



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES December 13, 2017

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

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

Paul Croce, Chair

Bill Nash

Liz Drayton

Terri Flynn

B.J. Owen

Art Weber

Jim Williams (arrived at 6:10pm)

Rita Lavoie, Principal Planner

Peter Regan, Town Solicitor

*Paul Croce called the meeting to order at 6:00pm*

#### **1. Approval of the minutes of the regular meeting of November 8, 2017 and special meetings of November 2, 2017, and November 13, 2017, and November 30, 2017.**

- a) Motion to approve the minutes of November 8, 2017, amended December 12, 2017 by Ms. Owen, seconded by Ms. Flynn
  - Mr. Nash noted that the amended minutes were accepted by staff and distributed to the planning board
  - Vote 6-0-0, Mr. Williams had yet to arrive
- b) Motion to approve the minutes of November 2, 2017, amended December 12, 2017 by Mr. Nash, seconded by Ms. Drayton
  - Vote 6-0-0, Mr. Williams had yet to arrive
- c) Motion to approve the minutes of November 13, 2017 by Mr. Nash, seconded by Ms. Flynn
  - Vote 6-0-0, Mr. Williams had yet to arrive
- d) Motion to approve the minutes of November 30, 2017 by Mr. Nash, seconded by Ms. Owen
  - Vote 6-0-0, Mr. Williams had yet to arrive

#### **2. Correspondence**

- a) Email from Kevin Kosinski dated 11/13/17 regarding the subdivision application of Mark Brennan.
- b) Email from Terry Wildemann dated 12/11/2017 with accompanying videos regarding the subdivision application of Sean Napolitano and Mark Brennan.

- c) Email from Patty Martin dated 12/12/2017 regarding the subdivision application of Mark Brennan and Sean Napolitano.
- d) Letter from Roby Feria received 12/12/17 regarding the subdivision application of Sean Napolitano.
- e) Email from Sara Poirier dated 12/13/2017 regarding the subdivision application of Mark Brennan and Sean Napolitano.
- f) Email from Lisa Wagenbach dated 12/13/2017 regarding the subdivision application of Mark Brennan and Sean Napolitano.
- g) Email from Howard Hall, received 12/13/2017 regarding the gravel processing ordinance amendments.
- h) Email from Austin Lema dated 12/13/2017 regarding the subdivision application of Sean Napolitano.
- i) Email from Elizabeth McCabe dated 12/13/2017 regarding the subdivision application of Sean Napolitano.
  - Motion to receive all correspondence by Mr. Nash, seconded by Ms. Owen
  - Vote 6-0-0, Mr. Williams had yet to arrive

### 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 to continue the application to the January 10, 2018 regular Planning Board Meeting by Mr. Weber, seconded by Ms. Owen
  - Vote 6-0-0, Mr. Williams had yet to arrive
- 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 to continue the application to the January 10, 2018 regular Planning Board Meeting by Ms. Owen, seconded by Ms. Flynn
  - Vote 6-0-0, Mr. Williams had yet to arrive

Mr. Williams joined the meeting at approximately 6:10pm

- c) **Public Informational Meeting** – Peckham Lane Subdivision, Sean Napolitano, applicant. - Request for Master Plan approval for a proposed 24-lot major subdivision of property fronting on Peckham Lane. The property is identified as Assessor's Plat 124, Lots 39, 105, 106 and is located approximately .3 miles to the north of the intersection of Peckham Lane and Wapping Rd.
  - Motion to continue the application to the January 10, 2018 regular Planning Board Meeting by Ms. Flynn, seconded by Mr. Nash
  - Vote 7-0-0

- d) Application by Steven Shelton and Sandra Gowett for Preliminary Plan approval of a 2-lot minor subdivision of land located at 535 Tuckerman Ave., Plat 122, Lot 129.
  - Motion to continue the application to the January 10, 2018 regular Planning Board Meeting by Mr. Weber, seconded by Ms. Flynn
  - Vote 7-0-0

Mr. Croce reminded the public of the Planning Board's policy of not starting to hear new applications after 9pm.

#### 4. 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.
  - Mr. Williams recused himself and left the bench
  - Mr. Croce stated that the public hearing has been closed and he restated the motion currently under consideration, which is the motion made during the November 8<sup>th</sup> meeting: motion by Mr. Nash, seconded by Mr. Sullivan for a positive approval of the master plan, subject to the nine conditions in the memo from the Town Planner dated November 1, 2017 and further amended to include a condition to refer the plans to the Town's Consulting Engineer prior to Preliminary Plan Review
  - Mr. Regan explained that the reconsideration vote brings the board back to the discussion phase of the item's consideration
  - Mr. Croce explained the master plan approval stage and that the Planning Board is only voting on the layout as a general development. Questions regarding engineering will be addressed at Preliminary Plan stage.
  - Mr. Regan explained that Master Plan stage is the very first of three planning board approval stages. If approved, the application will be further reviewed by the town's consulting engineer. Mr. Regan stated that the Planning Board is looking at compliance with the town codes at the Master Planning stage.
  - There was planning board discussion regarding:
    1. That the vote is not to approve the project as a whole, just this stage
    2. That it meets the Town's requirements and, based on engineering at preliminary plan stage, the plan's details such as number of lots, can be altered
    3. Board members referenced the additional training provided by Town Staff and the Town Solicitor and the required objectivity of the planning board
    4. There was reference to the nine conditions of approval recommended by staff and included in the motion to approve the master plan

