

Town of Middletown

Planning Department



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

PLANNING BOARD MINUTES

March 14, 2018

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

Board members present:

Bill Nash, Vice Chairman

Terri Flynn, Secretary

B.J. Owen

Art Weber

Jim Williams

Liz Drayton

Ron Wolanski, Town Planner

Peter Regan, Town Solicitor

Member absent: Paul Croce, Chairman

Bill Nash called the meeting to order at 6:00pm recorded: <https://vimeo.com/260767816> .

1. Approval of Meeting Minutes

- **Motion** to approve the minutes of the regular meeting of February 14, 2018 by Ms. Owen, seconded by Mr. Weber. **Vote: 5-0-0, Ms. Drayton had yet to arrive**
- **Motion** to approve the minutes of the special meeting of February 26, 2018 (Future Land Use Plan) by Ms. Owen, seconded by Mr. Weber. **Vote: 5-0-0, Ms. Drayton had yet to arrive**
- Board had yet to receive minutes of the special meeting of March 5, 2018 (Town Council) - item tabled

2. Correspondence:

- A.** Lisa Kinsella; 104 Peckham Lane-2/27/18 Letter received 3/1/18: Peckham Lane stormwater issues; map, videos for public hearing.
- **Motion** to receive correspondence by Mr. Weber, seconded by Ms. Owen.
 - **Vote: 5-0-0, Ms. Drayton had yet to arrive.**
- B.** Town Planner; 3/5/18 Memo: Administrative Subdivision approval–Damase Giguere, Jr., Barbara L. Henriques, and Cheryl A. Reynolds, property located at 12, 6a & 6b West View Drive, Plat 105, Lots 674 & 675.
- Requirements met-staff level action, Board correspondence only
 - **Motion** to receive correspondence by Ms. Owen, seconded by Mr. Weber. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

3. Continuances

I. Continuances-Old Business

Item 4A. 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.

- Request by applicant to continue to April 11, 2018 meeting, pending TRC review and RIDEM approval. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

Item 4B. 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.

- Peter Horvath; Riverview Ave-3/8/18 Letter: Requests deficiency findings. **Motion** to receive correspondence by Mr. Weber, seconded by Ms. Owen. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**
- Request by applicant to continue to April 11, 2018 meeting to revise plans, per TRC review. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Mrs. Flynn, seconded by Ms. Owen. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

Item 4E. 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

- Request by applicant to continue to April 11, 2018 meeting, pending RIDEM approval. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

Item 4F. 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.

- Request by applicant to continue to April 11, 2018 meeting, pending RIDEM approval. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Ms. Owen, seconded by Mr. Weber. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

Item 4G. 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.

- Request by applicant to continue to April 11, 2018 meeting, pending TRC review and state permits. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Ms. Owen, seconded by Mr. Weber. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

II. Continuances-New Business

Item 5A. Application of Jerry Kirby, 24 Wolcott Ave Subdivision – Request for preliminary plan approval for a 2-lot subdivision of land located at 24 Wolcott Ave., Plat 121nw, Lot 4.

- Request by applicant to continue to April 11, 2018 meeting, pending completion of revised stormwater management plans. **Motion** to continue the matter to April 11, 2018 Planning Board meeting by Mr. Weber, seconded by Ms. Owen. **Vote: 5-0-0, Ms. Drayton had yet to arrive.**

Ms. Drayton arrived ~6:15pm

Item 5B. Discussion of potential amendments to the Zoning Ordinance and the Rules and Regulations Regarding the Subdivision and Development of Land relative to conservation development.

