



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

MAY 10, 2017

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

Board members present:

Paul Croce, Chairperson
Matt Sullivan, Vice Chairperson
Bill Nash, Secretary
Liz Drayton
Terri Flynn
Betty-Jane Owen
Jim Williams

Ron Wolanski, Planning Director
Peter Regan, Town Solicitor
Rita Lavoie, Principal Planner

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

1) Approval of the minutes from the March 29, 2017; April 12, 2017; and April 17, 2017 Planning Board meetings.

Ms. Flynn provided requested revisions to the minutes for the March 29, 2017 and April 12, 2017 meetings. There was discussion regarding the content of meeting minutes and meeting minutes amendments. Input was provided by the Town Solicitor confirming that minutes are not intended to serve as a transcript of the meeting.

Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the March 29, 2017 Planning Board meeting, including amendments requested by Ms. Flynn. **Vote:** 1-6-0, with Mr. Croce, Ms. Drayton, Mr. Nash, Ms. Owen, Mr. Sullivan, and Mr. Williams voting in opposition.

Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the March 29, 2017 Planning Board meeting as submitted. **Vote:** 6-1-0, with Ms. Flynn voting in opposition.

Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the April 12, 2017 Planning Board meeting, including amendments requested by Ms. Flynn. **Vote:** 1-6-0, with Mr. Croce, Ms. Drayton, Mr. Nash, Ms. Owen, Mr. Sullivan, and Mr. Williams voting in opposition.

Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the April 12, 2017 Planning Board meeting as submitted. **Vote:** 6-1-0, with Ms. Flynn voting in opposition.

Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the April 17, 2017 Planning Board meeting as submitted. **Vote:** 6-0-1, with Ms. Flynn abstaining.

2) Public Informational Meeting - Request of Trademark Builders, LLC for Master Plan approval, including request for waivers from certain provisions of the subdivision and land development regulations, for a proposed 7-lot major subdivision of property

fronting on Vaucluse Ave. The property is identified as 288 Vaucluse Ave, Assessor's Plat 129, Lot 21, and is located approximately 800 feet to the south of the intersection of Vaucluse Ave. and Peckham Ave.

Mr. Croce stated that the applicant has requested a continuance.

Motion by Ms. Owen, seconded by Mr. Nash to continue the matter to the June 14, 2017 6pm Planning Board meeting. **Vote:** 7-0-0.

- 3) Public Informational Meeting** - Request of Mark Brennan for Master Plan approval, including request for waivers from certain provisions of the subdivision and land development regulations, for a proposed 11-lot major subdivision of property fronting on Mitchell's Lane. The property is identified as 430 Mitchell's Lane, Assessor's Plat 124, Lots 13, 14, 14a, 15, and is located approximately 1300 feet to the north of the intersection of Mitchell's Lane and Fayal Lane.

Mr. Croce stated that the applicant has requested a continuance.

Motion by Mr. Nash, seconded by Mr. Sullivan to continue the matter to the June 14, 2017 6pm Planning Board meeting. **Vote:** 7-0-0.

4) Correspondence

Memo from the Town Planner dated April 12, 2017 regarding an Administrative Subdivision for Cumberland Farms, Inc, involving property at 94 & 106 Aquidneck Ave., Plat 115SE, Lots 132 & 134.

Motion by Ms. Owen, seconded by Mr. Nash to receive the communication. **Vote:** 7-0-0.

- 5) Public Hearing – Consideration of proposed amendments to the Middletown Zoning Ordinance, Articles 15 & 19, and the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Article 3, regarding development density limitations for conservation developments.**

Motion by Mr. Sullivan, seconded by Ms. Owen to open the public hearing. **Vote:** 7-0-0

Mr. Wolanski reviewed the proposed amendments, which eliminate the option for an applicant to submit a yield plan, and provide a formula for determining maximum density limitations based on each zoning district.

There was a question regarding the derivation of the density formula and the intent of the amendment. Mr. Wolanski explained that the formula and the intent of the amendments are to clarify the calculations and to reduce ambiguity in the ordinances. Development density in a conservation development is to be no greater than that allowed for conventional development of the same property.

There being no members of the public wishing to speak, there was a **motion** by Mr. Sullivan, seconded by Ms. Owen to close the public hearing. **Vote:** 7-0-0.

Motion by Mr. Nash, seconded by Mr. Sullivan to approve and provide a positive recommendation on the proposed amendments to the Town Council. **Vote:** 7-0-0.

- 6) Request of the Town Council for an advisory recommendation on a petition of Pensco Trust Company to rezone from R-60 to R-20 property fronting on Miantonomi Ave. and Adelaide Ave. Plat 114, Lots 812 & 813.**

Mr. Martland, on behalf of his client, Pensco Trust Company, presented a proposal for rezoning. Mr. Martland noted that the zoning change is consistent with the Middletown

Comprehensive Plan, which designates the property as medium-density residential on the future land use map.

A question was raised regarding access to the property including traffic concerns and easements. Mr. Martland explained that access is gained from Miantonomi Ave. and through a paper street off Adelaide Ave.

