



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES June 14, 2017

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

#### Board members present:

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

Ron Wolanski, Planning Director  
Christopher McNally, Solicitor  
Rita Lavoie, Principal Planner

#### Member absent:

Bill Nash

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

Mr. Croce noted that he changed the order of the agenda to address the continued items first.

1. **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.

**Motion** by Mr. Sullivan, seconded by Ms. Owen, to continue the item to the July 12<sup>th</sup> Planning Board Meeting at the request of the applicant. **Vote: 6-0-0**

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

**Motion** by Ms. Owen, seconded by Mr. Sullivan, to continue the item to the July 12<sup>th</sup> Planning Board Meeting at the request of the applicant and to allow for the board to schedule a site visit of the property. **Vote: 6-0-0**

3. Request by 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 Watershed 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.

**Motion** by Ms. Drayton, seconded by Ms. Owen to continue the item to the July 12<sup>th</sup> Planning Board Meeting at the request of the applicant. **Vote: 5-0-0**

Mr. Croce returned to the bench.

Mr. Croce stated that the following two items relating to the St. Lucy's Church property would be considered together.

4. **Public Hearing** - Proposal to amend the Middletown Comprehensive Community Plan, Future Land Use Map L-4 to change the designation from medium-density residential to general business/mixed use for a parcel of land located at 825 West Main Rd. identified on Assessors Plat 107NE, Lot 15c and request of St. Lucy's Church Middletown Corp. to change the designation from medium-density residential to general business/mixed use for a portion of a parcel located at 911 West Main Rd., Plat 107NE, Lot 11.
5. Request by the Town Council for an advisory recommendation on a petition of Saint Lucy's Church Middletown, Corp. to amend the Zoning Map to change the designation from R-20 to GB for a portion of a parcel located at 911 West Main Rd., Plat 107NE, Lot 11.

**Motion** by Ms. Owen, seconded by Mr. Sullivan to continue both items relating to St. Lucy's Church Property to the July 12<sup>th</sup> Planning Board Meeting to allow for a site visit by the board.

**Vote:** 6-0-0

6. Approval of the minutes of the May 10, 2017 regular Planning Board meeting.

Amendments to the minutes were offered by Ms. Flynn. There was discussion by the board about the content of the minutes. Questions were asked for clarification of what should be included in the minutes. Members of the board indicated that it is the responsibility of the board members to seek clarification of the content of the minutes from the Town Planner if necessary.

**Motion** by Mr. Sullivan seconded by Ms. Owen to approve the minutes as amended.

**Vote:** 1-5-0 with Mr. Sullivan, Ms. Owen, Ms. Drayton, Mr. Croce, and Mr. Williams voting in opposition.

**Motion** by Mr. Sullivan seconded by Ms. Owen to approve the minutes as submitted.

**Vote:** 5-0-1 with Ms. Flynn abstaining.

7. Approval of the minutes of the May 31, 2017 special meeting/ site visits

**Motion** by Mr. Sullivan seconded by Ms. Drayton to approve the minutes as submitted.

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

8. Approval of the minutes of the June 7, 2017 special meeting on Bulk Zoning

**Motion** by Mr. Sullivan seconded by Ms. Owen to approve the minutes as submitted.

**Vote:** 5-0-1 with Ms. Flynn abstaining.

9. Approval of the minutes of the June 7, 2017 special meeting on Mixed Use Zoning

**Motion** by Mr. Sullivan seconded by Ms. Owen to approve the minutes as submitted.

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

10. Discussion of the process for drafting Planning Board decisions and transmission of recommendations to other boards.

There was discussion about including language to enumerate the reasons behind a failed motion. Mr. McNally indicated that the Town Solicitor will set up a special meeting with the Planning Board to discuss the transmission of recommendations to other boards, the date has yet to be determined.

