



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**MAY 13, 2015**

Town Council Chambers, 350 East Main Rd., Middletown, RI

#### **Board members present:**

Charlene Rose-Cirillo, Chair  
Art Weber, Vice Chair  
Betty Jane Owen, Secretary  
Matthew Sullivan  
John Ciummo  
Jan Eckhart  
Paul Croce

Ron Wolanski, Planning Director  
Peter Regan, Town Solicitor  
Chris McNally, Assistant Town Solicitor

*The meeting was called to order by Ms. Owen at 6:00pm.*

#### **1. Election of Planning Board officers for 2015.**

**Motion** by Mr. Sullivan, seconded by Mr. Ciummo, to appoint Ms. Cirillo as Chair, Mr. Weber as Vice Chair, and Ms. Owen as Secretary. **Vote:** 7-0-0.

Ms. Cirillo chaired the remainder of the meeting.

#### **2. Approval of the minutes of the April 8, 2015 regular meeting and the April 20, 2015 special meeting.**

**Motion** by Ms. Owen, seconded by Mr. Weber, to approve the minutes of the April 8, 2015 and April 20, 2015 meetings. **Vote:** 7-0-0.

#### **3. Correspondence**

1. Memo of the Town Planner, dated April 21, 2015, regarding administrative subdivision plan approval, Seaview Inn, LLC, Aquidneck Ave., Plat 115, Lots 5,53,54,55. **Motion** by Ms. Owen to receive the communication, seconded by Mr. Weber. **Vote:** 7-0-0.

#### **4. Public Hearing - Request of the Zoning Board of Review pursuant to Section 602 and Article 11 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on a application of VSH Realty Inc. & Cumberland Farms Inc. for a special use permit to allow renovation and expansion of an existing gasoline dispensing facility in Zone 1 of the Watershed Protection District. Waivers are requested from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 (public hearing**

**required). Property located at 94 & 106 Aquidneck Ave. Assessor's Plat 115, Lots 132, 133, 134.**

The applicant was represented by attorney Robert Silva. Mr. Silva stated that the applicant is working to address concerns raised during the Technical Review Committee's review. Once these items are addressed, TRC review will be completed. He requested that the matter be continued to the June Planning Board meeting.

**Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the June 10, 2015, 6pm regular Planning Board meeting. **Vote:** 7-0-0.

- 5. Public Informational Meeting - Prospect Avenue Subdivision, Goldstein Associates, LLC., applicant. - Request for Master Plan approval for a proposed 5-lot major subdivision, including request for waivers, of property fronting on Prospect Ave. The property is identified as Assessor's Plat 121NW, Lot 66-A and is located approximately .3 miles to the east of the intersection of Prospect Ave. and Aquidneck Ave.**

The applicant was represented by attorney Robert Silva, who stated that there had been a problem with the abutters list provided by the applicant. He requested that the matter be continued in order to properly notify abutters.

**Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the June 10, 2015, 6pm regular Planning Board meeting. **Vote:** 7-0-0.

- 6. Request of the Zoning Board of Review pursuant to Sections 306 and 602 and article 14 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on an application of Kempenaar Real Estates, Inc. to renovate and expand an existing building at the Howard Johnson's hotel property located at 351 West Main Rd. Plat 108, Lot 193.**

The applicant was not present.

Mr. Wolanski stated that the applicant has requested a continuance in order to provide revised plans for consideration.

**Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the June 10, 2015, 6pm regular Planning Board meeting. **Vote:** 7-0-0.

- 7. Request of the Zoning Board of Review for development plan review and recommendation on an application of Mello Realty, Inc, and New Cingular Wireless PCS, LLC AT&T mobility to install a wireless telecommunications facility, subject to the provisions of zoning ordinance Article 25 and sections 602 and 902(A), on property fronting on Coddington Highway, Plat 103, Lot 103.**

The applicant was represented by attorney Robert Silva. Mr. Silva stated that the applicant is working to prepare materials for the TRC review and schedule the required crane demonstration. He requested that the matter be continued.

**Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the June 10, 2015 regular Planning Board meeting. **Vote:** 7-0-0.