Questions regarding proposed development on the land were asked. Mr. Martland explained that there is no specific proposal from his client at this time, and that DEM regulations indicate that development must not increase stormwater runoff as compared to current conditions.

A discussion regarding rezoning to R-30 occurred. Mr. Martland indicated while R-30 would also be consistent with the comprehensive plan, R-20 would allow his client more flexibility including 2-family use.

Members of the board indicated that a site visit would aid their decision making.

Mr. Martland requested that the matter be continued to the June 14, planning board meeting to allow for a site visit to be scheduled and for Mr. Martland to consult with his client regarding any proposed development.

Motion by Mr. Sullivan, seconded by Mr. Nash to continue the item to June 14, 2017 6:00pm with a Planning Board site visit to be scheduled. **Vote:** 7-0-0.

7) Application of Sean Napolitano requesting Preliminary Plan approval for a proposed 2-lot subdivision of property located at 31 Evergreen Ave., Plat 108NW, Lot 308.

Ms. Flynn recused herself and left the council chambers.

Attorney Sean Bouchard presented the plans on behalf of his client, Mr. Napolitano. Mr. Bouchard indicated that both proposed lots will meet minimum lot size requirements and no new zoning nonconformities will be created as a result of the proposal.

Mr. Napolitano stated that he believes no zoning relief is required per a conversation with the Zoning Official.

A discussion of the current conditions occurred. Questions regarding the garage, the paper street, and the former pool were raised.

Motion by Ms. Owen, seconded by Mr. Sullivan to grant preliminary plan approval subject to the following conditions and the five required findings:

- Regarding the front yard setback requirement for the existing structure on proposed Parcel A, if it is determined by the Zoning Official that relief granted by the Zoning Board of Review is required, the applicant must be granted the necessary relief prior to the plan to be considered for final approval. The decision of the Zoning Board of Review must be recorded in the land evidence records, with a copy provided to the Planning Board.
- Prior to Final Plan approval, the applicant must provide documentation demonstrating approval from the appropriate agencies for connections to public sewer and public water.
- The new development lot (Parcel B) will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the subdivision plan prior to final approval.
- A note must be added to the plan regarding storm water control as follows: "At the time of development of the new building lot, Parcel B, the owner is required to comply with the

provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control ordinance (Chapter 151)."

Vote: 6-0-0

8) Discussion of zoning regulations in the Limited Business district zones (LB and LB-A).

Mr. Wolanski stated that the Town Council requested that the planning board solicit public input regarding uses in the Limited Business zoning districts.

It was indicated that a special public workshop should be scheduled to hear from property owners in the Limited Business district, and abutters within 200-feet. There was discussion around the appropriate timing of such a meeting due to business's busy summer season. By consensus of the board, it was determined that a public workshop should be scheduled for September 2017, with those abutting and affecting being notified and the meeting being advertised.

9) Request of the Zoning Board of Review for an advisory opinion on a petition from Elizabeth Harvey for a Special Use Permit for construction of a 2-car attached garage in the Water Protection District Zone 1. The property is located at 194 Third Beach Road further identified as Tax Assessor's Plat 125 Lot 126.

Mr. Croce recused himself and left the bench.

The applicant was not present. Mr. Wolanski stated that he had notified the applicant of the meeting.

Ms. Owen requested a board site visit to view the property.

Motion by Ms. Owen, seconded by Mr. Nash to continue the item to the June 14, 2017 6:00pm Planning Board Meeting and for a planning board site visit of the property to be scheduled.

Vote: 6-0-0

10) Updates

a) Comprehensive Plan implementation items

i) Agricultural overlay district

Mr. Wolanski stated that the RI Farm Bureau has raised concerns about a similar proposal in Exeter. He will follow up with local farmers and Grow Smart RI regarding the current support for the draft.

ii) Mixed-Use Zoning

Mr. Wolanski stated that a special meeting is scheduled for June 7, 2017 at 6pm to present and accept public comment on draft amendments to the Middletown Zoning Ordinance to allow for mixed-use development in the General Business (GB) and Limited Business (LB) zoning districts. Mr. Wolanski shared that the draft is available on the town's website and that property owners in GB and LB districts and those within 200 feet of GB and LB districts are being notified.

iii) Residential Bulk Zoning

Mr. Croce stated that the subcommittee that had worked on the effort and will reconvene prior to the June 14, 2017 planning board meeting.

b) Marijuana Ordinances

Mr. Regan provided an update on his work to draft an ordinance addressing production and sale of marijuana in town.

c) Update on activities of the Aquidneck Island Planning Commission.

There was no update on activities of AIPC

d) Update on BRAC Navy Surplus Land reuse planning process.

There was no update on activities of BRAC

e) Committee reports

Ms. Owen stated that the Tree Commission has gone out to bid for planting of trees in the Middletown Valley park.

Motion by Ms. Owen, seconded by Mr. Nash to adjourn. Vote: 7-0-0.

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Rita Lavoie
Principal Planner