



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

JULY 8, 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

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

1. Approval of the minutes of the June 10, 2015 regular meeting and the June 15, 2015 and June 18, 2015 special meetings.

Motion by Mr. Weber, seconded by Ms. Owen, to approve the minutes of the June 10, 2015 regular meeting and the June 15, 2015 and June 18, 2015 special meetings. **Vote:** 7-0-0.

2. 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 an 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 not present.

Ms. Cirillo stated that the applicant has requested a continuance to the August 12, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Mr. Ciummo, to continue the matter to the August 12, 2015, 6pm regular Planning Board meeting. **Vote:** 7-0-0.

3. 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 not present.

Ms. Cirillo stated that the applicant has requested a continuance to the August 12, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the August 12, 2015 Planning Board meeting. **Vote:** 7-0-0.

- 4. 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 a 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 not present.

Ms. Cirillo stated that the applicant has requested a continuance to the August 12, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the August 12, 2015 Planning Board meeting. **Vote:** 7-0-0.

- 5. 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 not present.

Ms. Cirillo stated that the applicant has requested a continuance to the August 12, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the August 12, 2015 Planning Board meeting. **Vote:** 7-0-0.

- 6. Application of Gary Hooks for preliminary plan approval for a 2-lot minor subdivision of land. Property located at 1249 Wapping Rd., Assessor's Plat 128, Lot 9.**

The applicant was not present.

Ms. Cirillo stated that the applicant has requested a continuance to the September 9, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Mr. Sullivan, to continue the matter to the September 9, 2015 Planning Board meeting. **Vote:** 7-0-0.

- 7. Public Informational Meeting - Application of John Warner for Master Plan approval of a proposed 3-lot major subdivision. Property fronting on Paradise Avenue and Serenity Drive, and located approximately 300 feet to the east of the intersection of Serenity Drive and Compton View Drive, Assessor's Plat 120, Lot 68**

The applicant was not present.

Ms. Cirillo stated that the applicant has requested a continuance to the August 12, 2015 Planning Board meeting.

Mr. Wolanski noted that a revised plan has been submitted, and that the meeting will be re-advertised and abutters will be notified.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the August 12, 2015 Planning Board meeting. **Vote:** 7-0-0.

8. Request of the Town Council for an advisory recommendation on a petition of William J. and Elizabeth Gill & David J. Lawrence to rezone property on West Main Rd., designated as Lots 14, 23 and 23B on TAP 111, from R-20 (Medium Density Residential) to R-10 (High Density Residential).

The petitioner was represented by attorney Jay Lynch. Mr. Lynch stated that the proposed rezoning is consistent with Middletown's comprehensive plan. The owner is proposing to develop the property as a senior independent living community. He introduced the project engineer, Chris Duhamel of DiPrete Engineering.

Mr. Duhamel reviewed the existing site conditions and the proposed development. The site could accommodate as many as 47 units under the town's senior independent living ordinance. The property owner is suggesting that he would develop 37 units. The owner is also offering to make the re-zoning conditional and valid only if the property is developed for senior independent living. There would be one primary access to the property via the signalized intersection opposite Roger's Lane. A secondary access for use by emergency vehicles would also be provided at Arruda Terrace. The impact to traffic on West Main Rd. would be minimal. The road serving the development would remain private and be maintained by the homeowners. The property would be served by public sewer and water. Storm water drainage will conform with state and local requirements, including the town's Watershed Protection District and the state's TMDL on Bailey Brook. He stated that the change from agricultural use to residential use will result in a reduced negative impact on water quality from storm water runoff.

Mr. Eckhart asked about the soils types on the site.

Mr. Duhamel stated that the soils are type C, meaning that they are slow draining, which will impact the design of storm water treatment.

Mr. Weber suggested that the amount of detail being provided about the proposed future development is not necessary given that the current request is only for change in the zoning designation for the property. He stated that the zone change request is consistent with the future land use designation of the Middletown Comprehensive Community Plan.

Mr. Duhamel stated that the petitioner is proposing that the change in zoning be conditioned on the property being used for senior independent living. If that use is not pursued the zoning would revert to R-20.