- 8. Request of the Town Council for an advisory recommendation on a petition by Samuel's Realty, Inc. to rezone property fronting on Aquidneck Avenue from residential traffic sensitive (R-20A) to limited business traffic sensitive (LBA). The subject property is identified as Assessor's Plat 114, Lots 108 & 109.**

The applicant was represented by attorney Robert Silva, who stated that he is aware of questions raised regarding potential impacts of future development on abutting property owners. His client will work to address these questions, with information to be provided to both the Planning Board and Town Council. He requested that the matter be continued.

**Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the June 10, 2015 regular Planning Board meeting. **Vote:** 7-0-0.

**9. Public Informational Meeting - Middle Creek Farm Subdivision, Michael Behan, Jr. applicant. - Request for Master Plan approval for a proposed 11-lot major subdivision, including request for waivers, of property straddling the Middletown/Portsmouth town line and fronting on Cornelius Drive and Old Mill Lane, Portsmouth. The property is approximately .25 miles to the east of the intersection of Wapping Rd. and Old Mill Lane. The Middletown portion of the property is identified as Assessor's Plat 128, Lot 73. The Portsmouth portion is identified as Assessor's Plat 68, Lot 71. Five of the proposed lots are located partially or entirely in Middletown.**

Attorney Neil Galvin represented the applicant. He described the proposal and need for zoning relief to allow for development in Zone 1 of the Watershed Protection District, as well as potential dimensional relief for frontage. He provided a revised master plan sheet C-2, revised May 13, 2015, which modifies lot lines in an attempt to minimize the need for zoning relief. The applicant is seeking waivers from the town's road construction standards, to allow a paved width of 24 feet, where 26 feet is required, and to not construct the required sidewalk. The applicant will also request approval with Portsmouth for a private road. The road is located mostly in Portsmouth, and it is not anticipated that the Town of Middletown would be responsible for maintenance.

Mr. Weber asked about the rationale for the waiver requests.

The applicant's engineer, Lyn Small, stated that reduced pavement and sidewalks would reduce the amount of storm water runoff to be treating. The narrower roadway will result in slower traffic. She also noted that there are no sidewalks on roads in the surrounding area.

Mr. Weber asked if public water is available. Well water quality has been a concern on the east side of town. Ms. Small stated that private wells are proposed. Providing public water might be problematic due to the requirements of the water utility.

Mr. Sullivan asked if the wetland boundary identified on the plan has been verified by RIDEM.

Ms. Small stated that the work to secure required permits is underway. She is confident that the wetland boundary shown on the plan is accurate.

Ms. Owen suggested that a site walk by the Planning Board would be helpful in evaluating the plan. Other members agreed.

Mr. Eckhart asked if access to Old Mill Ln. would be provided.

Mr. Galvin stated that the one lot with frontage could potentially have access to Old Mill Ln., but the proposed road will not connect to Old Mill Ln.

There was discussion of Fire Dept. access due to the proposed private road. Mr. Galvin stated that if there is a gate, the Fire Dept. would have the ability to open the gate.

**Motion** by Ms. Owen, seconded by Mr. Weber, to open the floor for public comment. **Vote** 7-0-0.

Mary Day of 124 Peckham Ave. asked about the size of the proposed houses, and whether access to Peckham Ave. would be permitted.

Mr. Galvin stated that the house sizes have not be determined, but would likely be approximately 3,000 square feet. There will be no access to Peckham Ave.

There being no one else wishing to address the board, the public comment session was closed.

**Motion** by Mr. Weber, seconded by Ms. Owen, to continue the matter to the June 10, 2015 Planning Board meeting at 6pm, and to schedule a site visit to be conducted prior to that date. **Vote:** 7-0-0.

**10. Public Hearing - Request of the Zoning Board of Review pursuant to Sections 306 and 717 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on an application of D'Angelo, Inc. (TD Bank), 553 West Main Rd. Plat 107SE, Lot 59, to demolish an existing building and construct a new commercial building with site alterations. Waivers are requested from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521.**

The applicant was represented by engineer Josh Swirling of Bohler Engineering and Architect John Noonan.

Mr. Swirling presented the plan for the proposed development. The project will comply with state and local storm water management requirements. He reviewed each of the waivers that are requested for the site and building design.

Mr. Weber stated that he is concerned with the number of waivers that are requested. The building design should be closer to the intent of the commercial development design guidelines, including pitched roof and wood siding.