5. That there are unanswered questions on the development at this stage, but will be pursued at the appropriate preliminary planning stage
6. That the Town's consulting engineer will advise on technical aspects of the plans at the preliminary planning stage
7. That there are rights of the property owner to develop their land if they meet the requirements of the Town and State bodies
8. There was reference to the reconsideration vote, which was requested by a member of the prevailing vote from the November 8, 2017 Planning Board Meeting
9. Ms. Owen identified herself as the requestor of the reconsideration vote based on the amount of information shared at the November 8, 2017 public hearing
10. Members referenced concerns of the highwater table and a desire for confirmation on the septic system's viability, which will be addressed at preliminary planning stage
11. Vote 6-0-0

**b)** Narragansett Electric Company (aka National Grid), applicant – Request to remove condition #3 from the approval of Development Plan Review granted on October 11, 2017 for proposed site modifications to commercial property located on Turner Rd, identified as Assessor's Plat 118, Lot 27-B.

- Mr. George Watson, attorney for the applicant, explained the request for the removal of the condition #3. He noted that the easement was created after the subdivision plan was recorded.
- Ms. Flynn asked if the easement was recorded somewhere else
- Mr. Watson provided a history of the property and easement record, indicating that the easement was recorded prior to the conveyance by the previous owners, but after the recording of the administrative subdivision
- Mr. Croce noted that the Director of Public Works and the Planning Director approved of the removal of condition #3.
- Motion to approve the removal of condition #3 by Mr. Nash, seconded by Ms. Owen
- Vote 7-0-0

## 5. New Business

**a) Public Hearing** - Request of AJAK, LLC for a waiver from Section 521.2.C of the Rules and Regulations Regarding Subdivision and Development of Land to allow for use of vinyl siding materials. 70 Corporate Place, Plat 106, Lot 171B.

- Motion to open the public hearing by Ms. Flynn, seconded by Ms. Owen
- Dr. Alessi Rispoli, owner of specs eyecare, told the board he would like to move his business to the location, which is the subject of the waiver request.

- Dr. Rispoli provided the board with a sample of the proposed vinyl shingle product and explained the proposed improvements to the exterior of the building
- Ms. Owen asked about the location of the building and the history of the building
- Dr. Rispoli showed the board a rendering of the proposed project
- There were question from the board related to
  1. Windows
  2. Replacing vinyl with vinyl
  3. Other materials on the siding
  4. The proposed vestibule
  5. The proposed mansard roof
- Architect for the applicant, Damara Toohey, explained the other synthetic material involved in the project (Azek)
- The board referenced:
  1. The aesthetic improvement to the existing building
  2. That the existing vinyl siding will be replaced by similar materials
  3. That Azek, the other synthetic material requested, is designed to work with the vinyl siding
  4. That the roof line and vestibule alterations will bring the building into closer compliance with the Town's Commercial Design Standards
- Motion by Ms. Owen to approve the waiver for vinyl siding, amended by Mr. Croce to include other materials shown at this meeting, seconded by Mr. Nash
- Vote 7-0-0

**b) Request of David Bazarsky for concept review of potential development of property located at 160 East Main Rd., Plat 107SE Lot 72.**

- Ms. Lavoie reminded the board that this agenda item is a concept review and an opportunity for the board to provide feedback on potential plans. No action will be taken by the board and the proposal is not a complete application.
- Mr. David Bazarsky explained the three optional proposals for redevelopment of 160 East Main Road, asked for guidance, and if the board looks at the proposals as a repurposing of an existing site.
- Ms. Lavoie clarified that both development or redevelopment of a commercial site is subject to the town's commercial design standards.
- Mr. Bazarsky indicated that the proposed project would include a restaurant.
- There was discussion about:
  1. Involving the Tree Commission

2. The site's location in Watershed Protection District (WPD) Zone 1
3. The necessity of meeting the Town's Commercial Design Standards
4. That the Board would support development that meets the Town's standards
5. The site's abutment to residential properties in the rear
6. Landscaping the site with trees
7. Parking on the east side of the project, which may be constrained by the nature of the lot size
8. Referral from the Zoning Board to the Planning Board for development plan review
9. Parking requirements
10. Removing the parking from WPD Zone 1
11. The drive-through's noise impacts on the abutting rear residential neighbors
12. Ms. Lavoie clarified that the majority of the site is in WPD Zone 1
13. Identifying a use that is less impactful
14. Talking with the Tree Commission and the Conservation Commission on the site design
15. Mr. Croce indicated that he supports concept with the smallest building footprint

