



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES September 13, 2017

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

Board members present:

Paul Croce, Chair
Liz Drayton
Betty Jane Owen
Jim Williams
Terri Flynn

Ron Wolanski, Planning Director
Chris McNally, Assistant Town Solicitor
Rita Lavoie, Principal Planner

Members absent:

Bill Nash
Matt Sullivan

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

1. Minutes

A. Approval of the minutes of the August 9, 2017 regular Planning Board meeting, and special meeting of August 24, 2017.

Motion by Ms. Owen, seconded by Ms. Flynn to approve the minutes from the August 9, 2017 Planning Board meeting. **Vote 4-0-1**, with Ms. Flynn abstaining.

Motion by Ms. Flynn, seconded by Ms. Owen to approve the minutes from the August 24, 2017 Special Planning Board meeting. **Vote 5-0-0.**

2. Correspondence

A. **Motion** by Ms. Flynn, seconded by Ms. Owen to accept the email correspondence from Kevin Kosinski dated September 12, 2017 regarding concerns about the proposed Mitchell's Lane 11-lot subdivision and the memorandum from the Conservation Commission regarding their positive recommendation to the Zoning Board on the petition from Elizabeth Harvey for construction in Water Protection District Zone 1. **Vote 5-0-0.**

3. Continuances

A. **Application by Ronald Corriveau for Preliminary Plan approval for a proposed 2-lot subdivision of property located at 566 East Main Road, further identified as Plat 113, Lot 160A.**

Motion by Ms. Owen, seconded by Ms. Drayton to continue the item to the October 11, 2017 meeting to allow time for the Planning Board to schedule a site visit of the property. **Vote 5-0-0.**

- B. Public Hearing - Prospect Avenue Subdivision, Eugene Goldstein, applicant. - Request for combined Preliminary and Final Plan approval for a proposed 8-lot major subdivision of property fronting on Prospect Ave. The property is identified as Assessor's Plat 121NW, Lot 66-A and is located approximately 0.3 miles to the east of the intersection of Prospect Ave. and Aquidneck Ave.**

Motion by Ms. Owen, seconded by Ms. Drayton to continue the item to the October 11, 2017 meeting at 6pm to allow time for the Planning Board to schedule a site visit of the property and to engage the Town's consulting engineer in review of the plans. **Vote 5-0-0.**

- C. Request of the Town Council for a recommendation on the petition by John Wynne, Basha Wynne, and the Estate of Betty Foss for the abandonment a portion of Roy Avenue located between 7 and 9 Jean Terrace (Plat 105, lots 327 and 328).**

Motion by Ms. Owen, seconded by Ms. Flynn to continue the item to the October 11, 2017 meeting at the request of the applicant. **Vote 5-0-0.**

4. Applications

Mr. Croce indicated that the following two items would be considered together.

- A. Request of Gregory Coe, representing Seascape Holdings, LLC for release of subdivision performance security for the Aquidneck Highlands Subdivision (Julia Court) in accordance with Section 703 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.**
- B. Recommendation to the Town Council regarding acceptance of the Aquidneck Highlands subdivision roads (aka Julia Court) for town maintenance in accordance with Section 703.5 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.**

Mr. Wolanski explained to the board the process of posting and releasing a performance security bond for construction of a roadway that will become a public road. Once the board releases the security bond, a maintenance bond for the duration one-year must be posted to ensure the durability of the infrastructure. There was discussion regarding the appropriate amount of the maintenance bond. Mr. Wolanski informed the board that the regulations call for at least 10% and that further advice on the amount of the bond could be given by the Town Engineer, if requested by the board.

Ms. Flynn asked about the public notice process. There being no members of the public wishing to speak, there was a **Motion** by Ms. Flynn, seconded by Ms. Owen to release the subdivision performance security subject to a maintenance bond being posted. **Vote 5-0-0.**

Motion by Ms. Drayton seconded by Ms. Owen to forward a positive recommendation to the Town Council regarding the acceptance of Julia Court for Town maintenance. **Vote 5-0-0.**

- C. 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.

The applicant, Mr. Mark Brennan and his engineer, Mr. Chris Duhamel were present. Mr. Duhamel explained that the applicant's attorney had an emergency and was unable to attend the meeting. He acknowledged that the item had been continued multiple times and apologized for again requesting that the item be continued to allow for the attorney to be present at the time of the discussion.

