



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

February 14, 2018

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

Rita Lavoie, Principal Planner
Chris McNally, Assistant Town Solicitor

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

1. Approval of Meeting Minutes

- A. Motion to approve the minutes of the regular meeting of January 10, 2018 by Ms. Owen, seconded by Mr. Nash
 - **Vote: 7-0-0**
- B. Motion to approve the minutes of the special meeting of January 11th (Inclusionary Zoning Subcommittee) by Mr. Nash, seconded by Mr. Williams
 - **Vote: 7-0-0**
- C. Motion to approve the minutes of the special meeting of January 22nd (Gravel Processing and Bulk Materials Ordinance) by Mr. Weber, seconded by Ms. Owen
 - **Vote: 7-0-0**
- D. Motion to approve the minutes of the special meeting (site visits) of February 1st by Ms. Owen, seconded by Mr. Weber
 - **Vote: 7-0-0**

2. Motion to accept the following correspondence by Mr. Weber, seconded by Ms. Owen:

- A. Nancy Manning-1/19/18 email: negative impacts of changes in town, especially in Easton Point/lower Aquidneck Avenue areas
- B. Howard Hall-1/22/18 written comments presented Gravel Ordinance meeting January 23, 2018
- C. George Day/email: supports zoning and planning workshop
- D. John Bagwill/letter: History of Farmland Zoned Residential
 - **Vote: 7-0-0**

3. Old Business

- 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
- a) Attorney for the applicant, Mr. David Martland, requested that the matter be withdrawn without prejudice
 - b) Motion to withdraw the application without prejudice by Mr. Weber, seconded by Mr. Nash
 - **Vote: 7-0-0**
- 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
- a) Attorney for the applicant, Mr. David Martland, requested continuance for DEM alteration permit approval
 - b) Motion to continue to March 14, 2018 Planning Board meeting by Ms. Owen, seconded by Mr. Nash
 - **Vote: 7-0-0**
- 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
- a) Attorney for the applicant, Mr. David Martland, requested continuance for pending TRC review
 - b) Motion to continue to March 14, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen
 - **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
- a) Mr. David Martland, for applicant's attorney Mr. Robert Silva, requested continuance
 - b) Motion to continue to March 14, 2018 planning Board Meeting by Mr. Nash, seconded by Mr. Williams
 - **Vote: 7-0-0**
- E. 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
- a) The revised draft from the Town Solicitor is pending
 - b) Motion to continue to the March 14, 2018 Planning Board meeting by Ms. Owen, seconded by Mr. Williams
 - **Vote: 7-0-0**
- F. Application of Turner Road Realty Trust, LLC for Preliminary Plan approval of a proposed 3-lot subdivision of land located at 305 Turner Rd., Plat 113, Lot 227
- a) Attorney for the applicant, Mr. David Martland explained:

- an overview of the 3-lot subdivision proposal with two lots fronting on Turner Rd and common easement for one without frontage. Noted site visit and Town Planner's memo on addition of roadway. Client prepared to move with amended plan if Board approves waiver for constructing the roadway to town specifications. Referenced DPW and Fire department feedback on proposed roadway.
- Zoning Official will determine if front/side setback variance needed or the access road could be narrowed.
- joint maintenance agreement between the back lots include the driveway, lawn, and sewer/water access and submitted at Final stage.

b) The Board clarified:

- Board members had different drawings and none showed the existing curb cut.
- An additional curb cut services the back 2 lots and curves out to accommodate emergency vehicles.
- The drawing with a cul-de-sac shows road complying with zoning, but as town prefers not to add a road to its inventory, Board could waive the construction of that road and access be a paved, straight road with emergency turn around area, per different drawing.
 - a. The applicant will not have to request any variances from Zoning with the waiver and access will be a public right of way.
- No homeowner association.
- No legal concerns for road as a public right-of-way with the joint agreement, as described.
- Landscaping non-conforming use will be abandoned

c) Mr. Nash: allow Parcel C non-conforming use until the parcel is to be developed.

d) Mr. Allen Kirby spoke of leaving the existing building as option for buyer's use and to possibly pass on cost of removal. Noted majority of building could be removed, a portion saved for garage.

e) Mr. Martland indicated part of stone wall be removed for curb cut, rebuilt per Town's stonewall ordinance.

f) Motion for a positive Preliminary Plan approval including a waiver for the construction of a road by Mr. Nash and seconded by Mr. Weber subject to the following conditions:

1) The applicant must be granted the necessary zoning relief prior to the plan being considered for final approval. The decision of the Zoning Board of Review must be recorded in the land evidence records, with a copy provided to the Planning Board.

