



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES October 11, 2017

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

Board members present:

Paul Croce, Chair
Liz Drayton
Jim Williams
Terri Flynn
Bill Nash
Matt Sullivan

Rita Lavoie, Principal Planner
Peter Regan, Town Solicitor

Members absent:

Betty Jane Owen

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

1. Minutes

- A. Approval of the minutes of the September 13, 2017 regular Planning Board meeting.
 - **Motion** to approve the minutes of the September 13, 2017 planning board meeting by Ms. Flynn, seconded by Mr. Williams.
 - Ms. Flynn requested the planning board decisions be sent to the planning board after recording and that meeting participants use their microphones.
 - Ms. Flynn distributed and read a statement regarding the Rhode Island Open Meetings Act.
 - There was discussion regarding the content and submissions for changes of the minutes.
 - It was suggested that the board have time to review the distributed materials.
 - Ms. Flynn withdrew the **motion**.
- B. Approval of the minutes of the September 21, 2017 special Planning Board meeting.
 - The minutes were not considered at this meeting to allow planning board members to consider materials distributed by Ms. Flynn.
- C. Approval of the minutes of the October 5, 2017 special Planning Board meeting.
 - **Motion** by Mr. Nash, seconded by Mr. Sullivan to approve the minutes of the October 5, 2017 site visit.
 - There was a question regarding listing members of the public on the minutes.

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

2. Correspondence

- A. Memo of the Town Planner dated September 8, 2017 regarding Administrative Subdivision, Middletown Self-storage, LLC, 875 & 909 Aquidneck Ave., Plat 114, Lots 758 & 657
- **Motion** to accept the correspondence by Mr. Sullivan, seconded by Mr. Nash.
 - There was discussion regarding the administrative subdivision approval process and how it relates to previous planning board decisions.
 - **Vote: 6-0-0**
- B. Memo of the Town Planner dated September 8, 2017 regarding Administrative Subdivision, William & Elizabeth Gill and David Lawrence, Thelma Ln., Plat 111, Lots 14, 23, 23b.
- **Motion** to accept the correspondence by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**
- C. Memo of the Town Planer dated September 20, 2017 regarding Administrative Subdivision, Seal Rock, LLC, 193, 201 & 205 Aquidneck Ave., Plat 115SE, Lots 20, 21, 46.
- **Motion** to accept the correspondence by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**
- D. Email from Joya Hoyt regarding Bulk Zoning to be discussed at the October 17th planning board meeting.
- **Motion** to accept the correspondence by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**

Mr. Croce noted that all old business will be continued to the November 8, 2017 regular Planning Board meeting.

3. Old Business

- A. 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** to continue the item to the November 8, 2017, 6pm, meeting at the request of the applicant by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**
- B. 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** to continue the item to the November 8, 2017, 6pm, meeting at the request of the applicant by Mr. Sullivan, seconded by Ms. Drayton.

- There was discussion regarding how many times an applicant can request a continuance and if the board would ever not approve a continuation request.
 - The Town Solicitor provided background and context.
 - **Vote: 6-0-0**
- C. 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.
- **Motion** to continue the item to the November 8, 2017, 6pm, meeting at the request of the applicant by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**
- D. 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** to continue the item to the November 8, 2017, 6pm, meeting at the request of the board by Mr. Nash, seconded by Ms. Drayton.
 - **Vote: 5-0-1** with Mr. Sullivan abstaining
- E. 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** to continue the item to the November 8, 2017, 6pm, meeting at the request of the applicant by Mr. Sullivan, seconded by Mr. Nash.
 - **Vote: 6-0-0**
- 4. New Business**
- A. Narragansett Electric Company (aka National Grid), applicant – Request for Development Plan Review for proposed site modifications to commercial property located on Turner Rd, identified as Assessor's Plat 118, Lot 27-B.
- Mr. Todd Green, engineer, and Mr. Ed O'Rourke, representative for the applicant, were present.
 - Mr. Green provided an overview of the project, which relocates the pole storage and driveway configuration on the site.
 - There were questions by the board relating to stormwater management, impervious surfaces, and greenspace.
 - There was discussion regarding current and future traffic patterns.
 - It was confirmed that no new lighting is proposed.
 - There was discussion regarding plantings and the location and type of trees currently on the property.

- It was noted that the findings of the board are in accordance with the required findings listed on the Planning Board's memo.
 - **Motion** by Mr. Sullivan, seconded by Mr. Nash to approve the application subject to the following conditions:
 1. Prior to the issuance of permits, review and approval of the stormwater management system from the Town's Director of Public Works.
 2. Prior to the issuance of permits, review and approval of the stormwater management system from the Town's Engineer.
 3. Prior to the issuance of permits, the Administrative Subdivision must be re-recorded with a note added to the plan indicating that the sewer line crossing parcels 27A and 27B is a private sewer line, and the current easements around the sewer line be shown including dimensions and the book and page of the recorded easement. All plans submitted for redevelopment of the site should reflect the updated recording.
 - **Vote:** 6-0-0
- B.** Review and consideration of recommendations to the Town Council on various proposed amendments to the Middletown Zoning Ordinance, including amendments to sections 307, 308, 310, 317, 400, 603, 604, 707, and adding new section 322.
- Mr. Croce suggested moving the discussion of item 6 relating to Limited Business district setbacks to the scheduled Limited Business District workshop on October 23, 2017.
1. Modify DPR process (§307 & §308) to allow referral of applications to the Planning Board by the Zoning Official. Rather than requiring that a development plan review application be placed on a Zoning Board of Review agenda just to be referred to the Planning Board, the amendments will allow the Zoning Official to refer the application to the Planning Board.
 - Mr. Croce pointed out that all the proposed amendments have been discussed at board meetings before.
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Sullivan, seconded by Ms. Drayton.
 - There was discussion regarding the Technical Review Committee procedure.
 - **Vote:** 6-0-0
 2. Revision to development impact review fees (§310) to require reimbursement by the applicant of cost associated with review by the town's consultant(s).
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Sullivan.
 - There was discussion regarding what body may ask for a review and who pays the cost of external reviews.
 - **Vote:** 6-0-0

