



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

JULY 13, 2016

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

Board members present:

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

Ron Wolanski, Planning Director
Christopher McNally, Town Solicitor

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

1. Approval of the minutes of the June 8, 2016 regular Planning Board meeting, and the special meeting of June 3, 2016.

Motion by Mr. Croce, seconded by Mr. Sullivan, to approve the minutes of the June 8, 2016 regular Planning Board meeting and the special meeting of June 3, 2016. **Vote:** 7-0-0.

2. Correspondence

- Memo to the Planning Board from the Town Planner dated June 10, 2016 regarding approval of administrative subdivision – John A. Caetano, et. al., 100 Forest Ave, Plat 106, Lots 98, 99, 100
- Memo to the Planning Board from the Town Planner dated June 22, 2016 regarding approval of administrative subdivision – Lewis & Natalie Silvia and Alfred & Susan Grindell, 160-170 Green End Ave., Plat 108SE, Lots 111, 151.

Motion by Mr. Nash, seconded by Mr. Croce, to receive the communications. **Vote:** 7-0-0.

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 115se, Lots 132, 133, 134.

Mr. Weber stated that the public hearing remains open.

The applicant was represented by attorney David Martland. He noted that the matter was continued to provide the board with samples of the proposed exterior materials and to address some of the board's design concerns.

Mr. Martland introduced the applicant's engineer, Patrick O'Leary of VHB, who reviewed the proposed exterior building materials. Revisions to the plans include addition of mullions to the windows, additional screening of HVAC units, black vinyl-clad bollards, and a white vinyl-clad fence on the westerly side of the property.

Mr. Croce asked about the construction of the bollards. Mr. O'Leary stated that the bollards would be steel with a black vinyl cover, which can be easily replaced if damaged.

Ms. Drayton express concern that the proposed 6' solid fence along the westerly property line would block views of the pond. Mr. O'leary stated that the fence in that location should have been identified as a four-foot fence. There was additional discussion about the design of the fence. Mr. Eckhart suggested that a black rail fence would look less commercial and would be preferred. Mr. O'Leary stated that a 4-foot vinyl-clad white picket style fence would be an option. He would inquire as to the possibility of a black rail fence.

There was discussion and clarification of the proposed roofing materials.

Mr. Nash asked if the signage plan had been finalized and whether it meets town requirements. Mr. O'Leary stated that no zoning relief is being sought and that the signs will meet town requirements.

Mr. Eckhart requested clarification on the proposed lighting at the front patio area. He suggested that a third light should added to create symmetry. Mr. O'Leary agreed that a third light would be added.

There was review and discussion of the landscaping plan.

Mr. Weber reviewed the waivers being requested. Mr. O'Leary described the reasons for each request.

Mr. Weber invited public input. There being no one wishing to speak, **motion** by Mr. Nash, seconded by Mr. Sullivan to close the public hearing. **Vote:** 7-0-0.

Motion by Mr. Sullivan, seconded by Mr. Eckhart, to grant the requested waivers as follows:

- Section 521.2.C - regarding use of synthetic exterior building materials intended to mimic traditional materials.
- Section 521.3.B – regarding provision of less than the minimum 25% of project as landscaping.
- Section 521.3.D.1 - regarding required 10' landscaped buffer along all property lines.
- Section 521.3.D.3 - regarding required 10' landscaped buffer between parking lots/driveways and buildings.
- Section 521.3.F.1 - regarding required street tress, planted 30ft apart, with minimum 4" caliper.
- Section 521.3.F.2 - regarding minimum of one parking lot tree for every five parking spaces, minimum 4" caliper.

Vote: 7-0-0.

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

1. The plan proposes an administrative subdivision to merge the subject properties into a single lot. The administrative subdivision must be submitted for approval and recording prior to the issuance of building permits.
2. Required maintenance of storm water treatment facilities and sewer lines/tanks shall be performed on an ongoing basis in accordance with the approved storm water management plan. A storm water maintenance easement in a form approved by the Town Solicitor shall be recorded prior to the issuance of building permits.
3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited
4. Regarding the proposed retaining wall, an engineer certified design demonstrating that the wall can withstand impacts associated with flooding must be provided prior to the issuance of building permits.
5. Regarding submission requirements for the Watershed Protection District Zone 1 special use permit, the applicant shall submit a list of chemicals to be stored on the site to the Zoning Board of Review.
6. Regarding the gasoline storage and dispensing system, prior to the issuance of building permits, the applicant must provide appropriate documentation to confirm that the design complies with code requirements relative to flood resistant design and construction.
7. Regarding patio lighting indicated on the plans, these and all other exterior lighting fixtures must be dark-sky compliant.
8. The proposed fencing along the westerly side of the property, abutting the parking and filling areas shall be a 4-foot tall open picket or black rail fence. The black rail fence is preferred. Plans for the final proposed fence design shall be provided to the Town Planner.
9. At the proposed patio seating area at the front of the property a third decorative lighting pole and fixture shall be added to the south of the two proposed light poles.

Vote: 7-0-0.

4. **Request of the Zoning Board of Review for an advisory recommendation on a petition of William & Elizabeth Gill & David Lawrence on an application for a special use permit to allow proposed development of a 37-unit Senior Independent Living Facility in Zone 1 of the Watershed Protection District pursuant to sections 1106 and 2202 of the Middletown Zoning Ordinance. Property Located at 1 Thelma Lane, Plat 111, Lots 14, 23, & 23B.**

The applicant was not present.

