



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**AUGUST 3, 2016**

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

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

Art Weber, Chair

John Ciummo, Vice Chair

Matthew Sullivan

Paul Croce

Jan Eckhart

Bill Nash

Ron Wolanski, Planning Director

Peter Reagan, Town Solicitor

Jack Kane, Building/Zoning Official

Drew Pflaumer, Principal Planner

#### **Member absent:**

Liz Drayton

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

#### **1. Discuss and accept public comment on draft amendments to the Middletown Zoning Ordinance regarding proposed floor area ratio (FAR) building size limitations for construction in residential zoning districts.**

Mr. Weber provided an introduction to the issues that have resulted in the presentation of a draft ordinance.

Mr. Wolanski reviewed the history of recent discussions and the language that is included in the Middletown Comprehensive Community Plan regarding protection of neighborhood character and possible restrictions on house size. The Town Council has prioritized this matter for consideration by the Planning Board.

Mr. Pflaumer used a PowerPoint presentation to review the provisions of the draft ordinance.

Mr. Weber opened the floor for public comment and questions.

Larry Connell, a resident of Shore Drive, state that development of property he owns is subject to multiple layers of regulation, including local zoning restrictions and CRMC regulations. He is not in favor of additional restrictions. He asked if the area beneath the elevated first floor of a home would be counted as floor area. Mr. Wolanski stated that it would not. Mr. Wolanski also confirm that the current draft of the regulations would not reduce the current building height limitations of the zoning ordinance.

A resident of Walcott Ave. stated that she is concerned with the proliferation of larger homes in her neighborhood. It is adversely impacting the character of the Easton's Point area. Restrictions on home size should have been adopted years ago.

Deborah Kunz of 505 Walcott Ave. stated that she supports the proposal. She is concerned with the loss of views and sunlight as a result of larger homes. Taxes should be reduced for properties that are adversely impacted.

Joan Liebman, a resident of 524 Walcott Ave., stated that she lives across the street from a new home that is unoccupied much of the time. The new home resulted in the loss of views of the ocean.

Ms. Tinney, a resident of 545 Walcott stated that her parents had built an addition on to the house, which has since lost its views of the ocean. Taxes should be reduced to reflect this.

Kate Sonky, a resident of 34 Miller St. suggested that the town consider tying side setback requirements to the width of the lot as way to limit impacts on abutters.

Larry Connell, a resident of Shore Drive, stated that he owns the last buildable lot on Shore Drive. The genie is out of the bottle. He has paid taxes on the property for several years, but has used no town services. Allowing larger houses will result in increased tax revenue, resulting in reduced taxes for others. There is no need for more regulation.

Terri Flynn of 34 Warren Ave. stated that she is in favor of the proposal. Views impact property values, and loss of views would result in lower assessments on impacted properties. There is no need to adversely impact neighbors when developing property. She noted that zoning for view protection is done in other parts of the country, including San Diego.

Dennis Turano of 195 Tuckerman Ave. stated that when he purchased his home in the early 1990's, Easton's Point had mainly small homes built as summer cottages. He needed a variance to allow an addition to his home which was denied due to neighborhood opposition. Regulations should not promote neighborhood battles. Changes in zoning impact property values, therefore careful consideration is needed. He questioned the level of support for the proposed regulations.

Mr. Weber stated that the Planning Board has been given direction by the Town Council to consider this issue and put forward proposed regulations.

Diane Masters of 1 Kent Rd. stated that she is opposed to the proposed limitations on home size.

Payson Fugitt of 1 Kent Rd. discussed a past zone change to his property from R-10 to R-20. He stated that the issue is view protection which could be addressed with building height restrictions. Under the proposed regulations, he would not be able to put a second story on his home. It would decrease the value of his home. The issue height. Larger homes are good for the town.

Peter Gallipeau, a Middletown resident, stated that the comprehensive plan states that the town should "explore" regulations to limit building size. It is not a requirement to adopt new regulations. He questioned what the problem is that the town is trying to solve. He referenced a newspaper article that stated that the regulations are intended to reduce stormwater impacts. There are engineering solutions to address stormwater without need to limit house size. He stated that protection of views is what is driving the issue, and that property owners do not have a protected right to their views. The proposal is a bad idea. He raised specific concerns about the treatment of basements in the draft and the impact the proposal would have on smaller lots in conservation subdivisions. The proposed regulations would be a signal that the town does not welcome new residents.

Kathleen Connell of 233 Tuckerman Ave. stated that the comprehensive plan is a complicated document, and she acknowledged the work necessary to complete it. However,

many residents are not able to understand its provisions and impact on the community. Residents should not be put on the defensive when proposals such as the proposed new regulations are put forward.

Mark Horan, a Newport resident who has built 10 homes in the Easton's Point area stated that the homes he has built complied with zoning requirements. No variances were needed. The proposed regulations would result in the need for property owners to seek zoning relief to improve their properties. He estimated that the 10 homes he built resulting in \$20million in contract work for local contractors. And the annual property tax revenues to the town increased by \$210,000. The proposal would devalue properties, and potential buyers would seek to locate in other communities. He raised concern about the treatment of basements and garages in the draft, and noted that the regulation would mostly impact smaller lots. There are other regulatory options to consider. He noted that the proposal seems to supported by a "vocal minority" of residents.

Mr. Weber stated that the Town Council will have to decide on whether to proceed with adoption of the regulations.

Mr. Wolanski suggested that the board had heard some constructive concerns raised regarding certain provisions in the draft ordinance. The Planning Board should consider referring the matter back to the staff and subcommittee to consider these concerns and potential revisions to the draft.

Bob Reed, a Newport Resident, stated that his daughter is considering purchasing a property with plans to build a 3,000 square foot house. If the ordinance were adopted as currently drafted she would not be able to build that house. She must now consider the risk of purchasing the property, not knowing what the regulations will include.

Mr. Weber thanked the public for their participation. The matter will be reviewed again by the subcommittee. An additional public forum will be held before any recommended regulations are referred to the Town Council. There will be additional efforts of public outreach before the next public forum.

By consensus of the board, the matter was referred back to the subcommittee.

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

*Meeting adjourned at 7:30 pm.*

Respectfully submitted:  
Ronald Wolanski  
Planning Director