



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

NOVEMBER 9, 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
Liz Drayton

Ron Wolanski, Planning Director
Peter Regan, Town Solicitor
Marisa Desautel, Conflict Solicitor

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

1. Approval of the minutes of the October 12, 2016 regular Planning Board meeting.

Motion by Mr. Croce, seconded by Mr. Sullivan, to approve the minutes of the October 12, 2016 regular Planning Board meeting. **Vote:** 7-0-0.

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. Allott requested that this matter be addressed during the public hearing later in the agenda regarding a request to modify the subject subdivision. By consensus the Board granted the request.

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 state Energy Facility Siting Board comment period extended from November 2, 2016 to January 23, 2017 and that the applicant's attorney has requested the item be continued. The TRC is in the process of reviewing revised plans. The applicant has suggested that the Planning Board consider holding a special meeting due to the amount of time needed to complete the public hearing.

Motion by Mr. Ciummo, seconded by Mr. Sullivan, to continue the matter to a special Planning Board meeting to be held on December 14, 2016 at 4pm. **Vote:** 7-0-0.

4. **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, 108.**

The applicant was represented by attorney Robert Silva. Mr. Silva stated that based on conversation just prior to the meeting with his client and the Building/Zoning Official, it appears that modifications to the plan might be made to address certain zoning concerns. Therefore, he requested that the matter be continued to the December Planning Board meeting.

Motion by Mr. Eckhart, seconded by Mr. Sullivan, to continue the matter to the December 14, 2016 Planning Board meeting at 6pm. **Vote:** 7-0-0.

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, 757.**

The applicant was represented by attorney Robert Silva, who stated that the plan for the project is undergoing modifications. He requested that the matter be continued to the December Planning Board meeting.

It was noted that once revised plans are submitted a Planning Board site visit would be scheduled.

Motion by Mr. Ciummo, seconded by Mr. Nash to continue the matter to the December 14, 2016 Planning Board meeting at 6pm. **Vote:** 7-0-0.

6. **Public Hearing - Request of John Warner for modification to the approved Final Plan for a proposed 3-lot major subdivision. Property fronting on Paradise Avenue and Serenity Drive, and located approximately 300 feet to the east of the intersection of Serenity Drive and Compton View Drive, Assessor's Plat 120, Lot 68.**

Motion by Mr. Ciummo, seconded by Mr. Croce, to open the public hearing. **Vote:** 7-0-0.

The applicant was represented by attorney Robert Silva, who described the history of the subdivision review and approval. He described the proposed revisions to the previously approved plan, including the elimination of public water and gas service to the lots, and modification to the proposed extension of Serenity Drive. The changes are intended to reduce the infrastructure costs for the subdivision.

Mr. Sullivan asked about ownership of the Serenity Drive extension and the status of the agreement with the Aquidneck Land Trust to take ownership of proposed Lot C.

Mr. Silva stated that the road extension would be a public right-of-way, however maintenance would be the responsibility of the subdivision property owners since the construction of the road to town standards was waived. Regarding the Aquidneck Land Trust, his client's intent is to proceed with the transfer of Lot C to the land trust if the requested revisions to the plans are approved.

Mr. Eckhart stated that he was upset by the lack of follow-through with the plan to transfer the lot to the land trust. The Planning Board was misled. In the future the board should require a written agreement when conservation is proposed as part of a subdivision application.

Mr. Silva stated that there was no intent to mislead the board. The owner's goal was and remains to transfer the lot to the land trust. The costs for accomplishing this were unexpected.

Chuck Allott, executive director of the Aquidneck Land Trust, apologized to the board for representations he made to the board in support of the application. In the future conservation easements will need to be in place before the land trust will offer support for a project.

Former Planning Board member, Betty Jane Owen of 137 Forest Ave. stated that she was concerned about the status of the subdivision and representations made to the Planning Board.

Edward Bradley of 2 Maidford River Rd. questioned the impact the proposed conservation easement would have on the neighborhood.

Mr. Silva stated that no changes are proposed for Maidford River Rd. if Lot C is conserved.

Mr. Wolanski advised the board that the matter on the agenda is only to consider proposed revisions to the approved plan regarding utilities and modifications to Serenity Dr. The three-lot subdivision has already been approved.

Mr. Nash stated that he is not happy with the way the process has unfolded and does not support modifications to the plan.

Mr. Regan reiterated that the board is only considering modifications to the approved plan.

Mr. Weber and Mr. Eckhart suggested that the plan could be revised as a two-lot subdivision. Mr. Silva stated that the value of the third lot would then be lost.

Mr. Nash suggested that there might be a buildable area on Lot C accessible from Paradise Ave. Mr. Silva stated that the area adjacent to Paradise Ave. is not buildable.

Mr. Croce asked Mr. Allott if he feels he was misled. Mr. Allott said that he was, by the owner, not by Mr. Silva.

Ms. Drayton expressed concern that Lot C could be sold for development.

There was discussion that the board might place a condition on the approval of plan modifications requiring that Lot C be conserved. Mr. Silva stated concern over the ability for the owner to retain the value of Lot C for tax purposes.

Mr. Regan stated that the fact that the board had previously approved the three-lot subdivision without restrictions should be sufficient to demonstrate value for IRS purposes.

