



**Town of Middletown**  
OBPlanning Department

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

**PLANNING BOARD MINUTES**  
**SPECIAL METTING – BULK ZONING**  
October 17, 2017

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

**Board members present:**

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

Rita Lavoie, Principal Planner  
Christopher McNally, Assistant Solicitor

**Members absent:**

Betty Jane Owen

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

**A. Public Workshop to discuss and accept public comment on draft amendments to the Middletown Zoning Ordinance regarding “bulk zoning”: maximum building height and floor area allowed for residential buildings on lots with area less than 10,000 square feet.**

Mr. Croce welcomed the audience and provided a brief overview of the workshop’s agenda.

**Motion** by Mr. Sullivan, seconded by Mr. Nash to open the public workshop. **Vote:** 6-0-0

**Correspondence:**

1. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept a letter from Steven Davis dated October 10, 2017 titled Bulk Zoning under 10,000 sq ft. **Vote:** 6-0-0
2. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Pierre Myette and Katherine Myette dated October 12, 2017 titled Regarding Middletown Zoning Ordinance – “bulk zoning”. **Vote:** 6-0-0
3. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Thomas O’Neill dated October 13, 2017 titled Bulk Zoning. **Vote:** 6-0-0
4. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept a Letter from John Bagwill and John Grosvenor dated October 16, 2017 titled Proposal to Address the Issue of a Structure’s Bulk. **Vote:** 6-0-0
5. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Bird Jones dated October 17, 2017 titled Zoning Meeting. **Vote:** 6-0-0
6. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Claudia and Tom Gorman dated October 17, 2017 titled Tonight’s Hearing. **Vote:** 6-0-0
7. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Len Panaggio dated October 17, 2017 titled Bulk Zoning. **Vote:** 6-0-0

8. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Howard Hall dated October 17, 2017 titled Bulk Zoning Ordinance Comments. **Vote:** 6-0-0
9. **Motion** by Mr. Sullivan, seconded by Mr. Nash to accept an email from Darcy Roland dated October 17, 2017 titled Bulk Zoning Feedback/Input. **Vote:** 6-0-0

Correspondence from Joya Hoyt regarding Bulk Zoning was accepted at the Planning Board meeting on October 11<sup>th</sup>.

Mr. Croce provided a history of the Planning Board's work and feedback on Bulk Zoning including:

- Investigating a Floor Area Ratio of 0.3
- Investigating building height restrictions
- Public feedback saying that the FAR was too complex
- Public feedback expressing a desire for change in the neighborhood
- Public feedback from homeowners that wanted to maintain the property value
- Opinions that some were unhappy with the scale house construction trends

Ms. Lavoie gave a presentation explaining the proposal being considered, which consists of a FAR of 0.5 and a building height restriction to 25 feet for residential lots under 10,000 square feet. She showed maps and graphs demonstrating where and how many lots would be impacted by the proposal.

Mr. Croce invited members of the public to speak and asked them to limit their comments to no more than 5 minutes.

1. **Mr. John Bagwill of 587 Tuckerman Ave** proposed reducing the FAR in accordance with lot size, because in his opinion, a 0.5 FAR did not address the issue at hand.
2. **Mr. John Grosvenor of Northeast Collaborative Architects** spoke to the board about aesthetics and creating living spaces that are more than cubes. He felt that few properties in the R-10 zone exceed a FAR of 0.5 and they may be able to expand under current regulations. He proposed an alternative of a proportional FAR relating to lot size.

There were question from the board regarding:

- compliance with current setbacks
  - if the proposed FAR addresses the bulk zoning concerns
  - how adjusting a FAR to the lot size would be calculated
3. **Ms. Joya Hoyt of 115 Ellery Ave** spoke against the proposed ordinance citing concerns about her ability to build on her vacant lot.
  4. **Mr. Chris Semonelli of 542 Wolcott Ave** spoke in favor of the proposal and supported bringing the issue to the Town Council. He felt that the board should not wait to address the bulk zoning issue and that waiting would only further negatively impact the "visual culture" of the Town.
  5. **Mr. Bob Mastin of 65 Tuckerman Ave** spoke against the proposal. According to his calculations, his current home would be 65% over the allowable size. He cited concerns regarding his property value and unintended consequences.
  6. **Ms. Kathleen Connell of 233 Tuckerman Ave** spoke of the current community aesthetic, mentioning that each property has different style and value. She asked the Board to consider the impact very carefully, especially for those who have lived there for many years.

