



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**OCTOBER 12, 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  
Jan Eckhart  
Bill Nash

Ron Wolanski, Planning Director  
Drew Pflaumer, Principal Planner  
Peter Regan, Town Solicitor  
Chris McNally, Assistant Town Solicitor

#### **Board members absent:**

Liz Drayton

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

#### **1. Approval of the minutes of the September 14, 2016 regular Planning Board meeting and the special meeting of September 27, 2016.**

**Motion** by Mr. Ciummo, seconded by Mr. Sullivan, to approve the minutes of the September 14, 2016 regular Planning Board meeting and the special meeting of September 27, 2016.

**Vote:** 6-0-0.

**At this point, Mr. Weber stated that to avoid wasting the time of attendees of the meeting in attendance for items near the end of the agenda, the Planning Board would first proceed with addressing all agenda items to be continued to the November 9, 2016 regular Planning Board meeting.**

#### **2. Letter to the Planning Board Chairman dated September 1, 2016 from Charles B. Allott, Executive Director of the Aquidneck Land Trust, regarding an application of John Warner for a 3-lot subdivision of land, Plat 120 Lot 68, located on Paradise Avenue.**

Mr. Wolanski stated that he had received communication from the involved parties requesting the item be continued to the November 9, 2016 regular Planning Board meeting.

**Motion** by Mr. Nash, seconded by Mr. Sullivan, to continue the matter to the November 9, 2016 regular Planning Board meeting. **Vote:** 6-0-0.

#### **3. Public Hearing - Request of the Zoning Board of Review pursuant to section 602 of the Middletown Zoning Ordinance for Development Plan Review and an advisory recommendation on a petition of The Narragansett Electric Company, d/b/a National**

**Grid, for a special use permit to allow construction of an electric power substation and high voltage electric transmission line towers on property located in the R-30 zoning district. Property located on Jepson Lane, Plat 111, Lots 49, 52, and 53.**

Mr. Wolanski explained that the applicant has had the comment period extended from November 2, 2016 to December 2, 2016 and that the applicant's attorney has requested the item be continued to the November 9, 2016 regular Planning Board meeting.

**Motion** by Mr. Sullivan, seconded by Mr. Nash, to continue the matter to the November 9, 2016 Planning Board meeting. **Vote:** 6-0-0.

- 4. Request of the Zoning Board of Review for an advisory recommendation on a petition of William and Elizabeth Gill and 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 section 1106 and 2202 of the Middletown Zoning Ordinance. Property located at 1 Thelma Lane. Plat 111, Lots 14, 23, and 23B.**

Mr. Jay Lynch, the applicants' attorney, stated that the applicants are working with the Rhode Island Department of Environmental Management to secure the necessary permits and request that the matter be continued to the November 9, 2016 regular Planning Board meeting.

**Motion** by Mr. Sullivan, seconded by Mr. Croce, to continue the matter to the November 9, 2016 regular Planning Board meeting. **Vote:** 6-0-0.

- 5. Public Hearing - Request of the Zoning Board of Review pursuant to section 308 of the Middletown Zoning Ordinance for Development Plan Review on a petition of Middletown Self-Storage, LLC for a special use permit to allow construction of a 20,000 sq. ft. commercial building to be used for self-storage and associated site work on property located in the limited business traffic sensitive (LBA) and R-20 zoning districts. Property located at 909 Aquidneck Ave., 875 Aquidneck Ave., and 160 Honeyman Ave. Plat 114, Lots 758, 657, and 757.**

Mr. Weber stated that the Planning Board would like to conduct a site visit to assess the potential impact of the development. Mr. Wolanski clarified that abutters will be notified when the visit is scheduled, the visit is open to the public, and that the visit will not be a public hearing. He also explained that the public hearing will occur at the November 9, 2016 regular Planning Board meeting.

**Motion** by Mr. Sullivan, seconded by Mr. Croce, to schedule a site visit, notify abutters, and continue the matter to the November 9, 2016 regular Planning Board meeting. **Vote:** 6-0-0.

- 6. Public Hearing- Request of the Zoning Board of Review pursuant to section 305 of the Middletown Zoning Ordinance for Development Plan Review on a petition of Samuels Realty, Co. Inc., to allow construction of an addition to an existing commercial building and associated site work on property located in the limited business traffic sensitive (LBA) and R-20A zoning districts. Property located at 672 Aquidneck Ave. Plat 114, Lots 107C, 107D, 107E, and 108.**

**Motion** by Mr. Sullivan, seconded by Mr. Ciummo, to open the public hearing. **Vote:** 6-0-0

David Bazarsky, of Samuels Realty, Co. Inc., reviewed the plans for the Planning Board, specifically highlighting the moving of lot lines to pair parking spaces with the uses they exist for as required in the Middletown Zoning Ordinance and briefly touching on the commercial design standards waivers requested. Further conversation revolved around the degree to which dumpsters will be screened from the residential uses located behind the property with

regards to potential noise with Mr. Weber suggested a condition be placed regarding acceptable time frames for dumpster emptying to occur.

