will be provided.

Mark Regent of Regent Architects addressed the Board. He provided copies of a photo showing the existing front façade of the building, and a rendering of the proposed façade. He also provided samples of the proposed exterior building siding materials. He indicated that

the proposed design is required by Honda. A request for alterations to the design would likely not be approved.

Mr. Eckhart asked if the proposed façade parapet wall will screen rooftop equipment.

Mr. Regent said that it would.

Mr. Marnane asked about the height of the proposed front façade addition.

Mr. Regent stated that the wall would be 28 feet tall above grade, while the central “barrel” doorway section would be 31 feet, 7 inches.

Ms. Rearick stated that she understood the situation that the applicant is in with the need to meet Honda’s requirements, but an attempt should be made to have the building meet the town’s design requirements.

Mr. Adams stated that he also sympathized with the applicant’s concerns. He also indicated that the Board should be consistent in its application of the regulations.

Mr. Martland stated that the Saccuccis also would like to be able to comply with the regulations.

Mr. Adams stated that the goal of the design requirements is for improvement of the appearance of the town’s commercial areas over the long term. It’s a 30-year vision to fix the mistakes of the past. An attempt should be made to address the requirements.

Ms. Lavine stated that the town should not expect homogenous design for commercial buildings. Having varied styles is desirable. The bigger concern is proliferation of signs. She stated that she was prepared to move approval of the plan.

Mr. Marnane asked if there had been an effort to have Honda modify the design.

The applicant stated that it can take up to a year to get an answer to such a request, and experience indicates that Honda would not approve a modification.

Mr. Eckhart asked if Honda views the building design as a logo, hence the difficulty in getting approval to modify.

Mr. Regent agreed.

Ms. Owen stated that the town’s commercial design standards are important, but was concerned about how the application of the standards might impact the ability of the business to stay in Middletown.

Mr. Eckhart stated that he was feeling frustrated by the situation. He was hoping for some compromise. The commercial design standards may need to be revisited.

Mr. Wolanski referenced the necessary waivers identified in his May 4, 2011 memo to the Board. The waivers must be approved in order to approve the application as submitted.

Motion by Ms. Lavine, seconded by Mr. Adams, to grant the required waivers as follows and approve the application, including the revised site plan submitted during the meeting, subject to the following conditions:

1. Prior to issuance of building permits, the Town Engineer shall complete review and approve the storm water management plan and calculations.
2. Prior to the issuance of building permits, the applicant shall submit for approval, and record an administrative subdivision plan to relocate the property line which currently bisects the subject building.

Vote: 5-1-0, with Ms. Rearick voting in opposition.

Waivers granted:

- Section 521.2.A.2 – Unbroken plane of wall exceeding 40 feet.
- Section 521.2.B.2 – Casement or plate-glass windows are proposed where true divided-light or simulated divided-light windows are required.
- Section 521.2.C. – Materials not consistent with the requirement for traditional exterior building materials.
- Section 521.2.D – Traditional roof form (hip, gambrel, gable) not provided. If waived, screening of roof-top mechanical equipment must still be provided.
- Section 521.3.C & D – Landscaped buffer 10' wide, to include screening elements, to be provided along all property lines.

6. Review of the Town of Middletown 2011 CDBG application for consistency with the Middletown Comprehensive Community Plan.

Mr. Wolanski stated that the Planning Board is asked to review the list of projects approved by the Town Council for inclusion in the town's annual Community Development Block Grant application. The Board must certify consistency of the proposed projects with the town's comprehensive plan. The projects appear to be consistent with the Middletown Comprehensive Community Plan.

Motion by Mr. Adams, seconded by Ms. Rearick, to find that the list of proposed CDBG projects is consistent with the comprehensive plan. **Vote:** 6-0-0.

Motion by Ms. Owen, seconded by Ms. Rearick to adjourn. **Vote:** 6-0-0

The meeting adjourned at 7:35 pm

Respectfully submitted:
Ronald M. Wolanski
Town Planner