- Request for Chairman to be present for the discussion. **Motion** by Mrs. Flynn, seconded by Ms. Owen, to continue the matter to the April 11, 2018 Planning Board meeting. **Vote: 6-0-0**

4. Old Business

A. Moved to Item #3. Continuances

B. Moved to Item #3. Continuances

C. 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.

- Applicant attorney, Robert M. Silva, reviewed plans:
 - a) introduced Lynn Small, Engineer
 - b) town drainage easement part of proposed Parcel 1 developable land, per Town Solicitor and Building/Zoning Official, since drainage not tied to drainage facility or public utility
 - c) zoning relief needed: Parcel 2-no street frontage; Parcel 1-20,843sq' (includes 2,000sq' easement area) is less than 30,000sq' required
 - d) no extra curb cut; driveway services both lots/access easement
- Mr. Weber, Ms. Drayton: drainage, scenic easement and frontage concerns:
 - a) Mr. Regan: Town Engineer researching drainage easement status
 - o Mr. Silva: no evidence it's recorded; client will sign any documents
 - b) current drainage age, rudimentary design, relation to system proposed
 - o Mr. Regan: new property owner not permitted tie-in to current drainage system; regulations require all development drainage created be handled by, and on, development site
 - c) development triggers full review and zoning board oversight
 - d) town cannot enforce scenic easement; legally no building to the south between neighbors.
- Ms. Flynn: stormwater system and maintenance
 - a) Lynn Small: rain garden or underground system design determined after soil erosion plan, house design.
- **Motion** to grant Preliminary Plan approval subject to the following conditions by Mr. Weber, seconded by Mrs. Owen:
 1. The applicant must be granted the necessary zoning relief from the Zoning Board of Review prior to Planning Board consideration for Final Plan 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. Prior to recording of the plan, the utility, access, and drainage easements must be reviewed and approved by the Town Solicitor and recorded in the land evidence records.
 3. The new development lot (Parcel 1) will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the subdivision plan prior to Final Plan consideration.
- Mrs. Flynn: application not consistent with Middletown Comprehensive Plan's development density, neighborhood impact and potential coastal environment impact.
- Mr. Williams concerns: stormwater runoff, increased neighborhood density
- **Vote: 3-3-0 Mr. Williams, Mrs. Flynn, and Ms. Drayton opposing. Motion fails.**

D. Application of 2nd Street Construction, LLC for combined Preliminary & Final 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.

- Applicant attorney, Robert M. Silva:
 - a) Introduced John Braga, Engineer
 - b) reviewed history: site, plan
 - c) remove buildings; keep 2 lots
 - d) conservation development, not conservation subdivision
 - Discussion:
 - a) no parking allowed on town, navy roads
 - b) access easements: from driveway to units 5 & 6; to shared open space
 - c) Tree Commission can review landscaping plan, not approve application
 - o reconsider combined preliminary and final plan vote request
 - Applicant engineer, John Braga review: lot line configuration to meet zoning regulations, storm water drainage design
 - Sean Bouchard, Mr. Silva's office: property owners responsibility: open space, easements and storm water/rain garden-underdrain system maintenance; property plan: rental units, not homeowners association condominiums.
 - Mr. Wolanski: Newport provided letter confirming public water availability, subject to approval of connection details
 - Mr. Bouchard: future access/maintenance easements preserved with legal documents allowing property owners to place lien on properties not complying with agreement requirements.
 - Ms. Flynn: landscape plan shows existing trees in open space access easement, may impede access.
 - **Motion** to grant Preliminary Plan approval, subject to the following conditions by Mrs. Flynn, seconded by Ms. Owen:
 1. Prior to recording of the Final Plan, the Director of Public Works must review and approve of the necessary pavement restoration plan with regards to installing sewer lines.
 2. Prior to recording of the Final Plan, the drainage plans must be reviewed and approved by the Town Engineer.
 3. The new development on Lot 516 (Units 2,3, and 4) will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the conservation development plan prior to Final Plan recording.
 4. The new development on Lot 6A (Unit 6) will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the conservation development plan prior to Final Plan recording.
 5. Prior to recording of the Final Plan, all legal documents must be reviewed and approved by the Town Solicitor.
 6. Prior to recording of the Final Plan, the Administrative Subdivision for Plat 106, Lots 6A and 516 must be approved and recorded.
 7. Prior to Final Plan approval, the landscaping plan shall be forwarded to the Middletown Tree Commission for review and comment.
 - Mrs. Flynn: great effort for 6 units desired; 3 duplexes in single-family home neighborhood questionable, but supports good design, zoning met.
- Vote: 6-0-0**