Mr. Eckhart asked if there would be affordable housing included.

Mr. Duhamel stated that affordable housing is not proposed.

There was discussion about the petitioner's offer to condition the rezoning, with some board members stating that restricting use to senior independent living would limit development options. Mr. Lynch stated that the property owner is only interested in developing a senior independent living community.

Motion by Mr. Weber, seconded by Mr. Sullivan, to find that the petition, including the applicant's proposed condition to restrict development to senior independent living, is

consistent with the comprehensive plan and with the purposes of zoning as described in §45-24-30 RIGL, and to forward a positive recommendation to the Town Council. **Vote** 6-1-0, with Ms. Owen voting in opposition.

9. Request of the Zoning Board of Review for an advisory recommendation on an application of Middle Creek Farm, LLC for a special use permit pursuant to Sections 902, 1103(b) and 1106 of the Middletown Zoning Ordinance to allow residential development in Zone 1 of the Watershed Protection District. Property located at 114 Cornelius Drive, Assessor's Plat 128, Lot 73.

Attorney Neil Galvin represented the applicant. He distributed a plan entitled Drainage Soils Overlay, dated July 7, 2015, by Northeast Engineers & Consultants. He introduced the applicant's engineer, Lyn Small of Northeast Engineers & Consultants.

Ms. Small reviewed the plan and discussed plans for treating storm water on the property.

There was discussion of maintenance responsibilities for the storm water facilities. Ms. Small stated that there would be easements requiring the homeowners to maintain drainage facilities. Mr. Wolanski confirmed that as part of the subdivision review process the Planning Board would review the easements and other pertinent documents.

Mr. Eckhart asked about septic system design given the soil conditions.

Mr. Small confirmed that the soils are slow draining, which will require careful design. RIDEM will have to approve the septic designs.

The board discussed the recommended conditions of approval proposed by the Town Planner.

Mr. Croce asked if the condition regarding limiting the use of lawn chemicals and fertilizers is enforceable. Mr. Wolanski stated that there is currently no ordinance or enforcement mechanism regarding such a condition.

Motion by Mr. Weber, seconded by Mr. Sullivan, to forward a positive recommendation to the Zoning Board of Review, subject to the following recommended conditions of approval:

1. The site design is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).
2. Required maintenance of the septic system and any storm water treatment facilities shall be performed on an ongoing basis as called for in the design and RIDEM requirements.
3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.

Vote: 7-0-0.

10. Discussion of process for implementation of the Middletown Comprehensive Community Plan's zoning amendments, and schedule for adopting revisions required to address state comments.

Mr. Wolanski reviewed the priorities agreed to by the Town Council and Planning Board for implementing zoning amendments. The top three priorities are zoning map amendments, bulk zoning, and inclusionary zoning. The Board agreed to establish a subcommittee to develop the work plan for completing these items for presentation to the Town Council.

Mr. Regan suggested that the subcommittee also look at the mixed-use and big box related items also, as the council expressed interest in moving these items forward as soon as possible.

By consensus the Board appointed Mr. Weber, Mr. Ciummo, and Mr. Croce to serve on the subcommittee. Mr. Wolanski will contact members to schedule a meeting.

On a related note, Mr. Croce asked if it would appropriate for him be a guest speaker at a meeting of the Easton's Point Association. Mr. Regan advised that it would not be appropriate for a board member to speak about matters currently before the board during such a meeting. Members of the association are welcome to attend board meetings to participate in the discussion.

11. Updates

Aquidneck Island Planning Commission.

Mr. Wolanski stated that the Planning Board no longer has a representative serving on the commission. One of the town's representatives on the AIPC has offered to provide regular update to the board. Hi noted that the commission is in the process of selecting a new executive director.

Update on BRAC Navy Surplus Land reuse planning process.

Mr. Wolanski stated that there was no news to report regarding the transfer process.

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

Meeting adjourned at 7:20 pm.

Respectfully submitted:
Ronald Wolanski
Planning Director