- Mr. Bazarsky thanked the board for their feedback

**c) Request of the Town Council for a recommendation on proposed amendments to the Middletown Zoning Ordinance, sections 400 & 602, and Article 27 regarding gravel processing and bulk storage.**

- Mr. Regan provided an overview of the proposal, which originated from the Town Council and was sent to the planning board for review and consideration. He suggested that the board talk about the process of reviewing the draft, not the content of the draft, at this stage
- There was discussion regarding:
  1. Including feedback from members of the public and where in the process to gather public input
  2. Incorporating setbacks, maximum bulk storage heights, screening requirements and if the uses should be allowed by right or by special use permit
  3. Scheduling a Planning Board Workshop with the full Planning Board to review the draft
  4. Removing the Limited Business district (LB) and General Business district (GB) in the proposed amendments
  5. How to address the existing bulk storage and gravel processing in the LB and GB zones

6. Revising the format of the proposed draft and distributing it to the Planning Board in a way that they can track changes.
- It was decided that Planning Board members will provide comments to Staff on the current draft. Staff will work with the Town Solicitor to develop a revised draft and share it with the planning board before scheduling a public workshop

**d) Comprehensive Plan Implementation Report**

- Mr. Croce reviewed the staff Comprehensive Plan Implementation Report and requested to form an Inclusionary Zoning subcommittee for affordable housing made up of a three-person subcommittee
- Ms. Drayton was assigned as chair, with members Mr. Weber and Mr. Croce

**6. Updates**

**a) Comprehensive Plan Implementation items**

- Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments
  1. Ms. Lavoie provided the board with an update on the staff work done on the consistency project
  2. It was decided that staff would present an initial grouping of potential Comprehensive Plan- Future Land Use Plan amendments to the board at the January 10, 2018 regular planning board meeting. At the meeting, the board may choose to schedule a public hearing on the proposed changes to the Comprehensive Plan
  3. Materials will be distributed to the board prior to the meeting
- Supplementary Planning Board Meeting
  1. It was decided that the board will add a supplementary meeting on 4<sup>th</sup> Monday of each month from 4-5:30pm starting in January 2018 to address ordinance reviews, workshops, and other non-application based items.
  2. Location will be determined and confirmed by staff
- Agricultural Business Overlay
  1. Ms. Lavoie informed that board that staff will reach out to Scott Millar from Grow Smart Rhode Island in January 2018.

**b) Update on staff research into wetland setbacks (section 707)**

- Ms. Lavoie provided the board with a description of the research into the history of the 100-foot wetland setback, which involved working with the Town Clerk to research paper copies of past Town Ordinances.
- Mr. Regan informed the board that if the Town wished to make a case to Rhode Island Department of Environmental Management that the Town should be able to implement their own setbacks, that case must be made using today's data, not just historical reasoning. He recommended engaging the Town's Engineer and the Town's Consulting Engineer.

- The board requested that staff continue to research the origin of section 707 and provide a report to the board.
- c) No update on activities of the Aquidneck Island Planning Commission was provided
- d) Update on BRAC Navy Surplus Land reuse planning process.
  - Mr. Regan informed the board that a draft deed from the Navy was under review. A survey of the property is necessary, but the Town anticipates closing on the Navy Lodge property around the end of January 2018.
- e) Marijuana ordinance
  - Mr. Croce requested that Mr. Regan provide a draft for Planning Board Review at a special meeting.
- f) Committee reports
  - Mr. Nash provided a Use Table Subcommittee update, mentioning that non-unanimous uses will be held for the full board to consider. In Mr. Nash's opinion, the review conducted the by subcommittee is more thorough than any other zoning code review.
  - Ms. Flynn mentioned the that conservation commission is not meeting in December due to applicant's request for a continuance
  - Open Space and Fields Committee
    1. Mr. Nash expressed an interest in becoming the liaison to the Open Space and Fields Committee since there is no longer a Planning Board liaison
    2. Mr. Croce appointed Mr. Nash
  - Ms. Owen provided an update on the Tree Commission's recent meeting. She mentioned that the commission is entering phase 2 of planting of trees in the Middletown Valley and ongoing discussions regarding dog waste in the park
  - Ms. Lavoie mentioned two grants awarded to the Town for installing benches in the Middletown Valley and in Paradise Valley Park. Exact location of benches is under consideration by the Open Space and Fields Committee and the Tree Commission.
  - Mr. Regan notified the board that RIDEM is accepting grants for community tree programs
  - There was discussion regarding the election of officers of the Planning Board and the responsibilities of the secretary and staff in drafting of Planning Board Minutes
- g) Upcoming meetings:
  - January 10, 2018, 6pm: Regular Planning Board meeting, will include election of officers
  - January 22, 2018 4pm: Supplementary Planning Board Meeting

## 7. Adjourn

- a) Motion to adjourn by Ms. Owen, seconded by Ms. Flynn

**b) Vote 7-0-0**

*Meeting adjourned at 7:30 pm*

Respectfully submitted:

Rita Lavoie  
Principal Planner