



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

April 11, 2018

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

Board members present:

Paul Croce, Chair

Bill Nash, Vice Chairman

Terri Flynn, Secretary

B.J. Owen

Art Weber

Jim Williams

Liz Drayton

Ron Wolanski, Town Planner

Chris McNally, Assistant Town Solicitor

Paul Croce called the meeting to order at 6:00pm (recording: <https://vimeo.com/264472466>)

1. Approval of Meeting Minutes

- Secretary: add recording link, Motion to adjourn/vote to 3/14, 3/26
- A. Motion:** approve 3/14/18 minutes with friendly amendments by Mr. Nash, seconded by Mr. Weber. **Vote: 6-0-1** Mr. Croce abstain (absent)
- B. Motion:** approve 3/5/18 minutes by Mr. Weber, seconded by Ms. Owen. **Vote: 7-0-0**
- C. Motion:** approve 3/26/18 minutes by Ms. Owen, seconded by Mr. Weber
Motion: check Arleen Kaull's name, accept friendly amendments by Ms. Owen, seconded by Ms. Drayton. **Vote: 7-0-0**

2. Correspondence

- A.** Town Planner-3/9/18 memo: Administrative Subdivision approval–East Island Reserve, LLC, property located at 985 East Main Rd., Plat 118, Lots 20 & 21
- B.** Nancy Howard, Portsmouth-4/3/18 email: Jamestown Farm Winery Denial
- C.** Thomas and Leslie Lyons-4/10/18 email: 308 Chases Lane concerns/notification, appropriateness, traffic, conservation, character
- D.** Marge Smith; 278 Chases Lane-4/10/18 email: 308 Chases Lane concerns/density, safety, notification
- E.** Town Planner transmission-308 Chases Lane: Marie Romanus' appeal to Zoning Board (Chair: while under appeal, Board takes no further action)

Motion: accept all correspondence by Mr. Nash, seconded by Ms. Drayton

- 1) Mr. Weber: objects to Portsmouth resident's correspondence; her business in Portsmouth
- 2) **Vote 7-0-0**

3. Continuances

- Mr. Thomas Silveira; 1195 Wapping Road: requests 2-month Peckham Lane continuance so applicant can prepare
 - 1) Extended TRC; Board decision past due-continue only at applicant's request
- Ms. Theresa Spengler; Peckham Lane: continuance process/timeframe inquiries
 - 1) Ms. Lavoie:
 - a. New applications: on agenda if certified complete 3 weeks before meeting
 - b. Existing applications: accept material up to one week before Board meeting; Board's discretion to accept materials after deadline
 - c. Request continuances any time
 - 2) Special workshop on Subdivision process May 15, 2018
 - 3) Recommend: can send/email comments; on meeting day call Office for continuances
 - 4) Staff: possibly put definite continuances online
- Mr. Scott Mcleish; 4 Chestnut Hill Road: confirmed Item #5A continued

I. Continuances/Old Business

- Item 4A.** 535 Tuckerman Ave Reconsideration
- Item 4B.** Prospect Avenue Subdivision Public Hearing/Preliminary, Final Plan approval
Condition: re-notify abutters
- Item 4C.** Peckham Lane Subdivision Public Informational Meeting/Master Plan approval
- Item 4D.** 308 Chases Lane Final Plan approval
- Item 4E.** West Main Storage/St. Lucy's Public Hearing/DPR
- Item 4F.** West Main Storage/St. Lucy's Zoning Board advisory opinion request
- Item 4G.** Purgatory/Wave Ave Hotel Public Hearing/DPR
- Item 4H.** 24 Wolcott Ave Subdivision Preliminary Plan approval
Condition: refer Town's Consulting Engineer for review

II. Continuances/New Business

- Item 5A.** 47 Valley Road Restaurant Public Hearing/DPR
- Motion:** continue all items with specified conditions to 5/9/18 meeting by Mr. Weber, seconded by Ms. Owen. **Vote: 7-0-0**