2) The existing steel building must be at least partially removed, as determined by the Building Officer, prior to development of proposed Parcels B and C.

g) There was further discussion regarding easement conditions at Final Plan stage, appropriate lot size, the stone wall, and meeting town regulations.

- **Vote: 6-1-0** with Ms. Flynn voting against due to the confusion of the different drawings and waiver of the road that complies with zoning.

G. Application of 2nd Street Construction, LLC for Preliminary Plan approval of a proposed conservation development to consist of 6 dwelling units on land located at 308 Chases Lane, Plat 106, Lots 6A & 516.

a) Attorney for the applicant, Mr. David Martland, requested continuance due to issues raised at TRC and potential plan revision.

b) Motion to continue to March 14, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen

- **Vote 7-0-0**

4.D. New Business (out of sequence/moved up)

Request of Derek Mesoella for concept review of potential development of a commercial building on property located at 1747 West Main Rd., Plat 111, Lot 8.

a) Mr. Derek Mesoella, representing the property owner, CCVDII LLC, noted this is 1 of 3 contiguous lots owned since 2010, zoned LI. Introduced “L-shaped” subject lot known as “Skater Island.” Described the proposed plans:

- construction of a square, 30,000 sq’, 1-story building, ~24’ to the bottom of the roof, next to existing one of similar size, outside the zone 1 WPD
- current building boat storage - demand for more high ceiling flex space
- they are currently constructing a driveway under a previously approved permit
- will extend existing sewer/water and driveway
- work required for Zone I WPD is being done - testing structural integrity of the soil

b) The Board clarified:

- the existing building remains
- LI2 zone due to residential abutters
- zoning requires approval for a second principal building on one lot
- Approval of this proposal would “void” the 3 approvals received years ago (2 self-storage buildings, 1 RV/boat storage and 1 self-storage building) for the north side of the lot, as the landscape of the area those approvals were based on will be changed. DPR and commercial design standards compliance will be required
- The wetlands and location in relation to Bailey’s Brook
- soil remediation is complete
- prior re-zoning to GB or Residential proposals were not well received
- the right-of-way from Kesson Farm is not part of the proposal
- proposal in WPD Zone 2 a business decision: uses in same area of the lot and ease of driveway and utilities extension
- the plan would be subject to further review once submitted

- c) The applicant will check on the status of the current approvals' expiration (if any)
- d) Some Board members:
 - raised concerns of the protection of abutting residents from noise and/or visual impact of the future use.
 - indicated that they would be willing to approve an application that met the Town's commercial design standards.

3.H. Old Business (con't)

Consider request to Town Council for authorization for studies of east side development impacts and temporary moratorium on development applications.

- a) Mr. Croce requested to amend the motion on the table, removing request for a moratorium on development applications and request the Town Council perform a study on the water supply aquifer as it affects well water and traffic capacity on the east side of town, working with staff to determine scope.
- b) There was discussion regarding:
 - these topics not addressed in the normal course of the application process
 - Town Council funding the study
 - an independent, unbiased study
 - could avoid burdening ground water by having development applications without public water and sewer to pay for same, but ordinances do not require that
 - the study's purpose: investigate resident's concerns regarding impact on development on east side of town, provide factual basis for any future Board actions regarding development regulations or development moratoriums
 - **Vote: 7-0-0**
- c) The public workshop explaining the state planning regulations and role of the TRC will be on next month's agenda

4. New Business (con't)

Mr. Croce indicated that the following two items would be considered together but voted on separately.

