



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

MARCH 9, 2016

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

Board members present:

Art Weber, Vice Chair
Matthew Sullivan
John Ciummo
Paul Croce
Bill Nash
Elizabeth Drayton

Ron Wolanski, Planning Director
Christopher McNally, Assist. Town Solicitor

Members absent:

Jan Eckhart

The meeting was called to order by Mr. Weber at 6:00pm.

1. Election of Officers

By consensus this matter was continued to the next regular Planning Board meeting on April 13, 2016.

2. Approval of the minutes of the February 10, 2016 regular Planning Board meeting and the special meeting of February 25, 2016.

Motion by Mr. Sullivan, seconded by Mr. Croce, to approve the minutes of the February 10, 2016 regular Planning Board meeting and the special meeting of February 25, 2016. **Vote:** 6-0-0.

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 an 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.

Attorney Robert Silva represented the applicant. He stated that the applicant continues to work to secure CRMC approval for the proposed project. He requested that the matter be continued to the April Planning Board meeting.

Motion by Mr. Sullivan, seconded by Mr. Croce to continue the matter to the Planning Board meeting scheduled for April 13, 2016 at 6pm. **Vote:** 6-0-0.

4. **Konstantinos & Eleni Moisiades, Request of the Zoning Board of Review for an advisory recommendation on an application for a special use permit to allow proposed development in Zone 1 of the Watershed Protection District pursuant to sections 602, 1100 and 1108 of the Middletown Zoning Ordinance. Property located at 74 Aquidneck Ave. and 62 Wave Ave., Plat 116NW, Lots 2, 2A & 3.**

Attorney Robert Silva represented the applicant. He stated that the TRC has yet to complete its review. A TRC meeting is scheduled to complete the review the following week. He requested that the matter be continued to the April Planning Board meeting.

Motion by Mr. Sullivan, seconded by Mr. Croce to continue the matter to the Planning Board meeting scheduled for April 13, 2016 at 6pm. **Vote:** 6-0-0.

5. **Windmill Partners LLC (Bank RI), Request of the Zoning Board of Review for an advisory recommendation on an application for a special use permit to allow proposed development in Zone 1 of the Watershed Protection District pursuant to section 1103 of the Middletown Zoning Ordinance. Property located at 132 East Main Rd., Plat 107SE, Lot 200.**

The applicant was not present.

Mr. Wolanski stated that the applicant's engineer has requested that the matter be continued to the April meeting, in order that the Zone 1 application and the development plan review application may be considered during the same meeting. The applicant is currently pursuing state permitting.

Motion by Mr. Sullivan, seconded by Mr. Croce, to continue the matter to the April 13, 2016 Planning Board meeting. **Vote:** 6-0-0.

6. **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 described the status of the plan and revisions that have been made. He noted that the Zoning Official has confirmed that the plan complies with zoning ordinance requirements regarding lot width and frontage. The road design has been revised to reduce potential impact on the dripline of the tree located on abutting property, including a reduction in road width to 20 feet.

There was discussion of the requirement for a sidewalk. Mr. Martland stated that the subdivision regulations do not mandate a sidewalk, but allow the Planning Board discretion to require sidewalks where necessary. In this case, where there are only five lots, and no sidewalk on Prospect Ave., a sidewalk is not warranted. He referenced other recent subdivision plans that were not required to install sidewalks.

Mr. Sullivan stated that those decisions were made by prior boards and that he has consistently advocated for sidewalks. He also stated that the road pavement width at 20 feet is too narrow. Larger vehicles will have a difficult time passing each other on the road. Mr. Weber agreed. It was suggested that a 24 foot wide road would be more appropriate.

Mr. Croce stated that safety for both vehicles and pedestrians must be addressed.

The applicant's engineer, Lyn Small of Northeast Engineers and Consultants described the engineering challenges with installing a sidewalk in this case. The town staff has requested that the road pavement be crowned to provide proper drainage, which requires drainage structures and swales on both sides of the road. Installation of a sidewalk in this situation is more difficult. She also stated that 20-24 foot roadway width is becoming the new standard for small subdivisions such as this.

Mr. Sullivan and Mr. Croce reiterated their desire for a sidewalk along the length to the proposed road.

Mr. Weber suggested that the matter be referred back to the Technical Review Committee (TRC) for additional consideration of the road and drainage design options.

Mr. Martland agreed to allow a continuance in order for additional TRC review. He again cited prior plans that were not required to install sidewalks, including Aquidneck Highlands and Saltwood Farm.

Mr. Weber stated that the approval of the Aquidneck Highlands plan by a prior board was a mistake.

Motion by Mr. Croce, seconded by Mr. Sullivan, to continue the matter to the Planning Board meeting scheduled for April 13, 2016 at 6pm, and to refer the matter back to the TRC.
Vote: 6-0-0.