4. Old Business

A through H Moved to Item #3. Continuances

- I. 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.
 - 1) **Motion:** forward Solicitor's 4-11-18 draft to the Town Council by Ms. Owen, seconded by Mr. Nash
 - 2) Discussion:
 - a. In "Manufacturing" - rubble is new product
 - b. If retail sales not currently allowed in LI zones, SUP allows
 - c. Sunday Mulch sales allowed
 - d. "Including" vs "which may include:" SUP allows denying inappropriate outdoor storage
 - e. Outdoor storage (vs. bulk storage) allowed GB, LB by right
 - i. "miscellaneous special trade contractors" examples

- ii. “outdoor storage” not defined; could yield unwanted result (Zoning Officer determine? Board re-visit?)
 - iii. Amendments an improvement: address appropriate locations
 - iv. Use Table Subcommittee address further concerns
 - 3) Gravel Processing paragraph, page 2
 - a. Deletions: “the” following “any;” “primary” following “utilizes”
 - b. 10 cubic yards measure for businesses subject to ordinance; enforcement of quantity difficult, frequency easier
 - c. Section 2730 compliance addresses concerns
 - d. keep 6’ high min screening: high cost, plant risk; plants will grow
 - e. smaller scale operations’ bulk storage, per 1/22/18 workshop
 - 4) **Accept** edits in Motion: page 2/delete: “the,” “primary.” **Vote 7-0-0**
- J. Discussion of potential amendments to the Zoning Ordinance and the Rules and Regulations Regarding the Subdivision and Development of Land relative to conservation development
 - 1) Current conservation development regulation, background
 - 2) Considerations: require every applicant notify abutters; use certified mail
 - 3) Conservation development issues:
 - a. density
 - b. community septic systems function, lifespan, responsibilities
 - c. Open space conservation long term
 - 4) DEM, TRC have supported community septic
 - 5) Mr. McNally:
 - a. conservation easements to Town preserve/protect open space
 - b. pros/cons to community septic; single regulated efficient system maintained by subdivision less to monitor/enforce (one, not many)
 - 6) Ms. Flynn: RIDEM permits: system meets state minimum standards, disclaimer/no guarantee system works
 - 7) Mr. Croce:
 - a. discuss perceived conservation development density at workshop
 - b. discuss further/Board study group after workshop
 - c. Consider all options: easement protecting water body surrounded by conventional development
- K. Review and discussion of draft scope of work for study of impacts of east side development.
 - 1) Scope:
 - a. Town Council: east, west sides
 - b. Crossman Engineering 4-part proposal (\$80K-\$145K)
 - 2) Planner submitted \$100K budget line item; got removed from budget
 - 3) Board may request funding reinstatement
 - 4) Mr. Weber: as responsible citizens, as Board - address water now:
 - a. DEM recommending Portsmouth Wastewater Management Plan (WMP): mandatory inspections, low cost loans
 - b. If aquifer dries, inhabitable houses; fire threat real: require developers install cisterns
 - c. Middletown has WMP; Administrator supports, Council does not
 - 5) Mr. Nash:
 - a. realistically, town leaders may support concept, but not cost
 - b. no cost for Board to discuss
 - c. Prefers residential sprinklers over Cisterns
 - 6) Mr. Croce: no solution if don’t know problem; study helps whole town

- 7) **Motion:** ask Budget Subcommittee reinstate \$50K for Proposal Parts A, C and D made by Ms. Flynn, seconded by Mr. Weber.
 - a. Chair attend Budget Subcommittee Workshop
 - b. Town's options if denied; obvious issues-need answers
 - c. edit: "at least" \$50K
 - d. 4 Proposal Part titles read aloud
- 8) Mr. Croce correction: intended Proposal parts A, B and D; \$65,000
 - a. Current water quality studies (Item C) by AIPC, others
 - b. Must do A; original request for traffic, water capacity
- 9) Request full study, lowest price range; let Council decide
- 10) **Motion:** request Town Council reinstate \$80,000 for Water Magnitude Study by Mr. Nash, seconded by Ms. Owen. **Vote 7-0-0**
- 11) **Motion:** request Town Council reconsider current Wastewater Management Plan by Mr. Weber, seconded by Mr. Nash. **Vote 7-0-0**

L. Review and recommendation to the Town Council on proposed amendments to the Middletown Zoning Ordinance, Sections 602, 703, 722, and Article 4, regarding accessory agricultural businesses.