7. **Mr. Kevin O'Halloran of 22 Esplanade** mentioned that due to the flood zone, his house is already raised above the proposed height. He felt that the parcels spurring this discussion are all over 10,000SF and would not be impacted by this proposal.

There was discussion by the board of the new Rhode Island building height definition and how it does not include freeboard in flood zones.

8. **Ms. Katrina Heron of 504 Tuckerman Avenue** asked the board if they will be discussing the larger lots later.

The board explained the history of the FAR and why the board is looking at lots under 10,000SF now, noting that the board has no plans to address larger lots.

9. **Mr. Christopher Holden of 62 Tuckerman Ave** asked about the process of building on a small lot on Crest Street under the current proposal.

There was discussion by the board regarding the process for requesting zoning variances from the zoning board of review.

10. **Mr. Peter Gallipeau of 15 Sachuest Drive** spoke against the proposal, mentioning an earlier version where there was an allowance for a minimum dwelling size. He felt that the proposal and the concerns were only about the Easton's Point neighborhood, but were being applied town wide.

There was discussion by the Board regarding:

- the board's investigation stemming from the comprehensive plan
- if height and view issues are a symptom of the bulk issue
- the ability of impacted homeowners to pursue a zoning variance
- if there is indeed an issue with new construction being out of character with a neighborhood or not
- if a neighborhood's character should change overtime

11. **Mr. Bruce Cummings of 44 Crest Street and 50 Crest Street** spoke against the proposal. He cited the character difference between Crest St. and Tuckerman Ave; penalizing small lot owners; and considering other social and economic factors.

12. **Mr. Bill Seiple of 27 White Terrace and 35 Linden Street** spoke about how current building trends are changing his neighborhood, but expressed conflicting feelings regarding the ordinance.

**Motion** to close the public workshop by Mr. Sullivan, seconded by Mr. Nash. After a conversation regarding procedure, Mr. Sullivan withdrew the motion and the public hearing remained open during the board's discussion.

There was discussion by the board regarding:

- Taking action by forwarding something to the Town Council
- A 0.4 FAR instead of 0.5 FAR
- Achieving the goals of the comprehensive plan
- Scale and design of nonconforming lots
- The ability of variances to be granted by the zoning board for those impacted
- The history of the houses built on smaller lots

13. **Ms. Harley Tinney of 545 Wolcott Ave** described how her neighborhood has changed with "McMansions" around her property, she asked about granting variances.

Mr. McNally explained the process of granting of the variances from the Zoning Board of Review.

14. **Ms. Tami Holden of 62 Tuckerman Ave** spoke about the subjective nature of what is considered an attractive house.

**Motion** to close the public workshop by Mr. Sullivan, seconded by Mr. Nash. **Vote:** 6-0-0

**Motion** to forward a positive recommendation to the Town Council by Ms. Flynn, seconded by Mr. Williams.

The Board articulated the reasoning for their votes:

- Mr. Williams mentioned that the development of concern has been on-going and he is hearing support for taking action now.
- Ms. Flynn said she is supporting the proposal to meet the goal of addressing bulk zoning as outlined in the comprehensive plan. She noted that she did not feel that the current zoning ordinances meet the comprehensive plan's goals.
- Mr. Sullivan noted that the decision is difficult and each member may have conflicting opinions.
- Mr. Croce mentioned that Bulk Zoning was before the Town Council over ten years ago and the Town Council decided not to act. He reminded the board and the audience that the issue is not confined to Easton's Point and feels that the current proposal is the best compromise available. He spoke in favor a 0.5 FAR because it puts a cap on the building's bulk, but does not impact smaller lots as much.
- Mr. Nash felt that by investigating the issue, the board has fulfilled their goal in the comprehensive plan, and choosing to take no action would be acceptable.
- Ms. Drayton mentioned a dislike for focusing on nonconforming lots, feeling like it singles out those who own small lots. She felt that scale was difficult to legislate and to put into rules and regulations.

**Vote: 3-2-1** with Mr. Sullivan and Mr. Nash voting against, and Ms. Drayton abstaining.

*By consensus the meeting was adjourned at 7:40pm.*

Respectfully submitted:

Rita Lavoie  
Principal Planner