11. **Correspondence**

**Motion** by Ms. Owen, seconded by Mr. Sullivan to receive the correspondence of Mr. Robert Kendall of 320 Vaucluse Ave, dated May 9, 2017 and the correspondence of Mr. Eric Kirton of 99 Summerfield Land, dated May 8, 2017.

**Vote:** 6-0-0

12. **Public Informational Meeting** on the 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.

**Motion** by Mr. Sullivan, seconded by Ms. Owen to open the public meeting. **Vote:** 6-0-0

Ms. Carol Cummings of 738 Indian Avenue spoke in favor of the updates to the subdivision plan, which proposes 5 house lots, down from the 7 originally proposed.

Attorney J. Russel Jackson presented the plans for the conservation subdivision on behalf of his client, Trademark Builders, LLC. Mr. Jackson explained that the plans were amended after receiving feedback from the board and neighbors. The updated proposal eliminates the extension of Summerfield Lane and proposes a total of 5-lots.

Engineer Timothy Behan provided an overview of the property noting that the plans propose 4 new lots with the 5<sup>th</sup> lot already existing. Mr. Behan described that the lots will have private wells and septic systems and that there will be a homeowner's association, which will provide for maintenance of the open space and the storm water management area.

Mr. Sullivan requested that the plans be stamped by a registered land surveyor prior to preliminary plan stage.

There was discussion regarding the road maintenance and cul-de-sac right-of-way of dedication. It was clarified that the owners will maintain the driveways that are proposed in the right-of-way.

Questions regarding the impact of new development on existing wells and about storm water runoff were raised.

Ms. Drayton asked about the stream at the western edge of the property, identified as Little Creek. Mr. Behan explained that Little Creek drains into the Sakonnet River and is not part of the drinking-water watershed.

Mr. Williams asked about the house size and design. Mr. Behan responded that the housing unit design has not yet been determined. Mr. Wolanski added that the planning board has no purview over house size and design and that the purpose of this review is to look at the proposed lot layout.

Ms. Flynn asked questions about the soils, the maintenance of the storm water management system, and the homeowner's association. Ms. Flynn requested information regarding annual registration of homeowner's associations. It was stated that the homeowner's association documentation must be presented and voted upon in the Preliminary Planning stage.

Questions were raised regarding the allowable density of wells and the regulation of well installation. Mr. Behan responded that the Rhode Island Department of Health has rules and regulations dictating the installation of wells including depth and pressure requirements.

Eric Kirton of 99 Summerfield Lane thanked the developers for the updated proposal of 5-lots. Mr. Kirton requested that the utilities for the new houses come from Vaucluse Ave. not

from Summerfield Lane. He also suggested adding as a condition to the subdivision a deed restriction requiring maintenance of a 10-foot vegetative buffer along lots and requiring additional plantings in the plan. He expressed hope that the development will improve the storm water runoff compared to existing conditions. Mr. Croce responded to Mr. Kirton's statements by suggesting that Mr. Kirton work directly with the developers to address his concerns.

There was discussion regarding the existing runoff conditions on Mr. Kirton's property.

With no additional members of the public wishing to speak there was a **motion** by Mr. Sullivan, seconded by Ms. Owen to close the public hearing. **Vote:** 6-0-0

**Motion** by Mr. Sullivan seconded by Ms. Owen to approve the Master Plan and grant a waiver of the requirement to construct town-standard roads within proposed rights-of-way subject to the following conditions:

- I. Required storm water drainage control plans and calculations have yet to be provided, but must be addressed prior to consideration of the preliminary plan. Compliance with the state storm water design manual and town storm water management requirements must be confirmed prior to preliminary plan approval.
- II. New lots 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 preliminary subdivision plan prior to approval.

There were clarifying points made by Mr. Wolanski and Mr. Croce explaining that the waiver will allow for construction of driveways in the paper-street right-of-way and that the technical impacts of the development on the environment must be explained in the Preliminary Plan stage.