Mr. Eckhart stated that the building should have a more traditional New England design. He noted the Savings Institute Bank building on East Main Rd. as an example of a building that meets the town's design goals.

Mr. Swirling noted that one goal is for the building to achieve LEED certification, which has impacted the design. The applicant's architect, Mr. Noonan, agreed to provide a revised design for consideration.

Mr. Sullivan and Ms. Owen noted the landscaping and site design as an improvement over the current situation. Ms. Owen read comments from the Middletown Tree Commission, which also praised the site plan.

Motion by Mr. Weber, seconded by Ms. Owen to open the public hearing. **Vote:** 7-0-0.

Brian McLaughlin, an owner of the subject property, stated that he agreed with the board regarding the desire to improve the design of the building, and will encourage the applicant, TD Bank, to revise the design. He noted that there may be limits imposed by the corporation on the design options.

There being no one else wishing to address the board, motion by Mr. Weber, seconded by Ms. Owen, to close the public hearing. **Vote:** 7-0-0.

Mr. Eckhart stated that the Board should consider preparing a document of examples of buildings that comply with the town standards to provide to applicants.

**Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the June 10, 2015 Planning Board meeting. **Vote:** 7-0-0.

**11. Request of the Zoning Board of Review for development plan review and recommendation on an application of Cellco Partnership d/b/a Verizon Wireless (applicant) and WM Hotel Group, LLC (owner) to install a wireless telecommunications facility, subject to the provisions of zoning ordinance Article 25, on property located at 317 West Main Rd., Plat 108, Lot 131.**

The applicant was represented by attorney Earl Duval. Mr. Duval reviewed the proposal to install a rooftop telecommunications facility at the subject property. He described the components of the facility.

Mr. Croce asked about the results of the sound assessment contained in the application package. Mr. Duval reviewed the results of the sound assessment. Sound levels resulting from the operation of the facility, which include air conditioning units and an emergency generator, would be below ambient sound levels at the identified receiving locations on abutting property, and below the limits prescribed in town regulations.

**Motion** by Mr. Weber, seconded by Ms. Owen, to forward a positive recommendation on the application to the Zoning Board of Review. **Vote:** 7-0-0.

**12. Application of James Holmes for combined preliminary and final plan approval for a 2-lot minor subdivision of land. Property fronting on Mitchell's Lane, Assessor's Plat 123, Lot 6.**

Mr. Regan recused himself from this matter due to a conflict.

The applicant was not present.

Mr. Wolanski stated that the board could chose to proceed with review of the application or continue the matter if it wishes that the applicant be present.

**Motion** by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the June 10, 2015 Planning Board meeting. **Vote:** 7-0-0.

**13. Discussion of Comprehensive Plan implementation priorities and process.**

Mr. Wolanski stated that the subcommittee established by the Planning Board met to discuss an order of priorities for implementation of the zoning action items from the new Comprehensive Plan. He presented the outcome of this discussion in a memo dated May 6, 2015. Following discussion the Board agreed by consensus to forward the recommended priorities to the Town Council for consideration and discussion during a joint meeting on June 1, 2015.

**14. Updates**

**Aquidneck Island Planning Commission.**

Mr. Wolanski stated that the Planning Board no longer has a representative serving on the commission. He noted that recently the commission staff have indicated interest in having the commission serve as the regional lead on the effort to provide improved high-speed internet access on Aquidneck Island.

**Update on BRAC Navy Surplus Land reuse planning process.**

Mr. Wolanski stated that there was no news to report regarding the transfer process. Mr. Regan noted that area of land available for the shoreline park has been reduced.

**15. Recommend one member to serve on the Open Space & Fields Committee.**

**Motion** by Ms. Owen, seconded by Mr. Weber to recommend appointment of Mr. Sullivan to serve on the Open Space and Fields Committee. **Vote** 7-0-0.

**16. Recommend one member to serve on the Conservation Commission.**

**Motion** by Ms. Owen, seconded by Mr. Weber to recommend appointment of Mr. Croce to serve on the Conservation Commission. **Vote** 7-0-0

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

*Meeting adjourned at 7:25 pm.*

Respectfully submitted:

Ronald Wolanski

Planning Director