



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES July 12, 2017

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

Board members present:

Paul Croce, Chairperson

Bill Nash, Secretary

Liz Drayton

Terri Flynn

Matt Sullivan, Vice Chairman

Ron Wolanski, Planning Director

Chris McNally, Assistant Town Solicitor

Members absent:

Betty Jane Owen

Jim Williams

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

1. Approval of the minutes of the June 14, 2017 regular Planning Board meeting, and special meeting June 19, 2017.

Motion by Mr. Nash, seconded by Mr. Sullivan, to approve the minutes of the June 14, 2017 Planning Board meeting. **Vote:** 4-1-0 with Ms. Flynn opposed.

Motion by Mr. Sullivan, seconded by Mr. Nash, to approve the minutes of the June 19, 2017 Planning Board meeting. **Vote:** 5-0-0.

2. Correspondence

Motion by Mr. Sullivan, seconded by Mr. Nash to receive the correspondence of attorney Jennifer Cervenka of 235 Promenade Street, Providence, RI dated June 7, 2017 regarding request for special use permit for 194 Third Beach Rd., and email correspondence of Kathleen Kosinski of 414 Mitchell's Lane, dated May 8, 2017, regarding the Brennan subdivision application.

Vote: 5-0-0

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.

Motion by Mr. Sullivan, seconded by Mr. Nash, to continue the item to the August 9, 2017 Planning Board Meeting at 6pm. **Vote:** 5-0-0

4. **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 Mr. Sullivan, seconded by Mr. Nash, to continue the item to the August 9, 2017 Planning Board Meeting at 6pm. **Vote:** 5-0-0

5. **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. Flynn, seconded by Mr. Nash, to continue the item to the August 9, 2017 Planning Board Meeting at 6pm. **Vote:** 4-0-0

Mr. Croce returned to the bench.

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

6. **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.**
7. **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.**

The public hearing was opened.

The petitioner was represented by Attorney Jay Lynch, who described the purpose of the proposed amendments. The changes would allow the petitioner to merge a portion of property owned by St. Lucy's Church to property currently developed for self-storage, and allow an application to be submitted to expand the self-storage building. Mr. Lynch stated that a special use permit would be required before the expansion would be allowed.

Ms. Flynn requested clarification of the request currently before the board, which Mr. Lynch addressed.

Mr. Lynch introduced Father John O'Brien, representing St. Lucy's Church. Father O'Brien stated that the land proposed to be transferred and merged with lot 15c is of no beneficial use to the church. Proceeds from the sale of the land will provide for improvements to the church property. Sale of the land is contingent on the petitioner receiving approvals necessary to allow expansion of the self-storage facility. He noted that the church would be granted an easement to allow continued use of walking trails located on a portion of the property to be transferred.

Ms. Drayton asked why the petition involves land extending to Baily Brook, when not all of the land would be used. Mr. Lynch stated that the Brook provides a natural boundary for the

proposed zoning change. He asked Matt Vienna of Millstone Engineering to confirm. Mr. Vienna stated that the comprehensive plan and zoning amendments would also follow the proposed new property line.

There was discussion of the location of the proposed building expansion.

Ms. Flynn asked if the plan would meet building lot coverage requirements. Mr. Lynch stated that the transfer of land from the St. Lucy's property would allow the plan to meet lot coverage requirements.

There being no members of the public wishing to speak, **motion** by Mr. Sullivan, seconded by Mr. Nash, to close the public hearing. **Vote:**5-0-0.

Mr. Sullivan stated that the proposed amendments appear to be appropriate given the adjacent development.

Ms. Drayton questioned whether the proposed easement for the walking trails on the subject property could be required as a condition. Mr. Lynch suggested that such a condition could be placed at the time the board reviews the development plan.

Mr. Sullivan noted that the storm water treatment design would be reviewed when the plans for the proposed development are under review.

Ms. Flynn asked if the petition should reference a change to GBA rather GB since the current zoning of lot 15c is GBA. Mr. Wolanski stated that he would review the current zoning. There was discussion that the petition could be revised if necessary.

Motion by Mr. Sullivan, seconded by Ms. Flynn, to approve and forward a positive recommendation to the Town Council on the request to amend the Middletown Comprehensive Community Plan, Future Land Use Map L-4 to change the designation of Lot 15c from medium-density residential to general business/mixed use. **Vote:** 5-0-0

Motion by Mr. Sullivan, seconded by Mr. Nash, to approve and forward a positive recommendation to the Town Council on the request to amend the Middletown Comprehensive Community Plan, Future Land Use Map L-4 to change the designation of a portion of lot 11 from medium-density residential to general business/mixed use. **Vote:** 5-0-0

Motion by Mr. Nash, seconded by Mr. Sullivan, to forward a positive recommendation to the Town Council on the request to re-zone a portion of Lot 11 from R-20 to general business (GB). **Vote:** 5-0-0

8. **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 represented the applicant. He discussed revised plans that were distributed to the board regarding the proposed fence to be used to screen rooftop HVAC equipment.

Mr. Croce asked if the proposed 5-foot tall fence will screen the equipment from view. Mr. Silva stated that his client's architect had confirmed to him that the equipment would be screened.

Ms. Flynn asked if the full proposed length of fence is needed. Could less fencing be used? Mr. Silva stated that the amount of fencing proposed is what is needed.

Motion by Mr. Sullivan, seconded by Ms. Drayton to approve the proposed revisions to the building design. **Vote:** 5-0-0

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

Ms. Flynn recused herself from the discussion.

The applicant was represented by attorney Sean Bouchard, who described the request.

Ms. Drayton asked about the possible need for zoning relief for setbacks. Mr. Bouchard confirmed that no zoning relief would be necessary.

Mr. Wolanski stated that Newport Water and Middletown DPW have confirmed that there is access to public water and sewer for the proposed lot.

Motion by Mr. Nash, seconded by Mr. Sullivan to grant final plan approval, including reference to the five required findings of fact. **Vote:** 4-0-0

10. **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.
- ii. Mixed-Use Zoning – Mr. Wolanski stated that as a result of discussion during the special meeting held earlier in the evening, the proposed mixed-use development zoning ordinance amendment will again be discussed during the board's special meeting on July 27th.
- iii. Residential Bulk Zoning – Mr. Wolanski reported that bulk zoning and potential zoning ordinance amendments will again be discussed during the board's special meeting on July 27th.

b. Update on activities of the Aquidneck Island Planning Commission- Mr. Wolanski stated that there is no update.

c. Update on BRAC Navy Surplus Land reuse planning process- Mr. Wolanski stated that there is no update.

d. Mr. Croce requested that special meeting dates and times be listed on future Planning Board agendas.

e. Committee reports

- i. Ms. Flynn reported that the Conservation Commission recently continued the Harvey, 194 Third Beach Road item at the request of the applicant.
- ii. No report on activities of the Tree Commission was provided.
- iii. No report on activities of the Open Space and Fields Committee was provided.

Motion by Mr. Sullivan, seconded by Ms. Flynn to adjourn. **Vote:** 5-0-0

Meeting adjourned at 6:45 pm.

Respectfully submitted:

Ronald M Wolanski
Town Planner