



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES SPECIAL MEETING – LIMITED BUSINESS DISTRICT September 21, 2017

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

Board members present:

Paul Croce, Chair
Matt Sullivan
Betty Jane Owen
Jim Williams
Terri Flynn
Bill Nash
Liz Drayton (joined at 6:20 pm)

Rita Lavoie, Principal Planner
Chris McNally, Assistant Town Solicitor

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

- 1. Public Hearing** - The board will accept suggestions for potential future zoning ordinance amendments regarding allowed uses and dimensional regulations for properties located in the Limited Business (LB) zoning districts.

Mr. Croce explained that tonight's meeting is being held by the Planning Board to receive public input on the Limited Business (LB) zoning district at the request of the Town Council. Findings and recommendations will be communicated to the Town Council.

Due to the number of people present, the board limited the time for public input to 5 minutes per person, with additional time allowable after everyone wishing to speak was able to speak.

Motion by Mr. Sullivan, seconded by Mr. Nash to open the public hearing. **Vote: 6-0-0** (Ms. Drayton had yet to arrive)

Mr. Croce invited Ms. Lavoie to give a presentation on the current uses and regulations in the LB district. Ms. Lavoie explained that there is no specific change to current zoning being proposed tonight, but that the purpose of this meeting is to hear suggestions on allowable uses and dimension regulations in the LB district. The board may choose to put forth recommendations for changes after considering the public's feedback.

Mr. Lavoie's presentation described the location of the LB district, what uses are currently allowable, and language from Middletown's Zoning Code and Comprehensive Plan related to the LB district. She also showed the dimensional regulation tables and maps of the LB district.

Mr. Croce invited members of the public to speak.

Mr. Allen Shers of 190 East Main Road, an owner of property in the Limited Business district, addressed the board. According to Mr. Shers, his property does not abut any residential development and therefore should not be subject to the same regulations as LB parcels that do abut residential development. He spoke in favor of allowing senior housing, congregate housing, motion picture theaters, bowling alleys, boat sales and auto dealers by Special Use Permit in the LB district. He also proposed increasing the side yard setback to 50 feet on LB district parcels that abut residential properties.

Mr. Thomas Lyons of 286 Chases Lane, owner of Beach Liquors located 43 Aquidneck Avenue, spoke in favor of rezoning the Beach Liquors property from R-10 to LB. He noted that the properties to the north and east of his store are zoned LB and felt that his parcel should be as well. Mr. Croce asked if Mr. Lyons had ever asked for rezoning in the past, Mr. Lyons responded that this is his first time requesting it.

Ms. Darcy Roland of 639 Aquidneck Avenue suggested that the board consider reducing the maximum building height in order to preserve ocean views; consider adding language to the zoning code to encourage traditional New England style architecture; and consider investigating an environmental impact fee to account for the impact of development on the Town's water systems.

Mr. John Bagwill of 587 Tuckerman Avenue spoke on behalf of the Easton's Point Association. He summarized a resolution by the Easton's Point Association dated September 20, 2017, which called for implementing the Atlantic Beach District Master Plan; ensuring maintenance of pond and bay views; amending the LB zoning to better suit the needs of residential abutters; and establishing a building moratorium until zoning has been revised.

Mr. John Parrillo of 51 and 53 Newport Avenue told the board that he is no longer able to see the Cliff Walk from his home due to construction. Mr. Parrillo also complained of increasing traffic in the Atlantic Beach area, and loss of access to the ocean due to the Atlantic Beach Club's "Private Beach" signs.

There was discussion by the board regarding the high-water mark being the legal property limit for waterfront properties in Rhode Island.

David Rushlow of 32 Ellery Avenue spoke about the increase in traffic in the Atlantic Beach area and loss of water views due to fences. He mentioned the Atlantic Beach Club's fence and restricting access to the water with signage and events on the beach.

Mr. Nash thanked Mr. Rushlow for his comments but reminded the public that the board is to consider uses and dimensional regulations in the LB district. Property boundaries on the shore are an enforcement issue, which is not under the purview of the planning board.

Carl Digregorio of 67 Newport Avenue expressed concern about commercial sprawl. He asked about the legality of expanding of non-conforming uses. The Town Solicitor responded that such issues are addressed by the zoning board on a case by case basis with the granting of variances. Mr. Digregorio noted that at one time he could see Green End Pond, but can no longer due to commercial development. He requested that special use permits to be approved judiciously.

Mr. Nash suggested that the board could look at regulations regarding the expansion of legal non-conforming uses to allow for greater oversight and control.

Ms. Maureen Pinksaw of 82 Warren Avenue told the board that she is losing her water view. She expressed concern about traffic and noise from tractor-trailers servicing the hotels and motels in the Atlantic Beach area and the impact on the neighborhood's children and safety.

Mr. Howard Hall of 90 Morrison Avenue read from a prepared statement. A copy of the statement was left with Ms. Lavoie and later distributed to the board. Mr. Hall suggested

removing hotel/motel; institutional dormitory; extractive and industrial non-manufacturing actives; general contractors; and research and development offices from the allowable uses in the LB zone. He also recommended a change to the general merchandise category to split the item into two categories: one including department stores, and one not including department stores. He suggested that department stores should not be allowed in LB but other general merchandise store should be allowed.

Ms. Susan Smith of 30 Paquin Place told the board that she had a clear view of the bay 30 years ago, and no longer does. She expressed concern about noise and dirt from Mello Construction located in the LB district adjacent to her property.

Mr. Nash acknowledged her complaints and suggested that she contact the zoning enforcement officer for enforcement of zoning regulations already in place.

Mr. Croce thanked all those in attendance for their participation and invited them back to the Bulk Zoning ordinance review on October 17, 2017.

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

The board deliberated on forwarding recommendations to the Town Council. Mr. Sullivan and Ms. Owen expressed a desire to think about the comments received tonight. Mr. Nash also mentioned a desire to review the Atlantic Beach District Mater Plan and the Beach Liquor's property's zoning designation.

Mr. Flynn suggested considering a moratorium on new development proposals while the board reviews zoning regulations.

Mr. McNally stated that the Town cannot impose a moratorium on development in that way.

Mr. Croce encouraged the board to put forth a recommendation or a vote to forward the public feedback to the Town Council.

Ms. Drayton expressed desire for time to consider the public comments received tonight.

There was additional discussion on timeframes for forwarding recommendations to the Town Council.

It was agreed upon that another meeting will be scheduled to review specific suggestions on changes to the LB District's Zoning use and dimensional regulations and that staff will prepare a summary of tonight's comments.

Motion by Mr. Sullivan, seconded by Mr. Nash to adjourn **Vote: 7-0-0.**

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Rita Lavoie
Principal Planner