Ms. Drayton addressed the members of the public and asked how many people were present to participate in the public informational meeting. More than five people raised their hands. Ms. Drayton expressed concern at the number of continuances requested by the applicant and noted the inconvenience it causes members of the public wishing to speak on the matter. She encouraged members of the public to return during the next meeting.

It was suggested that members of the public be allowed to speak now, and to allow the applicant to present at the next meeting. Mr. McNally recommended against breaking up the hearing, saying that it is advisable for all those wishing to speak to be present when the vote is taken.

Motion by Ms. Owen, seconded by Ms. Flynn to continue the item to the October 11, 207 meeting at 6pm at the request of the applicant. **Vote 5-0-0.**

Mr. Croce recused himself and left the bench. Ms. Owen led the discussion on the following item.

D. 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.

Ms. Harvey was present along with her attorney Mr. Bob Silva, engineer Mr. Thomas Principe, and architect Mr. Spencer McCombe. Mr. Silva provided a history of the proposed garage in Water Protection District (WPD) Zone 1 and presented the Board with updated plans showing a 24x20 garage located 11.3 feet from the side-yard lot line and a 6-foot connecting element from the garage to the existing portico.

Mr. Principe explained the proposed water infiltration system located outside of the WPD Zone 1. The system connects the gutters from the proposed garage roof to an underground pipe, which moves the water approximately 40-feet east to two underground water infiltration tanks. He noted that 98% of the proposed garage would be constructed on an existing impervious driveway area. Currently the runoff from the impervious driveway is uncontrolled overland-flow towards Third Beach Road.

Mr. Silva provided the Board with photographs of the east side of the house noting the proposed location of the garage and the infiltration system.

Mr. Williams asked about the size of the infiltration system and its capacity.

Ms. Flynn asked about the maintenance plan and required inspections for the system.

Mr. Principe indicated that the system should be visually inspected yearly and inspected with a camera every 3-5 years and that the screens on the gutters would

prevent any large debris from entering and clogging the system. He added that the system is designed to capture average stormwater amounts, and that heavy rainstorms would overflow out of the system and run overland in the current backyard area.

There was additional discussion regarding the setbacks and the current drainage on the property.

Mr. McCombe described the changes in architecture of the proposed garage including the garage's depth, which was increased to 20 feet to allow for a full-size car, and the salt-box style roofline.

Ms. Owen invited members of the public to speak.

Ms. Rachele Green identified herself as an attorney representing three abutting objectors; Mr. John Peixinho of 195 Third Beach Road; Ms. Jonna Chewing of 207 Third Beach Road; and Ms. Isabelle Shirley of 1309 Green End Avenue.

Ms. Green explained that the abutters are not in opposition to the applicant building a garage, instead they oppose the construction of the garage within the WPD Zone 1. Ms. Green indicated that the WPD Zone 1 is land under the highest protection and she provided the Board with three alternative design concepts, which would locate the garage outside of WPD Zone 1.

Mr. McNally reminded the board that they are to consider the application as submitted and to vote to approve or not approve the current application; they are not voting to approve alternatives put forth by anyone other than the applicant.

Ms. Green asked Mr. Principe questions relating to the proposed alternatives. Mr. Principe indicated that the alternatives were feasible and would not impact the existing well. He did note however, that the alternatives would require additional driveway construction in WPD Zone 1 to connect the existing driveway to the proposed garage located outside of WPD Zone 1.

There was discussion on the Conservation Commission's positive recommendation to the Zoning Board. Mr. McNally and Mr. Wolanski reminded the Board that the Conservation Commission's memo was supplied to the Planning Board as a courtesy, and that their recommendation has no bearing on the Planning Board's decision.

Ms. Green introduced Mr. Paige Bronk, community planner, and provided the Board with a copy of his resume. Mr. Bronk read text from the Town of Middletown's Comprehensive Plan, and indicated that in his professional opinion the proposal was not consistent with the Comprehensive Plan since in the plan the WPD Zone 1 is deemed a "critical area."

There was further discussion by Mr. Bronk regarding tree canopy protection, community character, low impact design, and water resources. He indicated that a garage located outside of WPD Zone 1 would be consistent with the comprehensive plan.