- A. **Public Hearing** - Application by 825 West Main, LLC for Development Plan Review, including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, for a proposed 6,050 square foot expansion of the West Main Self Storage facility located at 825 West Main Road, Plat 107NE Lot 15C and a portion of Plat 107NE Lot 11
- B. Request of the Zoning Board of Review for an advisory opinion on a petition by 825 West Main, LLC for a Special Use Permit for a proposed 6,050 square foot expansion of the West Main Self Storage facility in the Watershed Protection District, Zone 1. The property is located at 825 West Main Road, Plat 107NE Lot 15C and a portion of Plat 107NE Lot 11
 - a) Staff reported state permits needed - DPR application incomplete.
 - b) Motion to continue both items to March 14, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen.
 - **Vote: 7-0-0**

- C. Public Hearing** - Application by DOJO LLC for Development Plan Review, including request for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, for construction of a hotel located at 38 Purgatory Road, Plat116NW Lot13
- a) Attorney for applicant, Mr. David Martland, requested continuance pending CRMC preliminary determination and TRC review issues.
 - b) Motion to continue to March 14, 2018 Planning Board meeting by Mr. Nash, seconded by Mr. Weber
 - **Vote: 7-0-0**
- D. Moved Up In Meeting** (follows #3.G.)
- E. Consideration of Planning Board Subcommittee recommendation regarding Inclusionary Zoning for Affordable Housing.**
- a) Ms. Drayton, Subcommittee Chair:
 - read subcommittee memo recommending not moving forward with draft Inclusionary Zoning Ordinance, as written.
 - noted RI state rules and regulations require granting density bonus to major subdivision developers; the community is pushing back on the current applications and Comprehensive Plan does not support increased density.
 - b) Staff: draft ordinance is ~ 8 pages.
 - c) Staff to forward Mr. Croce and Ms. Drayton draft memo to Town Council with subcommittee recommendation and Planning Board interest in pursuing other ways to meet the affordable housing plan.
 - d) Ms. Flynn announced RIHMFC presentation at last Town Council meeting: opportunities subcommittee could review on Middletown TV.

5. Updates

- A. Comprehensive Plan Implementation items**
- a) Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments
 - Board asked about resident feedback and clarified the proposal is to match the Comp Plan to zoning, not change zoning
 - Public hearing scheduled for February 26, 2018
 - b) Agricultural Business Overlay
 - March 26, 2018 public workshop with Scott Miller from Grown Smart RI
- B. Update on activities of the Aquidneck Island Planning Commission.**
- No update
- C. Update on BRAC Navy Surplus Land reuse planning process.**
- Congratulations to the town for the recent land transfer and celebration
- D. Committee reports**
- a) Use Table Subcommittee/Mr. Nash, Chairman
 - Productive meetings, 2 guests at last meeting, ongoing efforts important as uses constantly develop

- No timeframe for completion: staff compiling list of LB district recommendations to present to full Board for discussion and public hearing
 - Ms. Drayton recommended others attend, commending the in-depth conversation, considerations of many variables
- b) Inclusionary Zoning for Affordable Housing Subcommittee**
- Reported in Item #4.E. above
- c) Tree Commission/Ms. Owen, Liaison**
- Commended: Karen Day's work with bids out for over 100 trees to be planted this spring; the Tree Warden; and the commission for their plan for the Middletown Valley Property.
- d) Open Space and Fields Committee/Mr. Nash, Liaison**
- No update provided
- e) Conservation Commission/Ms. Flynn, Liaison**
- Heard the West Main Storage/St. Lucy's case - voted to continue for pending DEM report.
 - Informed the commission of the Board's discussion of studies for the east side.
- f) Mr. Croce requested a draft of the marijuana ordinance from the Town Solicitor's office.**
- E. Upcoming meetings:**
- a) February 21, 2018, 4pm: PB Subcommittee meeting on Zoning Use Table - will be rescheduled to the 2/28/18, may be rescheduled again**
 - b) February 26, 2018, 6pm: Public Hearing on proposed Future Land Use Plan amendments.**
 - c) March 5, 2018, 6pm: Joint Planning Board/Town Council meeting regarding proposed roadway improvements on lower Aquidneck Ave. Meeting time has been changed to 5:30pm. Plans will be provided 2/26/18.**
 - d) March 14, 2018 6pm: regular Planning Board Monthly Meeting**
 - e) March 26, 2018, 4pm: Public workshop on the Agricultural Overlay**

Motion to adjourn by Ms. Owen, seconded by Ms. Drayton

Meeting adjourned at 7:45pm

Respectfully submitted:

Terri Flynn

Planning Board Secretary