**Vote:** 6-0-0

13. Middletown School Dept., Application for Development Plan Review for proposed modifications to the parking lot and other site modifications at Forest Ave. Elementary School. Property located at 315 Forest Ave., and identified as Assessor's Plat 113, Lots 1 & 2.

Mr. Williams recused himself and left the bench.

Engineer Brian King showed redesign plans for the elementary school's parking lot, which would increase the number parking spaces from 44 to 62 and redirect bus and car traffic. Mr. King noted that modifications follow CHPS program guidelines for school parking lots. The plan utilizes porous pavement to manage storm water and shows the planting of seven additional trees and the relocation of two trees. It was noted that the plans have been forwarded to the Middletown Tree Commission and the Middletown Tree Warden, no written responses have been received.

There were questions by Ms. Drayton and Mr. Sullivan regarding the amount of impervious surface. Mr King said that the overall impervious surface of the site will be decreased due to the removal of an unused paved area in the rear of the school.

Mr. King noted that the current plans may be expanded to a Phase II, not currently before the board. Phase II designates development areas for twelve additional parking spaces.

There were questions raised by Ms. Flynn regarding the maintenance, operational costs, and oversight of the porous pavement area. Mr. Flynn indicated a desire to have annual reporting of the operation plans of the porous pavement to ensure effective future operation. There was discussion about what department would receive such a report.

Ms. Flynn asked how future population predictions will impact the school usage. Mr. Wolanski responded that only the propose site plan review is under the prevue of the board for this application.

There was discussion regarding the parking lot stripping and bus turning radius. Middletown School Facilities Director David Fontes spoke about bus traffic flow. The board indicated a concern that plans did not provide adequate space for school bus turning.

Ms. Sullivan asked about tree placement and its impact on driver's visibility. There was discussion relating to tree placement and tree species selection. Mr. King indicated that plan complies with town requirements for the number of trees and the plan notes an ability to adjust tree species or locations as specified by the Middletown Tree Warden.

Mr. Croce opened the meeting for public input.

Kathleen Petzold of 174 Bay Ridge Drive raised concerns about drainage from the school into the Bay Bridge Condominium complex. Ms. Petzold referenced a fence on the property line that experiences pooling of water.

Mr. King responded by mentioning the proposed site improvements including a catchment basin, a berm and porous pavement.

Ms. Drayton asked about the current conditions of the school's rear lawn and play area. There was disagreement on the wetness of that area.

Lutz Petzold of 174 Bay Ridge Drive inquired about performing a soil study to evaluate drainage.

Mr. King responded that the plan is designed to reduce storm water flow. There was discussion about the design of the porous pavement.

**Motion** by Mr. Sullivan, seconded by Ms. Owen to approval the Development Plans subject to the following conditions:

- I. Prior to permitting, the final storm water management plan and calculations must be submitted for review and approval by the Town Engineer. Compliance with the town's storm water management ordinance, Chapter 153, and construction site erosion control ordinance, Chapter 151, is required.
- II. Prior to permitting, the applicant must submit for approval by the Town Engineer an operations and maintenance plan for the proposed storm water treatment and conveyance system.
- III. Prior to permitting, the applicant must provide school bus turning radius graphics to demonstrate adequate and safe bus circulation throughout the site, subject to review and approval by the Town Engineer.
- IV. Prior to permitting, the applicant shall approach the BayRidge Homeowners Association to discuss the feasibility of providing an alternative route for storm runoff leaving the school property, including possible direct tie-in to the BayRidge drainage system, subject to approval by the Town Engineer.
- V. The applicant shall provide a copy of the annual storm water operations and maintenance report to the appropriate town official(s) for review each year.

**Vote:** 5-0-0

Mr. Williams returned to the bench.

Mr. Sullivan did not participate in the remainder of the meeting.

14. Request of Seaview Inn, LLC for modification to the building facade design previously presented and approved as part of the Development Plan Review application for the subject site (Atlantic Resort). Property located at 240 Aquidneck Ave., Plat 115, Lot 5.