Mr. Wolanski stated that he had talked with the applicant's attorney who requested that the matter be continued to the September Planning Board meeting. The applicant is continuing efforts to secure required state permits.

Motion by Mr. Sullivan, seconded by Mr. Croce, to continue the matter to the September 14, 2016 Planning Board meeting. **Vote:** 7-0-0.

5. **Application of Henry J. Biastre requesting Preliminary Plan approval for a proposed 3-lot subdivision of property located at 1692 Green End Ave., Plat 129, Lot 36.**

The applicant was represented by engineer Derick Hopkins of Narragansett Engineering. He reviewed the plan and noted that wetlands have been identified on one of the proposed lots. There is currently an application before RIDEM. He requested that the board consider granting preliminary approval, and authorize the administrative officer to grant final approval once the wetlands permitting is complete.

Mr. Wolanski confirmed that the board has the ability to grant the administrative officer authority to grant final approval.

Mr. Sullivan identified several deficiencies and errors on the plan, including typographical errors and need for the updated surveyor's certification. These should be corrected prior to final approval.

Mr. Eckhart asked if the location of a driveway would be impacted by the wetlands on the subject lot. Mr. Hopkins stated that the driveway will meet wetlands setback requirements.

Mr. Sullivan asked if an easement will be needed for the proposed electrical service. Mr. Hopkins stated that an easement would not be needed.

Ms. Drayton asked about the past use of the property, including wood chipping, and what impact that has had on the land. Mr. Hopkins stated that he is not aware of adverse impacts on the land or wetlands on the property.

Mr. Eckhart asked about the depth to water table, which Mr. Hopkins stated was 24 inches. There was discussion about RIDEM requirements for septic system design.

Mr. Nash noted that the plan does not indicate the uses of the existing structures on the property. He questioned whether there might be more than one dwelling unit on the property. He requested that the current uses be verified to determine if there is an ongoing zoning violation.

Mr. Hopkins stated that he is aware of only one occupant of the property, but could not verify the number of dwelling units on the property.

Mr. Wolanski stated that if the board is seeking confirmation of the status of the property, he could request a letter of zoning conformance from the Zoning Official.

Mr. McNally agreed that if there is a question of a potential zoning violation, the board can request that it be resolved before taking action on the application.

Motion by Mr. Nash, seconded by Mr. Ciummo, to continue the matter to the August 10, 2016 Planning Board meeting in order for the applicant to make corrections to the plan, identify the uses of the existing buildings on the plan, and to request a determination from the zoning official as to the zoning status of the property. **Vote:** 7-0-0.

6. Application of Daniel D. Donovan, III. Request for Final Plan approval for a proposed 2-lot minor subdivision of property located at 608 Aquidneck Ave. Property identified on Assessor's Plat 114, Lot 111.

Attorney Christopher Behan represented the applicant. He stated that the Zoning Board of Review had granted the necessary relief, and the conditions of the preliminary plan approval have been satisfied. The application complies with the Planning Board's required findings of fact.

Mr. Sullivan requested that the plan be modified to indicate that property line bounds would be set.

Mr. Behan noted that the proposed sewer easement on the plan must be revised and the state plane coordinates would be added.

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

1. Prior to recording, the final plan must include State Plane coordinates for at least two corners of the subject property.
2. Prior to recording, the final plan must identify locations and indicate "bounds to be set".
3. The resulting lots shall be served by a shared access drive from Aquidneck Ave. as indicated on the approved plan.

Vote: 7-0-0.

7. Discussion of process to review the zoning ordinance and the subdivision and land development regulations to identify necessary revisions.

Mr. Wolanski stated that this item is on the agenda to begin discussion of the need to review the zoning ordinance and the subdivision and development regulations for necessary updates and revisions. He recommended that the Planning Board consider beginning work as soon as possible with staff assistance.

Mr. Weber suggested that a subcommittee of the board begin the work. Other volunteers for the subcommittee included Mr. Ciummo and Mr. Croce. Mr. Sullivan offered to serve as an alternate.

Mr. Wolanski stated that he would be in touch with members to schedule a meeting.

8. Updates

- **Comprehensive Plan Implementation**

Mr. Wolanski noted the upcoming Planning Board special meeting on July 19th to discuss the proposed agricultural overlay district.

Regarding mixed-use development, Mr. Wolanski stated that the RI legislature did not pass legislation which would authorize towns to adopt a streamlined review process for applications that require both Planning Board review and zoning variance or special use permit. The solicitor will now proceed with review and revision of the draft mixed-use ordinance accordingly.

Regarding bulk zoning, Mr. Pflaumer presented the draft of a zoning ordinance amendment developed by the Planning Board subcommittee. He described the components of the draft and provided examples. There was discussion of how the ordinance would impact existing homes and renovations. Mr. Wolanski stated that zoning relief would be needed if a renovation would result in a home that exceeds the regulations. Mr. Weber requested that a public workshop be scheduled.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski stated that the AIPC director Tom Ardito will appear before the Town Council during an upcoming meeting to discuss AIPC's strategic plan.

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

Mr. Wolanski stated that he had no update on the BRAC process.

Motion to adjourn by Mr. Sullivan, seconded by Mr. Croce. Vote: 7-0-0.

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director