Mr. Williams and Ms. Flynn asked for clarification on the drainage system. Mr. Principe provided details on the capacity of the system and the working lifetime expectancy.

Ms. Drayton and Ms. Flynn expressed support for the proposal saying that the project results in a net improvement in stormwater runoff and that the garage was consistent in design and character of the residential neighborhood.

Motion by Ms. Flynn, seconded by Mr. Williams to provide a positive recommendation to the Zoning Board of Review subject to the following conditions:

1. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.
2. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited within Watershed Protection District, Zone 1.
3. The homeowner and builder will adhere to the conditions put forth by the Town of Middletown Conservation Commission's decision dated September 13, 2017.

Vote: 4-0-0

Mr. Croce returned to the bench.

E. Public Hearing - Request by McDonalds Associates, LLC for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 for redevelopment of the existing McDonalds restaurant located at 288 East Main Road, further identified as Plat 113 Lot 15A.

Mr. Eric Dubrule of Bohler Engineering on behalf of his client, McDonalds Associates, LLC, presented an overview of the proposed site redevelopment including exterior site work to bring the sidewalk into ADA compliance and building façade changes to align the structure with McDonald's current designs.

There was discussion regarding the requested waivers for roof design, materials, and landscaping. Ms. Flynn indicated that when redeveloping a site, it would be best for a commercial entity to meet the Town's design standards wherever possible.

Mr. Wolanski indicated that the property may not meet full compliance due to the current landscaping not meeting Town requirements.

The Board described the proposed plans as being less compliant with the Town's commercial design standards, and less in character with the Town's desired character, than the current structure.

Mr. Wolanski stated that any commercial redevelopment should improve the look of the Town's business district.

Mr. Croce suggested that McDonald's plans be tailored to meet traditional New England Architecture designs in the New England area.

Mr. Dubrule suggested that the plans are in keeping with the architecture of the rest of the plaza. The board disagreed, citing the gables on the plaza's roof, and indicated that if the rest of the plaza requested redevelopment they too would be required to meet current design standards.

Ms. Croce stated that the proposal was moving further way from the Town's current standards, not towards compliance.

Mr. Dubrule asked the board for clarification on the flat roof form, which may be permitted by the board if appropriate decorative detailing is included. The board indicated that crown molding would not be sufficient for them to approve the flat roof.

Ms. Drayton stated that she did not think the design was consistent with the surrounding plaza, does not provide a village feel, and instead appears more like an industrial park.

Mr. Dubrule thanked the board for their feedback and requested that the item be continued to allow him to revise the plans and consult with his client.

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

There being no members of the public wishing to speak, there was a **Motion** by Ms. Owen, seconded by Ms. Flynn to close the public hearing. **Vote 5-0-0.**

Motion by Ms. Owen, seconded by Mr. Williams to continue the item to the October 11, 2017 meeting at the request of the applicant. **Vote 5-0-0.**

5. Updates

- A. Mr. Wolanski reminded that board that there are public meetings scheduled to review the proposed Agricultural Overlay District, Mixed-Use Zoning, and Residential Bulk Zoning this fall. He also noted that the Town Council had the first reading of the proposed zoning map amendment on West Main Road intended to bring the Zoning Map and Comprehensive Plan into consistency.
- B. Mr. Wolanski informed the board that staff is currently reviewing the Future Land Use Plan & Zoning Map consistency and will have a list of inconsistencies to present to the board next month.
- C. There was no update on activities of the Aquidneck Island Planning Commission.
- D. Mr. Wolanski stated that the BRAC Navy Surplus Land reuse planning process is scheduled to move forward at the end of the Federal Fiscal year, which is the end of September.
- E. Committee reports
 - 1. There was no report from the Open Space and Fields Committee
 - 2. Ms. Flynn stated that the Conservation Commission activities had already been reported in the Harvey memo.
 - 3. Ms. Owen reported that the Tree Committee is holding a Thank You Celebration in the Valley to thank those who have helped with obtaining and planting trees.
 - 4. Mr. Croce reminded Mr. McNally that the Town Solicitor was to provide a Marijuana Ordinance draft to the planning board.

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

Meeting adjourned at 8:30 pm.

Respectfully submitted:

Rita Lavoie
Principal Planner