Attorney Robert Silva explained that his client Seaview Inn LLC is requesting permission to amend the previously approved plans by adding a four-foot lattice fence on the pool's roof to hide HVAC equipment from view. He explained that the HVAC units for the resort's indoor pool were placed on the roof of the pool, although that was not the original intent of the architect.

Questions were raised about the height of the equipment and whether a four-foot tall fence would be sufficient to hide the equipment from view. The board asked questions relating to the fence's materials, color, and height. Ms. Flynn asked about the noise generated by the HVAC equipment.

Mr. Silva asked for a continuance to allow him to talk to his client and provide answer the board's questions.

**Motion** by Ms. Flynn, seconded by Mr. Williams to continue the item to the July 12, 2017 planning board meeting. **Vote:** 5-0-0

15. Discussion of proposed legislation regarding timeframes for Planning Board review, House bill H5475 and Senate bill S0481.

Mr. Wolanski explained that there are two pieces of legislation calling for a reduction from 120 day to 90 days for planning board review of development projects. He noted that the practical impact of the legislation is minimal for Middletown and added that the Middletown Town Council issued a negative response to the bills.

There was discussion by the board about how reducing the timeframe for review may result in the board rejecting applications instead of resolving issues.

## 16. **Updates**

### a. Comprehensive Plan Implementation items

- i. Agricultural overlay district – Mr. Wolanski provided an update that a meeting on the Agricultural Overlay District is set for July 20, 2017 at 3:00pm with the Planning Board and Scott Millar of GrowSmart Rhode Island. The purpose of the meeting will be for the board to review the draft ordinance.
- ii. Mixed-Use Zoning – Mr. Wolanski stated that a workshop was held on June 7<sup>th</sup> to receive public comment on the proposed zoning ordinance amendments to allow mixed-use development in the general business (GB) and limited business (LB) zoning districts. Planning Department staff is performing work on the draft based on the public feedback and will present the changes to the board at the July 12, 2017 5:00pm special planning board meeting.
- iii. Residential Bulk Zoning – Mr. Wolanski reported that the Bulk Zoning Planning Board Subcommittee met on June 7<sup>th</sup> to review analysis by Ms. Lavoie. The subcommittee will reconvene and choose one bulk zoning plan to present to the full board for review and recommendation to the Town Council.

- b. There was discussion about establishing a second monthly meeting time for the planning board due to the high number of special meetings necessary in the coming months. It was agreed upon that the 4<sup>th</sup> Thursday of each month at 6:00pm the board will have a standing meeting in addition to the regular Planning Board Meeting scheduled for the 2<sup>nd</sup> Wednesday of each month.
- c. Additional discussion relating to including language to enumerate the reasoning behind a failed motion occurred. Mr. McNally referenced a need to include substantive language regarding the reasoning behind why a failed vote occurred. Members of the board acknowledged a desire to convey more details around planning board decisions to other municipal boards and councils.
- d. Update on activities of the Aquidneck Island Planning Commission- Mr. Wolanski stated that there is no update.
- e. Update on BRAC Navy Surplus Land reuse planning process- Mr. Wolanski provided an update that the land transfer action previously scheduled for June 2017 has been move to September 2017 due to delays on behalf of the Navy.
- f. Committee reports
  - i. Ms. Flynn reported that the Conservation Commission was not able to hold a meeting to review the 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 Watershed Protection District, Zone 1. The property is located at 194 Third Beach Road further identified as Tax Assessor's Plat 125 Lot 126.
  - ii. Ms. Owen shared an update from the Tree Commission and reported that trees are being planted in the Middletown Valley.
  - iii. No update on the Open Space and Fields Committee was provided.

**Motion** by Ms. Owen, seconded by Mr. Williams to adjourn. **Vote:** 5-0-0

*Meeting adjourned at 8:30 pm.*

Respectfully submitted:

Rita Lavoie  
Principal Planner