



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES August 9, 2017

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

#### **Board members present:**

Paul Croce, Chairperson  
Bill Nash, Secretary  
Liz Drayton  
Betty Jane Owen  
Jim Williams

Ron Wolanski, Planning Director  
Peter Regan, Town Solicitor

#### **Members absent:**

Terri Flynn  
Matt Sullivan

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

#### **1. Approval of the minutes of the July 12, 2017 regular Planning Board meeting, and special meetings of July 6, 2017, July 12, 2017, July 20, 2017 and July 27, 2017.**

**Motion** by Mr. Nash, seconded by Ms. Drayton, to approve the minutes of the July 12, 2017 regular Planning Board meeting. **Vote:** 5-0-0

**Motion** by Mr. Nash, seconded by Ms. Owen, to approve the minutes of the July 6, 2017 special Planning Board meeting. **Vote:** 5-0-0.

**Motion** by Mr. Nash, seconded by Ms. Drayton, to approve the minutes of the July 12, 2017 special Planning Board meeting. **Vote:** 5-0-0.

**Motion** by Ms. Owen, seconded by Mr. Nash, to approve the minutes of the July 20, 2017 special Planning Board meeting. **Vote:** 5-0-0.

**Motion** by Mr. Nash, seconded by Ms. Drayton, to approve the minutes of the July 27, 2017 special Planning Board meeting. **Vote:** 5-0-0.

#### **2. Correspondence**

**Motion** by Ms. Owen, seconded by Ms. Drayton to receive the memo from the Town Planner to the Planning Board regarding approval of the administrative subdivision for Thomas Welch, 536 Mitchell's Lane, Plat 124, Lots 19 & 101.

**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 Ms. Owen, seconded by Ms. Drayton, to continue the item to the September 13, 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.**

Mr. Wolanski stated that he had received an email message from the petitioner's attorney requesting that the matter be withdrawn without prejudice. No reason was given for the withdrawal.

**Motion** by Mr. Nash, seconded by Ms. Drayton, to allow the matter to be withdrawn without prejudice. **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.

Mr. Wolanski stated that the applicant's attorney contacted him to request a continuance to allow his client time to continue work to revise the proposal.

**Motion** by Ms. Owen, seconded by Ms. Drayton, to continue the item to the September 13, 2017 Planning Board Meeting at 6pm. **Vote:** 4-0-0

Mr. Croce returned to the bench.

- 6. Public Hearing – Request of Maple Ave. Partners, LLC for combined Preliminary and Final plan approval for a 16-unit townhouse-style conservation development pursuant to Zoning Ordinance Article 19. The property fronts on Maple Avenue approximately 200 feet to the west of the Maple Avenue intersection with Paquin Place, further identified as Plat 107SW, Lot 151.**

**Motion** by Mr. Nash, seconded by Ms. Owen, to open the public hearing. **Vote:** 5-0-0.

The applicant was represented by attorney Michael Miller and engineer Lyn Small.

Mr. Miller discussed the prior review and Master Plan approval process. He cited information to demonstrate that the proposal meets the five required findings.

Mr. Miller introduced engineer Ms. Small, who reviewed the development plans. She noted that the water service will be provided by Newport Water, and sewer service will be provided by the Town of Middletown. Storm water drainage will not impact abutter, and flows will be reduced compared to the pre-development situation. The condominium association will be responsible for maintenance of the storm drainage system.

Mr. Williams asked if the homeowners would be responsible for the cost of maintenance. Mr. Miller stated that through the condo association, the owners would be responsible for maintenance costs.

Mr. Nash asked if there are other examples of condo associations responsible for maintenance of drainage facilities. Mr. Regan stated that there are, and that condo associations typically function better than subdivision homeowners associations in terms of

performing required maintenance. The requirements will be included on the condo documents that he is currently reviewing.

Mr. Croce asked if there would be inspections of the drainage facilities by the town to ensure that required maintenance is performed.

Mr. Regan stated that there would not be regular inspections by the town, but if a concern is raised the town would inspect and require that maintenance be addressed if necessary. If the owners fail to respond the town will have the authority to perform the work and place a lien on the property.

Mr. Williams asked about the requirement to identify the town in which each unit is located for emergency response purposes. The requirement was explained.

Mr. Croce asked if the access to the development is considered a road or a driveway. It is identified as a private road on the plans. Mr. Wolanski stated that the access is considered a private driveway, not a road.

Mr. Nash expressed concern about gaps in the sidewalk/walkway within the development, particularly at the parking spaces on the east side of the driveway. Following discussion, the applicant agreed to add stamped pavement to define the walkway as it crosses the parking spaces. There was also agreement that the condo association documents would prohibit parking on the walkways.

Ms. Owen asked if the landscaping plan had been reviewed by the Middletown Tree Commission. Mr. Wolanski stated that the Tree Commission had approved the earlier plan, but the revised plan had yet to be reviewed. The Planning Board could ask for review of the revised plan by the Tree Commission.