3. Revision to Section 317(C) regarding time period for ZBR to hear and decide appeals per RIGL 45-24-57.
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Sullivan.
 - **Vote: 6-0-0**
4. Add a new Section 322 to reference RIGL 45-24-61 regarding required procedures for ZBR records and decisions. Recent amendments to state law (H5475 Sub. A) include new requirements for notice of ZBR decisions.
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Sullivan.
 - **Vote: 6-0-0**
5. Change definition of building height (§400) to be consistent with state legislation passed in 2016 (S-2561 Sub A).
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Sullivan.
 - There was discussion regarding how the state's new definition impacts those living in flood zones and the resulting total building height.
 - **Vote: 6-0-0**
6. Revise residential front setback in LB (§603) to be consistent with R-10. Current front setback is 10ft for all uses in LB. It is recommended that for single-family and two-family residential uses in LB, minimum front setback should be consistent with the R-10 district setback of 25 feet.
 - Item 6 will be discussed at the Limited Business District workshop on October 23, 2017.
7. Revisions to Section 604 to address accessory building height limits typo for conservation developments.
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Nash, seconded by Mr. Sullivan.
 - There was discussion clarifying the reasoning for the typo removal.
 - **Vote: 6-0-0**
8. Delete section 707 regarding town imposed setbacks for septic systems from wetlands and rivers per RIGL 45-24-30. The statute was amended in 2012 by adding language that requires towns to seek RIDEM approval for such local regulations based on their "technical merits". Section 707 requires a 100ft setback for septic systems from wetlands and rivers, whereas RIDEM regulations require 50ft setback for systems from wetlands, 100ft from streams less than 10ft wide, and 200ft from streams more than 10ft wide.
 - **Motion** to forward a positive recommendation to the Town Council by Mr. Sullivan, seconded by Mr. Nash.
 - There were questions regarding why and when the town implemented the 100-foot setback.
 - The board requested staff do research into the rational for the 100-foot setback.

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

C. Review of potential revision to section 703.6 of the Rules and Regulations Regarding the Subdivision and Development of Land regarding subdivision maintenance bonds.

- **Motion** by Ms. Flynn, seconded by Mr. Sullivan to schedule a public hearing on November 8, 2017 for review of maintenance bond regulations.

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

1. Updates

A. Comprehensive Plan Implementation items

1. Agricultural overlay district

- A status update on the Town of Exeter's similar legislation was provided.
- It was agreed that the planned public meeting to present the agricultural business overlay amendments would be rescheduled from November 13, 2017 to early in 2018 to allow staff more time to update the Middletown draft to reflect feedback learned from Exeter's public hearing.
- Review of zoning map and future land use map consistency was added to the schedule on November 13, 2017 instead.

2. Mixed-Use Zoning

- Public Meeting scheduled for November 2, 2017, 6pm to present mixed-use development zoning ordinance amendments.

3. Residential bulk zoning

- Public Meeting scheduled for October 17, 2017, 6pm to present drafts of residential bulk zoning

4. Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments

- Review of zoning map and future land use map consistency was added to the schedule on November 13, 2017 instead.

B. Update on activities of the Aquidneck Island Planning Commission.

- Members of the board mentioned the AIPC's upcoming meeting.

C. Update on BRAC Navy Surplus Land reuse planning process.

- Mr. Regan mentioned that the BRAC process should be complete by the end of the year.

D. Marijuana Draft Ordinance

- Mr. Regan provided an update on the status of the marijuana draft ordinance, which is currently being review by the Town's consultant.

E. Committee Reports

1. Conservation Commission

- Ms. Flynn provided an update on the activities of the commission including a recent training, stormwater management reviews, and their current agenda.
2. Open Space and Fields Committee
 - Mr. Sullivan provided an update on the activities of the committee and encourage board members to attend a meeting of the committee.

F. Upcoming meetings were reviewed:

1. ~~October 17, 2017, 5pm: Continued Planning Board orientation~~ CANCELLED
2. October 17, 2017, 6pm: Public meeting to present drafts of residential bulk zoning
3. October 23, 2017, 6pm: Follow-up to public hearing on LB zoning recommendations
4. November 2, 2017, 6pm: Public meeting to present mixed-use development zoning ordinance amendments.
5. November 8, 2017, 6pm: Regular monthly Planning Board meeting
6. November 13, 2017, 6pm: ~~Public meeting to present agricultural business overlay district zoning ordinance amendments.~~ Changed to reviewing the zoning map and future land use map consistency.

Motion by Mr. Sullivan, seconded by Ms. Flynn to adjourn **Vote: 6-0-0**

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Rita Lavoie
Principal Planner