



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES – Future Land Use Plan (FLUP) February 26, 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

Ron Wolanski, Planning Director  
Mark Boivin, Assistant Town Solicitor  
Rita Lavoie, Principal Planner

#### Members absent:

Jim Williams

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

1. **Public Hearing** - Potential changes to the Town of Middletown Comprehensive Community Plan's Future Land Use Plan, Map L-4. Proposal to change the Future Land Use designations on 22 parcels to "low-density residential" in order to bring consistency between the Future Land Use Plan and the Town's Zoning Ordinance.
  - a) Motion to open Public Hearing by Ms. Owen, seconded by Mr. Nash
    - **Vote: 6-0-0**
  - b) Mr. Wolanski:
    - Town efforts to date per State law to match Town's Zoning and Future Land Use Plan (FLUP) Map in Comp Plan: change Zoning to match FLUP Map or change FLUP Map to match Zoning
    - Proposal: changes FLUP Map, not parcels' zoning
    - recommended
      - i. remove maps 4 and 5 (Plat 126: Lot 69; Plat 131: Lots 5, 6A, 6B – beach and wetlands) from Proposal
      - ii. map 4 and 5: future zoning change to achieve required consistency
  - c) Members of the public were invited to speak
    - Ms. Theresa Santos-214 Morrison Ave, as a resident:
      - i. Staff confirmed mail and newspaper ad property owner notification
      - ii. Proposal corrects FLUP map parcels' colors, per map legend. Collectively, R40 and R60 parcels are "low density"
      - iii. Mr. Weber: this administrative action doesn't diminish value or change properties; Ms. Santos stated people do not understand this. A Land Development workshop will be scheduled and should help
    - Mr. Charles Earl-6 Toni Lynn Terrace:

- i. Staff explained FLUP shows Town preference for future development, so Comp Plan guides Zoning. Proposed changes depict actual current use
      - ii. contiguous, quality open space opportunity with two properties on Mitchell's Lane (Plat 123: Lots 703 and 13)
        - a. redesignation for consistency doesn't necessarily meet FLUP goals; referenced Hurricane Inundation Zones per WebGIS on Planning Board webpage
  - d) Motion to close Public Hearing by Mr. Weber, seconded by Mr. Nash
    - **Vote: 6-0-0**
  - e) Motion to forward the recommendation to the Town Council to change the FLUP to "low density residential" on the first 18 parcels (Plat 123, Lots 703 and 13; Plat 114, Lots 813, 3, and 812; Plat 121NW, Lots 119B, 119A, 119, 118, 117, 116, 115, 114, 113; Plat 120, Lots 852, 38, 622, and 50) leaving the last four as is (Plat 126, Lot 69, Plat 131, Lots 5, 6A, 6B) by Ms. Flynn, seconded by Ms. Owen.
    - Planning Board Discussion:
      - i. possibly eliminate Mitchell's Lane (Plat 123, Lots 703 and 13); Staff: developed with houses so rezoning detrimental to owners
      - ii. beach house on Third Beach Road (Plat 131, Lots 5, 6A, 6B) not used for residential purposes
    - **Vote: 6-0-0**
2. Review and recommendation to the Town Council on the proposed revised Development Impact Fee Schedule.
- a) Motion to open Public Workshop by Ms. Owen, seconded by Mr. Weber
    - **Vote: 6-0-0**
  - b) Mr. Wolanski:
    - Impact Fees...
      - i. adopted 2004; provide capital improvement funds to expand capacity addressing new population development brings
      - ii. developer paid; one-time, not a tax
      - iii. go to separate accounts-specific to purpose collected for, not general fund
    - School Dept. has not had qualifying projects, student population flat, and "Schools" fees collected being refunded
    - Planning Board required by ordinance to provide recommendation to Town Council. On their March 5, 2018 docket
  - c) Consultant's Study
    - Recommends removing "School" fee collection
    - Proposes fee schedule resulting in significant reduction of fees collected
  - d) Planning Board Discussion:
    - Funds must be used to increase capacity based on population growth
    - Fees cannot be collected if no evidence, or projection of, population growth; eligible projects serve expanded population, not the same population
    - Fee collection must be justified; Town cannot ask for more monies than necessary
    - Impact Fee Schedule updated at least every 5 years - can be done sooner

- e) Mr. Charles Earl-6 Toni Lynn Terrace: clarified excess education funds collected being refunded to those who paid them
  
- f) Ms. Theresa Santos-214 Morrison Avenue: asked about exemption of Impact Fees and possible double taxation
  - Mr. Wolanski:
    - i. Impact Fees only apply to development after August 2004.
    - ii. Town Council can eliminate Impact Fees; Planning Board simply advising them on proposed Impact Fee Schedule.
  - Board members explained Tax Assessments and Impact Fees are separate issues: property improvements assessed by Tax Assessor and Impact Fees for increased burden Town incurs. Finance Director can address inquiries about interest paid on refunds.
  
- g) Motion to close public hearing by Mr. Weber, seconded by Ms. Owen
  - **Vote: 6-0-0**
  
- h) Motion to accept and recommend to Town Council the proposed revised Impact Fee Schedule by Mr. Nash, seconded by Ms. Owen.
  - Planning Board Discussion; Impact Fees... :
    - i. ... are for facility expansion and more equipment;
    - ii. ... are not used for drainage issues though now developers required to address drainage of their developments;
    - iii. ... can be used for Senior Center and library;
    - iv. ... must be used or refunded within 8 years (10 if get 2-year extension) per State statute. Mr. Croce asked if all or only the 8-year old School collections were refunded - Staff did not know;
    - v. ... are being used to help pay Middletown's portion of Newport sewer plant expansion; and
    - vi. Sewer capacity addressed with Sewer Impact Fees
  - **Vote: 6-0-0**
  
- i) Motion to adjourn by Ms. Owen, seconded by Mr. Weber
  - **Vote: 6-0-0**

*Meeting adjourned at ~7:00PM*

Respectfully submitted:

Terri Flynn  
Planning Board Secretary