

# Town of Middletown

## Planning Department



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

### PLANNING BOARD MONTHLY MEETING MINUTES August 8, 2018

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

#### Board members present:

Paul Croce, Chair  
Bill Nash, Vice Chair  
B.J. Owen  
Art Weber  
Jim Williams

Ron Wolanski, Town Planner  
Peter Regan, Town Solicitor

#### Members absent:

Liz Drayton  
Terri Flynn

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

#### 1. Meeting Minutes

- A. Motion by Mr. Nash, seconded by Mr. Williams to approve the minutes of the July 11, 2018 regular Planning Board meeting. Vote: 5-0-0

#### 2. Correspondence

- A. Motion by Mr. Nash, seconded by Mr. Weber to receive email communication from Audrey Macleod Pfeiffer of 442 Third Beach Rd., dated August 5, 2018 regarding hotel development on Wave Ave. Vote: 5-0-0

#### 3. Continuances

##### I. Continuances/Old Business

**4.A. Reconsideration** – Reconsideration of the Planning Board vote on the 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.

At the request of the applicant, motion by Mr. Weber, seconded by Ms. Owen to continue the matter to the September 12, 2018 6pm regular Planning Board meeting. Vote: 5-0-0.

**4.B. 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.

Mr. Williams recused himself from this matter. With the agreement of the applicant, motion by Mr. Nash, seconded by Mr. Weber to continue the matter to a special Planning Board meeting scheduled for September 26, 2018, 6pm. Vote: 4-0-0

**4.C. 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

At the request of the applicant, motion by Mr. Weber, seconded by Ms. Owen to continue the matter to the September 12, 2018 6pm regular Planning Board meeting. Vote: 5-0-0

**4.E. Public Hearing** – Application of Atlantic Beach Suites II, LLC, 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 23-room hotel to be located at 42-44 & 56 Wave Ave., Plat 116NW, Lots 4,5 & 6.

**4.F.** Request of the Zoning Board of Review for an advisory opinion on a petition by Atlantic Beach Suites II, LLC for a Special Use Permit pursuant to section 602 & Articles 11 & 14 of the zoning ordinance for a proposed 23-room hotel the limited business (LB) zoning district and in the Watershed Protection District, Zone 1. The property is located at 42-44 & 56 Wave Ave., Plat 116NW, Lots 4,5 & 6.

Atlantic Beach Suites (4.E & 4.F): At the request of the applicant, motion by Mr. Nash, seconded by Mr. Weber to continue both items to the September 12, 2018 6pm regular Planning Board meeting. Vote: 5-0-0.

**5.A. Public Hearing** - Request for recommendation to the Zoning Board of Review – Application of Benzine Development, 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 gas station with a convenience store, restaurant with drive-thru window, and a car wash to be located in the Limited Business – Traffic Sensitive (LBA) zoning district, and Zone 1 of the Watershed Protection District, on property identified as 533 East Main Rd. and 1225 Aquidneck Ave., Assessor's Plat 113, Lots 190, 191, 192, 193, 195 & 197.

With the approval of the applicant, motion by Mr. Weber, seconded by Ms. Owen to continue the matter to the September 12, 2018 6pm regular Planning Board meeting. Vote: 5-0-0.

#### 4. Old Business

- D. Application by Christopher Tunnah 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 restaurant to be located on land owned by 47 Valley Road, LLC, at 47 Valley Rd., Plat 107SE, Lot 88.
- a. Mr. Regan recused himself from participating in this matter.
  - b. Mr. Croce stated that the public hearing on this matter was held during the June meeting, and was closed at that time. Additional public input will be possible during the public heard to be held by the Zoning Board of Review.
  - c. The applicant was represented by attorney Russ Jackson and engineer Lyn Small. Mr. Jackson stated that since the June Planning Board meeting the plan has been revised to provide a two-way driveway from Valley Rd. as requested by the board. A traffic study was also completed. At the request of the TRC modifications to the storm water management plan were made. The TRC completed its review and provided a positive recommendation.
  - d. Ms. Small reviewed the changes to the plan, including the driveway and stormwater plan. Mr. Croce asked if a second access to the Valley Rd. and closing the access form Chestnut Hill Rd. had been considered. Ms. Small stated that it had not due the need to not disrupt the other business located on the property. Mr. Jackson stated that adding the second driveway would be a significant undertaking and would require approval of the owner of the other land unit. He suggested that signage could be added to the site to direct restaurant patrons to use the Valley Rd. driveway.
  - e. Paul Bannon of BETA Group review the traffic study that he had prepared. He stated that project would not cause a significant adverse impact. Regarding the idea of a second driveway to Valley Rd. he stated that RIDOT prefers to limit curb cuts to state roads and would likely not support a second access. Responding to a question he stated that existing traffic turning left on to Chestnut Hill Rd. form the site is limited.
  - f. In response to a question form Mr. Nash, Mr. Bannon described the technical standards used in conducting traffic studies. He stated that his staff observed

traffic during the peak mid-day and afternoon time periods. Mr. Williams asked why there were no observations in the evening, when the restaurant would likely be busy. Mr. Bannon relied that the impact on areas would less at that time due to lower overall traffic volumes.

