



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**NOVEMBER 12, 2015**

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

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

Charlene Rose-Cirillo, Chair  
Betty Jane Owen, Secretary  
Matthew Sullivan  
Jan Eckhart  
Paul Croce

Ron Wolanski, Planning Director  
Peter Regan, Town Solicitor

#### **Members absent:**

Art Weber, Vice Chair  
John Ciummo

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

#### **1. Approval of the minutes of the October 14, 2015 regular Planning Board meeting, and the special meeting of November 5, 2015.**

**Motion** by Mr. Croce, seconded by Ms. Owen, to approve the minutes of the October 14, 2015 regular meeting. **Vote:** 4-0-0 (Mr. Eckhart had yet to arrive).

Regarding the minutes of the November 5, 2015 meeting, which was a public workshop on proposed zoning map amendments, Mr. Wolanski was asked about comments made by Mr. Scarano on behalf of the Rhode Island Airport Corporation during the meeting. Mr. Wolanski stated that RIAC is generally opposed to increasing development density and high occupancy uses in proximity to the airport, particularly in the runway approach areas. Concern is related to safety and impacts of noise on residents in these areas. Mr. Wolanski was asked if RIAC was notified of the proposed zoning amendments. Mr. Wolanski stated that RIAC had an opportunity to review the town's comprehensive plan during the adoption process. They were notified of the Planning Board hearing held on November 5<sup>th</sup>. RIAC was not notified of the Planning Board meeting or Town Council hearing regarding the recently approved Lawrence/Gill zoning map amendment (Notice to RIAC is not required unless their property is within 200 feet of a property that is the subject of a proposed zoning amendment). Mr. Wolanski was asked to invite Mr. Scarano to the next public workshop on the proposed zoning amendments.

**Motion** by Ms. Owen, seconded by Mr. Sullivan, to approve the minutes of the November 5, 2015 special meeting. **Vote:** 4-0-0 (Mr. Eckhart had yet to arrive).

## 2. Correspondence

**Letter to the Town Council President, copied to the Town Planner, dated October 15, 2015 from Scott Wolf, Executive Director, Grow Smart Rhode Island, regarding offer of technical assistance to promote appropriate small business activities on farms.**

**Motion** by Ms. Owen, seconded by Mr. Croce, to receive the communication. **Vote:** 4-0-0 (Mr. Eckhart had yet to arrive).

Mr. Wolanski introduced Scott Millar of GrowSmart RI. Mr. Millar described the offer of technical assistance. GrowSmart RI would assist the town in drafting regulations consistent with the agricultural overlay district discussed in the Middletown comprehensive plan. GrowSmart is seeking a letter of interest from the Planning Board chair and Town Council president.

**Motion** by Mr. Eckhart, seconded by Ms. Owen, to send a memo to the Town Council seeking its support for accepting the technical assistance offered by GrowSmart RI. **Vote:** 5-0-0.

## 3. Public Hearing - Request of the Zoning Board of Review pursuant to Sections 306, 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. & John J. Moitoza Revocable Trust (owners) and First Hartford Realty Corporation (applicant) 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. Property located at 94 & 106 Aquidneck Ave. Assessor's Plat 115, Lots 132, 133, 134.

The applicant was represented by attorney David Martland. Mr. Martland stated that the applicant is continuing to work toward gaining required state permits. He requested that the matter be continued to the December Planning Board meeting.

**Motion** by Ms. Owen, seconded by Mr. Sullivan, to continue the matter to the Planning Board meeting scheduled for December 9, 2015 at 6pm. **Vote:** 5-0-0.

## 4. 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.

Attorney David Martland represented the applicant. He stated that his client is continuing to work to resolve concerns regarding a tree on abutting property. He requested that the matter be continued to the December Planning Board meeting.

**Motion** by Ms. Owen, seconded by Mr. Croce, to continue the matter to the December 9, 2015 Planning Board meeting at 6pm. **Vote:** 5-0-0.

## 5. 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 represented by attorney David Martland. He stated that the plan has been revised to provide for each of the proposed lots to meet the minimum frontage

requirement. A revised plan was distributed. The lots would still not meet the minimum lot area requirement.

Mr. Sullivan asked why the revised plan was not provided prior to the meeting. Mr. Martland stated that the plan was provide to him just prior to the meeting.

**Motion** by Mr. Sullivan, seconded by Ms. Owen, to make the five required findings of fact and to grant preliminary plan approval subject to the applicant securing necessary zoning relief from the Zoning Board of Review. **Vote:** 5-0-0.

**6. Public Hearing - Request of the Zoning Board of Review pursuant to Section 305 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on an application of Aquidneck Avenue Equities, LLC to install additional parking area on property located at 850 Aquidneck Ave., Plat 114, Lot 92C. 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 attorney David Martland. Mr. Martland reviewed the proposed plan, including the need for a zoning variance to allow for parking in excess of the maximum amount allowed. The project will provide the amount of parking needed for the anticipated medical office use. Storm water drainage control measures will improve the current situation for downstream property owners. A revised plan was provided which provides for the project to now meet the minimum 10' landscaped buffer requirement along property lines, eliminating one of the waiver requests.

The applicant's engineer, Ronald Cataldo, reviewed the plan and the stormwater drainage improvements.

Kelly Coates, representing the property owner, described the proposed use of the building and need for the proposed parking.

Ms. Owen referenced a memo received from the tree commission, which included suggested tree planting in addition to those included on the applicant's landscape plan.