E. Moved to Item #3. Continuances

F. Moved to Item #3. Continuances

G. Moved to Item #3. Continuances

H. 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.

- Board members received revised draft just prior to the meeting
 - a) Mr. Regan: review; send comments to Planning Office

- **Motion** to continue to April 11, 2018 Planning Board meeting by Ms. Owen, seconded by Mr. Weber.
- **Vote: 6-0-0.**

5. New Business

- A. Moved to Item #3. Continuances
- B. Moved to Item #3. Continuances
- C. Discussion of scheduling public workshop to explain subdivision and development plan review processes.
 - Board, by consensus: Mr. Wolanski to poll public workshop date.
- D. Review and provide recommendation to the Town Council on the proposed FY2019-2023 Capital Improvement Program (CIP).
 - Mr. Wolanski: CIP part of annual town budget process, Board's role-review projects for Comp Plan consistency
 - Mrs. Flynn: "01-None" on "Plan Compliance" field indicates Dept Head did not assess compliance vs. project does not comply
 - Mr. Wolanski: reviewed CIP projects - no concerns with Comp Plan consistency; Board motion options: find CIP project list 1.is consistent with Comp Plan OR 2.not inconsistent with Comp Plan
 - Discussion:
 - a) some projects do not fit in Comp Plan by description, but do meet a Comp Plan goal
 - b) Defer to Planner; "not inconsistent" inspires doubt
 - **Motion** to find the CIP consistent with the Middletown Comprehensive Plan by Mr. Weber, seconded by Ms. Drayton.
 - **Vote: 6-0-0.**
- E. Discuss required training for Planning Board members on flood plain development and effects of sea-level rise.
 - Mr. Wolanski: new state law requirement: Planning Board members require two hours training/sea level rise and development in flood plains by 9/30/19

6. Updates

- A. Comprehensive Plan Implementation items
 - 1. Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments
 - Discussion:
 - map clarifications; listed properties actively business, zoned business; no future use intended other than business
 - challenges: extra meetings already scheduled, four Comprehensive Plan amendments per year limit
 - public notices in laypersons terms: no zoning changes; simplify accomplishing multiple corrections
 - Board, by consensus: await additional amendments before scheduling public hearing.
 - Mr. Weber: Planning Board should plan, not react
 - Conventional Subdivision design default, with Conservation Plan Option
 - Mr. Regan: revising ordinance regulations; added flexibility another discussion
 - town address east side's lack of public water: quantity, quality, fire safety
 - developer incentives for cisterns, residential fire sprinklers
 - developments relying on ground water; action plan for well, septic failures

- Wastewater Management District needed: ensure septic systems' maintenance, access low cost loans.

2. Agricultural Business Overlay/ Mr. Wolanski

- 3/26/18 "Agricultural and Farm Related Businesses" public workshop w/ GrowSmart RI; mailer to farm owners, Open Space program participants
- Ms. Owen: invite Aquidneck Land Trust/looking for farm land leases
- will ask Scott Miller results of like ordinances in other areas

B. Update on activities of the Aquidneck Island Planning Commission

- No update

C. Update on BRAC Navy Surplus Land reuse planning process

- Mr. Regan: shoreline park land transfer expected in September 2019

D. Committee reports

- Use Table Subcommittee/Mr. Nash, Chairman: No update
- Tree Commission/Ms. Owen: Kempenaar awarded to plant 100+ mostly ornamental trees Middletown Valley Park (previously Kempenaar family's)
- Open Space and Fields Committee/Mr. Nash: no meeting, lack of quorum
 - stone wall inquiries: town staff, Historical Society group
- Conservation Commission/Ms. Flynn: Aquidneck Ave/East Main and West Main Storage/St. Lucy's continued at applicants' request, awaiting DEM.

Motion to adjourn by Ms. Owen, seconded by Mr. Williams
Vote 6-0-0

Meeting adjourned at ~7:50pm

Respectfully submitted:

Terri Flynn

Planning Board Secretary