- g. Ms. Owen asked about dark-sky compliant lighting. Mr. Jackson confirmed that his client would comply with town requirements as a condition of approval.
- h. Mr. Weber stated that he is concerned about the waiver request regarding the required buffer along the southerly property line. Ms. Small stated that the reduced buffer was necessitated by the two-way driveway requested by the board. This was discussed during the June Planning Board meeting.
- i. Mr. Nash asked of the proposed building could be shited to the north to allow for the required buffer. Ms. Small stated that there is not enough area to do this meet other requirements.
- j. Mr. Weber again stated his concern over the waiver requests.
- k. Motion by Mr. Nash, seconded by Ms. Owen to make the required findings, to grant the four request waivers and to forward a positive recommendation to the Zoning Board of Review subject to the following five conditions:
  - i. Prior to the issuance of building permits, the final storm water management plan and calculations must be reviewed and approved by the Town Engineer, and shall include the addition of a drainage pipe within the unpaved shoulder of Chestnut Hill Rd. to capture and transmit runoff from the detention pond to the existing catch basin at Brookdale Rd.
  - ii. Exterior lighting shall meet the town's dark-sky compliance requirement per section 521.1-D.1 of the Middletown Rules and Regulations regarding the Subdivision and Development of Land.
  - iii. Proposed trees shall meet the requirements of section 521.3 – F.2. of the Middletown Rules and Regulations regarding the Subdivision and Development of Land.
  - iv. Prior to relocation of any existing street trees the applicant must seek and be granted approval by the Middletown Tree Commission.
  - v. Signage shall be installed on the subject property to encourage restaurant patrons to use the driveway access to Valley Rd.
- l. Vote: 2-3-0, with Mr. Weber, Ms. Owen, and Mr. Williams voting in opposition. Motion failed.

**G. Public Hearing** - Application of Turner Road Realty Trust, LLC for Final Plan approval including the creation of a new road and request for waivers from certain provisions of the subdivision and land development regulations, for a proposed 3-lot subdivision of land located at 305 Turner Rd., Plat 113, Lot 227.

- a. The public hearing was opened.
- b. The applicant was represented by attorney David Martland, who stated that since the July Planning Board meeting his client at an abutter have reach agreement, and that a condition should be placed on the subdivision approval that states they will share the cost of installing a fence along the property line, and that a certain tree, number 16 as identified on the survey plan, will be retained on the property when it is developed.
- c. Mr. Croce noted that the subject property is zoned residential, and once subdivided the nonconforming business use will be discontinued. Providing screening between two residential lots is not required in this situation. Mr. Martland agreed, but stated that his client wished to address the abutters concerns.
- d. The public hearing was closed.
- e. Motion by Mr. Weber, seconded by Ms. Owen to make the required findings and grant Final Plan approval subject to the following four conditions of approval:
  - i. Prior to recording of the Final Plan, in order to satisfy zoning dimensional requirements for the front yard building setback, a portion of the existing commercial building on Parcel B must be demolished as depicted on the plan.
  - ii. Prior to recording of the Final Plan, the proposed extension of the sewer main in Turner Road, necessary to serve the new building lots, must be completed, or

performance security must be provided in accordance with Article 7 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.

- iii. Prior to recording of the Final Plan, the existing nonconforming business use of the subject property must be discontinued.
- iv. The applicant and owner of property at 25 Ward Ave. will share the cost of installing a fence along the property line, and that a certain tree, number 16 as identified on the applicant's survey plan, will be retained on the subject property when it is developed.

Vote: 5-0-0.

**H. Public Hearing** - Request by McDonald's Real Estate Company for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 for renovation of the existing McDonald's restaurant located at 1425 West Main Road, Plat 112 Lot 1.