- 1) **Motion:** forward amended recommendation version received 4/11/18 to the Town Council by Mr. Nash, seconded by Ms. Owen
 - a. Abutter notification review
 - b. Mrs. Flynn: welcomes input/avoids mistakes; addressed Ms. Howard's submissions:
 - i. uses must remain secondary to principal farm use
 - ii. assure Middletown not exposed to Jamestown-like lawsuit

2) **Vote 7-0-0**

5. New Business

- A. Moved to Item #3. Continuances
- B. Application by David Jordan for Final Plan approval for a proposed 2-lot subdivision of property located at 493 Green End Avenue, further identified as Plat 114, Lot 185.
 - 1) **Motion:** open public hearing by Ms. Owen, seconded by Ms. Drayton. **Vote 7-0-0**
 - 2) Mr. Sean Bouchard, attorney for applicant project review: Planning Board approved; Zoning Board frontage relief, easements to rear lot recorded; once Final Approval: Quit Claim Deed, driveway
 - 3) Existing driveway, 1 new curb cut, easements
 - 4) **Motion:** close public hearing by Mr. Nash, seconded by Ms. Owen. **Vote 7-0-0**
 - 5) **Motion:** provide Final Plan approval subject to condition: prior to recording Final Plan, utility and access easements be reviewed and approved by Town Solicitor; applicant has met findings in 4/4/18 memo, made by Mr. Nash, seconded by Mr. Weber. **Vote 7-0-0**
- C. Consideration of potential revision of the recommendation to the Town Council regarding proposed amendments to Zoning Ordinance section 603 - dimensional requirements for limited business (LB) districts.
 - 1) Not discussed and withdrawn.
- D. Review of proposed agenda for the April 30th public workshop regarding potential roadway and other improvements in the Atlantic Beach District (lower Aquidneck Ave.)
 - 1) Facilitators: Planning Staff, VHB

- 2) DOT not attending, work discussed
- 3) Postcard sent 4/11/18, 800 abutters
- 4) Meeting length appropriate

6. Updates

A. Comprehensive Plan Implementation items

- 1) Comprehensive Plan Implementation items- Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments
 - a. All proposed FLUP Comp Plan (not Zoning) changes: Town Council/1 package
 - b. Mrs. Flynn: homes exist on lots proposed LB
 - c. Property list: known issues removed; maps prepared from charts
 - d. Review/propose changes 6/25/18 4pm public hearing
- 2) Agricultural Business Overlay
 - a. Done in Item #4L above
- 3) Comprehensive Plan Implementation items – priorities for remaining items
 - a. Mr. Wolanski to prepare: Limit Light Pollution, Promote Transportation Options, Airport Zoning proposals
 - b. Staff to update Historic Buildings List
 - c. Preservation of Historic Buildings, Promoting Low Impact Smart Growth, and Rural Village District will be dealt with by Planning Board subcommittees
 - i. Ms. Owen-Chair Preservation Historic Buildings
 - ii. Form 1 subcommittee at a time: Ms. Drayton-Chair Rural Village District with members Mr. Weber and Ms. Owen
- 4) Mr. Weber: Mixed Use ordinance at 2nd reading; property behind Saccucci's

B. Update on activities of the Aquidneck Island Planning Commission

- 1) No update

C. Update on BRAC Navy Surplus Land reuse planning process

- 1) No update

D. Committee reports

- 1) Use Table Subcommittee/Mr. Nash, Chair/good progress/next meeting TBD
- 2) Tree Commission/Ms. Owen, Liaison
 - a. \$50 tree voucher for Middletown residents
 - b. 100+ trees Valley planting
- 3) Open Space and Fields Committee/ Mr. Nash, Liaison/no meeting-weather
- 4) Conservation Commission/Ms. Flynn, Liaison
 - a. Patriot Petroleum: more, updated information needed; coordinate site visit with Planning Board
 - b. West Main Storage/St. Lucy's: 2-2 vote, motion failed to support development; benign use/ Bailey's Brook Z1
 - c. Awaiting East Side Study updates

Motion to adjourn by Ms. Owen seconded by Mr. Williams. **Vote 7-0-0**

Meeting adjourned at ~8:00pm

Respectfully submitted: Terri Flynn
Planning Board Secretary