Mr. Williams asked if there was concern from neighbors about the development. Mr. Miller stated that concerns raised during the Master Plan review have been addressed.

Ms. Drayton asked about the design of the storm water basins. Ms. Small described the design.

There was discussion about the potential residents. Mr. Miller stated that the units would likely be two-bedroom condos, and not attractive to families with children.

Ms. Owen asked about recreational amenities. Ms. Small stated that the plan provides the required amount of open space.

Mr. Croce opened the floor to public input.

Thomas Kammerer of Gibbs Ave., Newport, stated that he owns property at 229A Maple Ave. He stated his opposition to the development. The proposal is not consistent with the single-family housing neighborhood. He expressed concern about impacts from existing nearby multi-family housing in Newport. He also expressed concern for property values and traffic impacts.

A resident of Rosa Terrace in Newport stated that she has concerns over the potential impacts on storm drainage and traffic in the area, as well as the density of the proposed development.

There being no other members of the public wishing to speak, **motion** by Ms. Owen, seconded by Ms. Drayton to close the public hearing, **Vote:** 5-0-0.

Mr. Croce asked for discussion.

Ms. Drayton stated that there are new board members who have not seen the property. She expressed concern about potential traffic impacts.

Mr. Miller stated that the development has received master plan approval. Traffic impacts were considered at that time. The project complies with town requirements.

Mr. Nash noted that he was opposed to the Master Plan approval due to the development density, but since the board approved the master plan, the review now should focus on engineering aspects.

**Motion** by Mr. Nash, seconded by Ms. Drayton, to make the five required findings and grant combined Preliminary and Final Plan approval subject to the following conditions:

1. The posting of unit numbers within the development must be done in a manner to allow first responders to quickly determine which town each unit is located in, subject to the approval of the Middletown Police and Fire Departments.
2. Prior to recording of the plan, the draft sewer and storm water easements, and other legal documents, must be reviewed and approved by the Town Solicitor.
3. Prior to recording of the plan, an easement across abutting property, Plat 103, Lot 2, to allow connection to the storm drainage line located on that property must be secured and recorded.
4. The storm drain manhole located on abutting Lot 2 shall be inspected and replaced if necessary prior to connection of the drainage system for the development. A note to this effect shall be added to the plans prior to recording.
5. Vehicle access to the sewer easement shall be provide through the development, subject to the approval of the Middletown DPW Director. A note to this effect shall be added to the plans prior to recording.
6. The suitability of the existing fill on the property for purposes of accommodating the proposed development shall be confirmed prior to the issuance of building permits, subject to the approval of the Building Official and Town Engineer. A note to this effect shall be added to the plans prior to recording.
7. The revised landscaping plan dated 08/08/2017 shall be provided to the Middletown Tree Commission for review and comment prior to recording.
8. Prior to recording, the final plan shall be revised to indicate the use of textured or stamped asphalt pavement to identify the pedestrian walkway locate across the ends of driveways serving the units on the east side of the proposed roadway.
9. Prior to recording, language prohibiting parking on sidewalks and pedestrian walkways within the development shall be added to the condominium documents, subject to the approval of the Town Solicitor.

There was additional discussion. Ms. Drayton asked if the board could place a limit on the number of vehicles parked on site. Mr. Regan stated that the plan meets town requirements for parking.

Mr. Williams asked if the board is bound by the Master Plan approval. Mr. Regan stated that it is.

Ms. Owen stated that she is concerned about the issues that have been raised and is hesitant to vote in favor of approval.

**Vote:** 4-1-0, with Mr. Williams voting in opposition.

## 7. 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 August 24, 2017 at 5:00pm with the Planning Board and Scott Millar of GrowSmart Rhode Island.
  - ii. Mixed-Use Zoning – Mr. Wolanski stated that the Town Solicitor has reviewed the draft ordinance. A public workshop meeting will be scheduled.
  - iii. Residential Bulk Zoning – Mr. Wolanski stated that the Town Solicitor has reviewed the draft ordinance. A public workshop meeting will be scheduled.
- 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 new information. Mr. Regan stated that the transfer of the former Navy Lodge parcel is expected this Fall.
- d. Mr. Croce asked about the status of the effort to draft a zoning ordinance amendment regarding marijuana production and distribution. Mr. Regan stated that he has completed a draft and is working with a legal consultant. A meeting with the Planning Board is anticipated to be held in September.
- e. Committee reports
  - i. No report on activities of the Conservation Commission was provided.
  - ii. Ms. Owen stated that the Tree Commission was planning an event in The Valley park.
  - iii. No report on activities of the Open Space and Fields Committee was provided.
- f. Mr. Croce stated that the Planning Board's supplementary meeting in October will be held on Wednesday, October 25<sup>th</sup>.

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

*Meeting adjourned at 7:55 pm.*

Respectfully submitted:

Ronald M Wolanski  
Town Planner