- a. The applicant was represented by Brandon Barry of Bohler Engineering, who discussed the landscaping plan that was submitted. It includes the addition of vegetative screen at the northeast corner of the property the address comments made by an abutter during the July Planning Board meeting. Additional planting were also added at the front of the building.
- b. Mr. Croce referenced comments provided by the Tree Commission questioning if any trees have or will be removed for the site. Mr. Barry stated that no trees are proposed to be removed.
- c. Motion by Mr. Weber, seconded by Mr. Nash to close the public hearing.  
Vote 5-0-0
- d. Motion by Mr. Weber, seconded by Mr. Nash to grant the requested waivers:
- e. Vote: 5-0-0

## 5. New Business

**B.** Request of the Zoning Board of review for an advisory opinion a petition of Catherine Anderson for a Special Use Permit pursuant to sections 602 & 803(A) and Article 11 of the zoning ordinance for a proposed ground-mounted solar array of 1,820 sq.ft. as an accessory use located in Zone 1 of the Watershed Protection District, to be located on property identified as 970 Green End Ave., Plat 120, Lot 72.

- a. The applicant was present with a representative of the company that will install the solar panels. He described the solar array and the process of installation, which minimizes land disturbance. Regarding the location of the array in Zone 1 of the watershed protection district, due to trees located on the property, the selected provided the conditions to maximize energy production, which will make the project eligible for grant funding.
- b. Mr. Weber asked about storm water management. Mr. Wolanski stated that a recommended condition requires compliance with the town's storm water management ordinance.
- c. There was discussion of the recommended condition prohibiting use of lawn chemicals in Zone 1 and its enforceability. Mr. Wolanski agreed that enforcement is difficult, but adding the condition educates and puts the owner on notice that the town is concerned about water quality.
- d. Motion by Mr. Weber, seconded by Ms. Owen to forward a positive recommendation to the Zoning Board of review with two conditions of approval:
  - i. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.

- ii. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited within Watershed Protection District, Zone 1.

Vote: 5-0-0.

**C. Public Hearing** - Request by Wendy's Properties, LLC for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521, for renovation of the existing Wendy's restaurant located at 62 Valley Road, Plat 113 Lot 19.

- a. The public hearing was opened.
- b. Mr. Croce noted that the application is for consideration of waivers only, and not full development plan review.
- c. The applicant was represented by Anthony Donato of Bohler Engineering, architect, and project manager from Wendy's corporate.
- d. The architect described the proposed façade modifications intended to bring the building into conformance with current Wendy's design standards.
- e. Mr. Weber, Mr. Croce, and Mr. Nash stated that the building should reflect the town's desire for New England style architecture.
- f. The applicant provided an alternate design that incorporated Hardie plank siding rather than the corrugated metal used in the initial design. Otherwise Wendy's desires to retain the proposed updated design.
- g. Planning Board members indicated that this option did not go far enough toward the town's standards. The applicant was advised to consider revising the plan and to review other buildings recently approved in town and other Wendy's stores constructed elsewhere.
- h. At the request of the applicant, motion by Mr. Nash, seconded by Mr. Weber, to continue the matter to the September 12, 2018, 6pm Planning Board meeting. Vote: 5-0-0

**6. Updates**

- a. Comprehensive Plan Implementation items
  - i. Future Land Use Plan & Zoning Map consistency – Potential Comprehensive Plan, Future Land Use Plan amendments/Mr. Wolanski
    - 1. Group 3 proposed FLUP amendments Sep/Oct
  - ii. Rural Village District/Mr. Weber
    - 1. Purpose: residential parcels used commercially; explore by-right accommodation
    - 2. Property owners' discussion: 7/18/2018. To be revisited this Fall.
  - iii. Historic Buildings Subcommittee/Ms. Owen, Chair
    - 1. Meeting on August 2<sup>nd</sup>. Discussion of how to proceed. Additional meeting to be scheduled.
- b. Update on BRAC Navy Surplus Land reuse planning process/Mr. Wolanski
  - i. Green Lane Park/Fishing Pier: Land release expected October 2019
- c. Committee Reports
  - i. Use Table Subcommittee/Mr. Nash, Chair: Limited Business 3/4 complete
  - ii. Tree Commission/Ms. Owen, Liaison
  - iii. Wave Ave building – trees missing, inquiry passed onto Building Official
  - iv. Open Space and Fields Committee/Mr. Nash, Liaison: No meeting.
  - v. Conservation Commission/No Report.
- d. Upcoming meetings
  - i. August 20, 2018, 6pm – Joint meeting with the Town Council regarding Atlantic Beach TIF District.g
  - ii. August 27, 2018, 4pm – Special meeting, Discussion of possible revisions to regulations regarding conservation subdivision/development.
  - iii. September 12, 2018, 6pm – Regular monthly Planning Board meeting.
  - iv. September 26, 2018, 6pm – Special meeting, Peckham Lane Subdivision (Napolitano), Master Plan Public Informational Meeting.

**Motion** to adjourn by Mr. Nash, Mr. Weber-second **Vote: 5-0-0**

*Meeting adjourned at ~7:45pm*

Respectfully submitted:

DRAFT