Following discussion with the owner's real estate representative, Mr. Silva agreed to the proposed condition that Lot C could only be transferred to the Aquidneck Land Trust.

There being no one else wishing to speak, the board voted to close the public hearing.

Motion by Mr. Sullivan, seconded by Mr. Ciummo, to approved the requested modifications to the approved final subdivision plan subject to the condition that Lot C may only be transferred to the Aquidneck Land Trust. **Vote:** 7-0-0.

7. **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.**

Jay Lynch, the applicants' attorney, stated that the applicants recently secured necessary permits from the Rhode Island Department of Environmental Management. He expects to be able to proceed during the December Planning Board meeting. He requested that the matter be continued to the December 14, 2016 regular Planning Board meeting.

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

8. **Request of Philip & Sandra Rondina for modification to an approved Final Plan for 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.**

Attorney Robert Silva represented the applicant. He described the modifications needed to the previously approved plan to allow the plan to meet RIDEM septic setback requirements.

Mr. Sullivan asked if there were any changes to the easements shown on the plan. Mr. Silva stated that there were not.

Motion by Mr. Nash, seconded by Mr. Ciummo, to approve the revisions to the final subdivision plan. **Vote:** 7-0-0.

9. **Request of Karmik, LLC for a one-year extension of the Final Plan approval for a 6-lot subdivision of land fronting on Prospect Ave. and Aquidneck Ave. Plat 120, Lot 46.**

The applicant was not present. Mr. Wolanski stated the applicant is seeking an additional one-year extension of the approval subdivision plan due to ongoing litigation and health concerns.

Motion by Mr. Sullivan, seconded by Mr. Ciummo, to grant an additional one-year extension of the final subdivision plan approval. **Vote:** 7-0-0.

10. **Public Informational Meeting - Request of Maple Ave. Partners, LLC for Master Plan approval of a conservation development pursuant to Zoning Ordinance Article 19, consisting of 17 townhouse-style dwelling units located on property located off Maple Ave. approximately 200 feet to the west of the Maple Ave./Paquin Place intersection, Plat 107SW, Lot 151.**

Attorney Mike Miller represented the applicant.

Mr. Weber stated that the board would like to conduct a site visit to the property before proceeding with the hearing.

Mr. Wolanski suggested that the plan also be forwarded to the TRC for review. He noted that the Planning Board has the option of seeking third party review of the plans if necessary. Discussion on that issue was deferred to the December Planning Board meeting.

Motion by Mr. Ciummo, seconded by Mr. Croce to continue the matter to the December 14, 2016 Planning Board meeting at 6pm, and to schedule a Planning Board site visit and refer the matter to the TRC for review. **Vote:** 7-0-0.

An abutter to the subject property requested an opportunity to address the board. She noted that the applicant had installed fencing on her property in error, which she removed. She expressed concern that the developer comply with requirements during the construction process.

Mr. Weber stated that the board will be conducting a site visit, and will work with the applicant to ensure that regulations are followed.

11. Public Hearing – Application of Prescott Point Investors, LLC for Development Plan Review for a proposed residential development including a 20-unit multifamily condominium project with a 2,500 sq.ft. clubhouse, and a 48-room residential care/assisted living facility. Property located off West Main Rd., Assessor's Plat 104, Lot 7.

The applicant was represented by attorney Jay Lynch.

Mr. Weber stated that the board would like to conduct a site visit before proceeding with the hearing.

Motion by Mr. Sullivan, seconded by Mr. Nash, to continue the matter to the December 14, 2016 Planning Board meeting at 6pm, and to schedule a site visit. **Vote:** 7-0-0.

12. Request of the Town Council for an advisory recommendation on a petition of Horan Building Company, Inc., for proposed amendments the Middletown Zoning Ordinance, section 602 regarding uses permitted in the office park (OP) zoning district, and section 702 regarding the allowed number of principal buildings in the office park (OP) district.

Mr. Regan recused himself due to a potential conflict of interest. Ms. Desautel sat as solicitor on this matter.

The petitioner was represented by attorney Mike Miller. He reviewed the purpose of the request, which is to allow a contracting business to locate in the Aquidneck Corporate Park. He stated that his client had no concerns with the alternative amendments proposed by the Town Planner in his memo to the board dated November 4, 2016.

He introduced commercial real estate agent Steve Kirby who describe the difficulty in filling vacancies in the corporate park due to the restrictions on uses.

Motion by Mr. Nash, seconded by Mr. Eckhart, to recommend to the Town Council that the amendments to section 602 as contained in the Town Planner's memo and the amendment to section 702 as proposed by the petitioner be adopted. **Vote:** 7-0-0.

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. Wolanski stated that the Town Solicitor has indicated that the draft of the proposed mixed-use zoning ordinance to reflect the passage of State legislation is nearing completion and will be provided for board review shortly.

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 is scheduled for November 21, 2016 at 2pm.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski stated that he had no updates on AIPC activities.

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

Mr. Wolanski stated that the process to negotiate the transfer land located at the intersection of West Main Road and Coddington Highway is expected to begin by the end of November.

Committee Reports

There were no committee reports.

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

Meeting adjourned at 8:05 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director