At this point, concerns were raised by Mr. Sullivan and Mr. Nash regarding the location of an interior drive on a parcel of land currently zoned for residential use. Mr. Wolanski clarified that Mr. Jack Kane, the Middletown Zoning Official, had determined that was permitted under the current Middletown Zoning Ordinance. Mr. Regan expressed his desire to discuss this with Mr. Kane and suggested the matter could be continued to the November 9, 2016 regular Planning Board meeting pending a discussion regarding the potential necessity of zoning relief for the applicant.

**Motion** by Mr. Nash, seconded by Mr. Sullivan, to continue the matter to the November 9, 2016 regular Planning Board meeting pending a discussion between the Zoning Official and the Town Solicitor regarding the location of commercial drives in residential zones. **Vote:** 6-0-0.

**7. Request of the Zoning Board of Review pursuant to Section 305 of the Middletown Zoning Ordinance for Development Plan Review on a petition of East Island Reserve, LLC to allow construction of a commercial building and associated site work on property located in the R-30A zoning district. Property located at 969 and 985 East Main Road. Plat 118, Lots 20 and 21.**

Mr. Jay Lynch, the applicant's attorney, gave the background of the proposal and highlighted the addition of stone walls to the plans as per the Planning Board's request. Mr. Wolanski clarified that the applicant is still requesting the single waiver and that the five conditions outlined in previous meetings would still be required. The Planning Board expressed general approval of the updated landscaping plan. Mr. Lynch also explained that a legal easement exists regarding a greenhouse owned by a neighboring property owner that crosses onto the site.

**Motion** by Mr. Croce, seconded by Mr. Eckhart, to grant the following waiver:

Section 521.3.D.2- Regarding lack of required 20' landscaped buffer along the rear property line in the area of the existing greenhouse, which is proposed to remain.

And to forward a positive recommendation to the Zoning Board of Review with the following recommended conditions of approval:

1. Prior to issuance of permits the Town Engineer must complete his review and approve the stormwater management plan and calculations.
2. The site plan shall be revised to indicate the location of the pool filter, heater, and any other equipment associated with the swimming pool.
3. Prior to the issuance of town permits, and required permits from State agencies must be in place.
4. Final design for proposed sewer connection for the new building must be approved by the Department of Public Works prior to permitting.
5. Prior to permitting an administrative subdivision plan application to merge Lots 20 and 21 must be submitted for approval and recorded in the Land Evidence Records.

**Vote:** 6-0-0.

**8. Request of Michael W. Miller, Esq., on behalf of his client, for conceptual discussion of potential development of property located on maple Avenue, straddling the Middletown-Newport town line. Plat 107SW, Lot 151.**

Mr. Miller presented the applicant's conceptual plan for development of the parcel. The discussion revolved around the calculation of density in conservation developments comprised of townhouses, during which Mr. Miller explained the logic behind his interpretation of the regulations while making the vague nature of said regulations clear. Mr. Wolanski expressed his disagreement with Mr. Miller's interpretation while Mr. Regan conceded that the regulations are unclear and occasionally contradictory.

There was widespread agreement that the parcel in question represents difficulties from a regulatory standpoint as it has no frontage in Middletown, will receive public utilities through Newport (excepting public sewer, which will run through Middletown), and the great discrepancy between the development potential of the land under Newport's regulations and Middletown's regulations.

Members of the planning board indicated that they thought the proposal was reasonable and suggested Mr. Miller could begin the formal application process, understanding that there is no guarantee a formal application will be approved.

**9. Updates**

- **Comprehensive Plan Implementation**

Mr. Wolanski noted the upcoming Planning Board special meeting on November 22, 2016 to continue the discussion regarding the potential creation of an agricultural overlay district.

Mr. Regan stated that he is in the process of revising the proposed mixed-use zoning ordinance to reflect the passage of State legislation.

A subcommittee meeting to include the Zoning Official will be scheduled to review the concept of height and roof pitch as a means to address residential structure bulk.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski reminded the board that the AIPC has been awarded a \$1 million grant from the EPA to pursue regional solutions to stormwater runoff impacts.

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

Mr. Wolanski stated that the process to transfer land located at the intersection of West Main Road and Coddington Highway is on schedule for the end of calendar year 2016 but that the proposed Shoreline Park area is in need of further environmental study.

- **Committee Reports**

Mr. Croce stated that the sole applicant to come before the Conservation Commission asked for a continuance of the matter and, as a result, the October 11, 2016 meeting of the Conservation Commission was cancelled.

*Motion to adjourn by Mr. Eckhart, seconded by Mr. Croce. Vote: 6-0-0.*

*Meeting adjourned at 7:40 pm.*

Respectfully submitted:  
Ronald Wolanski  
Planning Director