7. Seaview Inn, LLC, Request of the Zoning Board of Review for an advisory recommendation on an application for a special use permit to allow proposed development in Zone 1 of the Watershed Protection District pursuant to sections 602, 725, and 1106 of the Middletown Zoning Ordinance. Property located at 240 Aquidneck Ave., John Clarke Rd., and Valley Rd., Plat 115, Lot 54.

The applicant was represented by attorney David Martland, who described the proposal to install solar panels on the site of a previously approved hotel project, which is currently under construction.

The applicant's engineer, Lyn Small of Northeast Engineers and Consultants reviewed the site plan. She noted that the proposed storm water treatment system for the site had been modified to provide underground storage and infiltration of storm water. The system will accommodate runoff from the proposed solar field.

Mr. Nash asked if there would be screening and protection for the solar panels from the parking area located nearby.

Mr. Martland stated that the solar panels would be screened from John Clarke Rd., and he expected that there would be fencing or other protection surrounding the installation.

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

1. Prior to permitting the Town Engineer must review plans for compliance with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151), subject to the approval of the Town Engineer and Building Official.
2. Required maintenance of storm water treatment facilities and sewer lines/tanks shall be performed on an ongoing basis in accordance with the storm water management plan and storm water maintenance easement required as part of the approval for development of the hotel.

3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.

Vote: 6-0-0.

8. Updates

- **Comprehensive Plan Implementation**

Mr. Wolanski stated that the Planning Board has a special meeting scheduled for March 14th at 4pm to continue discussion of the mixed-use zoning ordinance revisions.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski stated that he had no new information regarding 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.

9. Public Hearing – Middle Creek Farm Subdivision, Middle Creek Farm, LLC, applicant. - Request for Preliminary Plan approval for a proposed 11-lot major subdivision (5 lots in Middletown) 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.

Ms. Drayton recused herself from the discussion as she is an abutter to the subject property.

Attorney Neil Galvin represented the applicant.

By consensus the public hearing was opened.

Mr. Galvin reviewed the proposal. Required zoning relief and state permitting has been secured. He stated that the recommended conditions of approval contained in the Town Planner's memo dated March 1, 2016 are acceptable.

Mr. Weber invited public input.

Emlen Drayton of 1116 Wapping Road referenced zoning variances that were requested and questioned the benefit to the Town of Middletown that would result from the proposed development. He stated concern over the environmental impacts of the development.

Mr. Wolanski stated that the project had already been granted the necessary zoning relief by the Zoning Board of Review, and the Planning Board has previously granted Master Plan approval. The Zoning Board of Review public hearing would have been the proper venue to raise concerns regarding the requested variances.

Mr. Galvin stated that the variances that were granted were necessary due to some of the proposed lots being bisected by the town line. Aside from that technicality, the proposed building lots meet minimum lot area and frontage requirements. RIDEM has reviewed and approved the plan.

There being no other members of the public wishing to speak, **motion** by Mr. Croce, seconded by Mr. Ciummo, to close the public hearing. **Vote:** 5-0-0.

Mr. Sullivan asked if the proposed road would be a private, gated road. Mr. Galvin stated that the road would remain private, and may be gated.

Mr. Sullivan asked if there was an attempt to bring public water to the property. Mr. Galvin stated that there is ongoing discussion with Newport Water and Portsmouth Water about accessing public water for the development.

Motion by Mr. Croce, seconded by Mr. Ciummo, to make the five required findings of fact and to grant Preliminary Plan approval subject to the following conditions:

1. Prior to Final Plan approval required storm water management plans and calculations must be reviewed and approved by the Town Engineer for compliance with the state storm water design manual and town storm water management requirements.
2. Prior to Final Plan approval legal documents, including homeowner's association documents, covenants and restrictions, and drainage maintenance easement documents must be reviewed and approved by the Town Solicitor. The storm water runoff treatment facilities maintenance easement shall require maintenance of the system by the homeowners association with annual reporting to the Town Engineer and DPW Director. The easement shall allow for Town access as necessary to complete maintenance and repairs to protect public health and safety, should the homeowners fail to do so. Subdivision homeowners will be responsible for all costs related to completing required maintenance and repairs
3. Prior to Final Plan approval cost estimates for completion of required improvements, such as roadway, utilities and storm drainage facilities, must be provided for review and approval by the Town Engineer. The required performance security must equal at least 125% of the Planning Board approved cost estimate per section 702 of the subdivision regulations.
4. The Town of Middletown will not accept maintenance responsibility for the segment of new roadway proposed to be located in Middletown.
5. At the time of development of each lot the developer will be required to comply with all applicable provisions of the town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153), including compliance with the approved storm water management plan for the subdivision. A note to this effect must be added to the final plan prior to recording.

Vote: 5-0-0.

Motion to adjourn by Mr. Sullivan, seconded by Mr. Ciummo. Vote: 6-0-0.

Meeting adjourned at 7:20 pm.

Respectfully submitted:
Ronald Wolanski
Planning Director