Mr. Coates stated that the requested additional trees would be provided.

Mr. Wolanski reviewed the requested waivers, including the parking lot exceeding 50 spaces without being divided into smaller lots, and the required parking lot trees.

Mr. Martland stated that extensive vegetative screening, including Leland cypress and arborvitae is provided, but these do not count toward the parking lot tree requirement.

Mr. Eckhart asked for a description of the filter media used in the drainage control structures. Mr. Cataldo described the design of the structures.

**Motion** by Ms. Owen, seconded by Mr. Croce, to open the public hearing. **Vote:** 5-0-0

There being no member of the public wishing to speak, **motion** by Ms. Owen, seconded by Mr. Sullivan to close the public hearing. **Vote:** 5-0-0.

**Motion** by Mr. Croce, seconded by Mr. Eckhart, to approve the requested waivers and forward a positive recommendation to the Zoning Board of Review subject to the following conditions:

1. Prior to the issuance of building permits, final review by the Town Engineer of plans for storm water drainage control and treatment for conformance with town regulations, including the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151), shall be completed.

2. The landscaping plan shall be revised in accordance with recommendations of the Middletown Tree Commission, including the addition of three trees along the southerly property boundary, and one tree at the southeast corner of the building. Recommended species include red oak, zelkova, or pin oak

Waivers granted:

- Section 521.1.B.2 – regarding the requirement that parking lots be limited to 50 spaces or less and separated by a minimum 10’ landscaped buffer.
- Section 521.3.F.2 – regarding the minimum number of parking lot trees required and the minimum 4” caliper tree requirement.

**Vote:** 5-0-0.

**7. Application of Philip & Sandra Rondina for Final Plan approval of a proposed 2-lot minor subdivision of land. Property fronting on Cordeiro Terrace, with an address of 379 Third Beach Rd., Assessor's Plat 126, Lot 60.**

The applicant was represented by attorney Robert Silva, who stated that the applicant had received the necessary zoning relief from the Zoning Board of Review, and is now seeking final approval. He noted that one of the proposed conditions of approval, regarding recording of easement documents, is problematic given that the applicant owns all of the subject property and is not able to grant an easement to himself.

Mr. Regan confirmed that the condition is problematic, and recommended that the condition state that the easement documents must be recorded upon sale of one or more of the subject lots.

There were questions from the board about how the easements would be referenced.

Mr. Silva stated that the easements will reference the recorded subdivision plan. The easements are depicted on the plan.

**Motion** by Ms. Owen, seconded by Mr. Sullivan, to make the five required findings of fact, and to grant final subdivision plan approval subject to the following conditions:

1. Prior to recording the plan the applicant shall provide draft easement documents describing the proposed septic and water line easements, subject to review and approval by the Town Solicitor.
2. Upon the sale of any of the lots that are subject to the septic and/or water line easements depicted on the plan, said easement documents shall be recorded in the land evidence records of the Town of Middletown. A note to this effect shall be added to the final subdivision plan prior to recording of the plan.

**Vote:** 5-0-0.

**8. Karmic, LLC - Subdivision (Plat 120, Lot 46), 6-lot subdivision, Request for extension of final plan approval.**

Mr. Sullivan requested an update on the status of litigation involving the subject property.

Mr. Regan stated that the applicant is contesting the town’s position regarding the potential expansion of the existing mobile home park. It appears that the applicant wishes to maintain the subdivision option pending the outcome of litigation.

**Motion** by Mr. Eckhart, seconded by Ms. Owen, to grant a one-year extension of the final subdivision plan approval. **Vote:** 5-0-0.

**9. Review of sanitary sewer impact fee study and consideration of recommended fee schedule.**

Mr. Wolanski updated the board on the efforts to update the town's impact fees schedule. The sewer impact fee is the latest to be calculated by the town's consultant. The Planning Board is asked to provide a recommendation to the Town Council regarding the proposed fee schedule.

The board indicated that time is needed to review the report before providing a recommendation. Mr. Wolanski was asked to provide the board with a memo describing the current and proposed fees.

**Motion** by Ms. Owen, seconded by Mr. Sullivan, to continue the matter to the December 9, 2015 Planning Board meeting. **Vote:** 5-0-0.

**10. Comprehensive Plan Implementation – Consideration of proposed Zoning Map amendments, and other implementation items.**

Mr. Wolanski stated that the Board must schedule the second public workshop on proposed zoning map amendments. By consensus, the meeting was scheduled for December 15, 2015 at 6pm.

Mr. Wolanski noted the ongoing interest on the part of the Town Council regarding the proposed mixed-use zoning, and concern over potential "big box" development. A moratorium on large scale shopping centers and buildings over 35,000 sq.ft. in area is under consideration. He asked if the board wished to move the discussion of these items up on the board's comprehensive plan implementation work schedule. **Motion** by Mr. Eckhart, seconded by Mr. Croce, to have the board focus on these items to ensure that any proposed zoning amendments are completed by March 2016. **Vote:** 5-0-0.

**11. Updates**

**Aquidneck Island Planning Commission.**

Mr. Wolanski stated that he has again request regular updates, such as meeting agendas and minutes, to allow the Planning Board to be informed about AIPC activities.

**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: 5-0-0.*

*Meeting adjourned at 7:40 pm.*

Respectfully submitted:  
Ronald Wolanski  
Planning Director