



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**May 12, 2021**

In accordance with Executive Order 20-46 this meeting was conducted as a web and telephone conference.

**Board members present:**

Paul Croce, Chair  
Bill Nash, Vice Chair  
Michael Fenton, Secretary  
Art Weber  
John Ciummo  
Joe Pierik

Ron Wolanski, Town Planner  
Rita Lavoie, Principal Planner  
Chris McNally, Assistant Town Solicitor  
Marissa Desautel, Conflict Town Solicitor

Members absent:  
B.J. Owen

*Mr. Croce called the meeting to order at 6:00pm and called roll*

#### 1. Election of Officers

- A. Chair: Mr. Weber nominated Mr. Croce, seconded by Mr. Nash
- B. **Vote: 5-0-1** with Mr. Croce abstaining
- C. Vice Chair: Mr. Ciummo nominated Mr. Nash, seconded by Mr. Weber
- D. **Vote: 5-0-1** with Mr. Nash abstaining
- E. Secretary: Mr. Weber nominated Mr. Fenton, seconded by Mr. Pierik
- F. **Vote: 5-0-1** with Mr. Fenton abstaining

#### 2. Approval of the minutes of the April 14, 2021 regular meeting, and special meetings of April 7, 2021, April 12, 2021 and April 28, 2021

- A. **Motion** to approve minutes of April 14<sup>th</sup> by Mr. Nash, seconded by Mr. Weber
- B. **Vote: 6-0-0**
- C. **Motion** to approve minutes of April 7<sup>th</sup> by Mr. Nash, seconded by Mr. Weber
- D. **Vote: 6-0-0**
- E. **Motion** to approve minutes of April 12<sup>th</sup> by Mr. Nash, seconded by Mr. Weber
- F. **Vote: 6-0-0**
- G. **Motion** to approve minutes of April 28<sup>th</sup> by Mr. Nash, seconded by Mr. Weber

- H. Mr. Fenton: add prioritized list request of Ms. Santos
- I. **Motion amended** to include addition of Ms. Santos' request
- J. **Vote: 6-0-0**

### 3. Correspondence

- A. Letter from Dennis Dougherty dated April 19, 2021 regarding the Airport Zoning Overlay District
  - 1. **Motion** to receive by Mr. Nash, seconded by Mr. Ciummo
  - 2. Discussion: Explaining the overlay district to abutters, Town's website, staff able to answer questions, adding link to video recording of public meeting, using new Public Relations Officer to communicate
  - 3. **Vote: 6-0-0**
- B. Email from Wm F Horan dated April 21, 2021 regarding the Airport Zoning Overlay District
  - 1. **Motion** to receive by Mr. Nash, seconded by Mr. Weber
  - 2. **Vote: 6-0-0**
- C. Memo of the Town Planner dated April 23, 2021 regarding Administrative Subdivision approval for Leonid Smyshlyaev and Guzel Safina, 4 Concord Dr., Plat 114, Lots 55 & 56
  - 1. **Motion** to receive by Mr. Nash, seconded by Mr. Weber
  - 2. **Vote: 6-0-0**

### 4. Continuances

- A. Request of the Zoning Board of Review for an advisory recommendation on the petition of Thomas & Ella Auchincloss for special use permit to allow an addition to an existing residential dwelling located in Zone 1 of the Watershed Protection District. Property located at 233 Third Beach Rd., Plat 125, Lot 149.
  - 1. **Motion** to continue to the June 9, 2021 meeting by Mr. Nash, seconded by Mr. Ciummo
  - 2. **Vote: 6-0-0**
  - 3. Mr. Croce offered a policy of not allowing continuances for more than 1 year and sending notice to applicants 3-month prior to the end of the 1- year time period.
  - 4. Discussion on statutory procedures, time limits on continuances not listed under regulations, removing from the agenda until the applicant is ready to move the item forward, solicitor to review and bring to the planning board at June meeting, re-application fees

### 5. Old Business

- A. **Public Hearing** – Application of Aquidneck Crossing, LLC for combined Master, Preliminary and Final Plan approval for a major land development project and Development Plan Review approval for a proposed mixed-use development including 12 residential units and 10,124 sq.ft. of office space contained in two existing buildings pursuant to Article 27A of the Middletown Zoning Ordinance.

Property is located at 438 East Main Rd., at the intersection of Forest Ave. and East Main Rd., Assessor's Plat 113, Lot 3.

1. **Motion** to open the public hearing by Mr. Nash, seconded by Mr. Weber
2. Mr. McNally recused himself, Ms. Desautel sat as conflict solicitor
3. **Vote:** 6-0-0
4. Mr. Chris Bicho, applicant, provided an overview of the proposed land development noting zoning change, mixed-use ordinance, converting the 12 office units back to residential use
5. Mr. Wolanski reviewed the request for combined master, preliminary, and final plan approval, development plan review necessary for mixed-use development, limited site plan review because there is no change to the site, planning board review to focus on standards and use under the mixed-use development, building permitting process
6. Members of the planning board asked about **previous** applicant's façade improvements, site improvements, affordable housing
7. Mr. Bicho explained the work already done to improve the building's structural integrity, no site improvements, second phase with 3 affordable units to come before the planning board at a later time
8. Mr. Pierik noted conservation commission approval
9. Mr. Croce asked about the land area and number of units allowed. Mr. Bicho talked about a density bonus allowed under the Mixed Use Ordinance and their intention to add an additional building at a later date with up to 12 housing units, This will require coming before the Planning Board with another application.
10. No members of the public wished to speak
11. The Town Planner said that the Technical Review Committee provided a favorable recommendation.
12. **Motion** to close the public hearing by Mr. Weber, seconded by Mr. Nash
13. **Vote:** 6-0-0
14. **Motion** to grant combine master, preliminary, final plan approval and development plan review subject to the required findings by Mr. Nash, seconded by Mr. Weber
15. **Vote:** 6-0-0
16. Mr. McNally returned, and Ms. Desautel left the meeting

## 6. New Business

- A. Request of the Newport County YMCA for discussion with the Planning Board regarding programming to serve the community's needs.
  1. Mr. Mike Miller of the YMCA asked for planning board feedback on community needs
  2. Members of the planning board offered comments: outside planning board purview, pickleball, public outreach methods

- B.** FY 2022-2026 – Capital Improvement Program (CIP) – Request for review regarding consistency with the Middletown Comprehensive Community Plan.
1. Discussion on scope of review of the CIP, limited to consistency with Comp Plan
  2. Mr. Croce asked about
    - Project no 181 2017-074, Will new equipment be screened?
    - Project no 181-2019-001, Chiller should be screened
    - Project no 1818 2021-001, 5 year plan should be in budget not capital program
    - Project no. 842 2021-001, cisterns on east side of Middletown, should look at financing public water, or sprinklers
    - TIP items, \$1 placeholder for funding from state
  3. Discussion on getting feedback on the progress, requiring screening of rooftop equipment as a comment, water for fire protection, extending waterlines
  4. **Motion** to find the CIP consistent with the comprehensive plan but to include a memo requesting screening of rooftop equipment and to reexamine cisterns by Mr. Nash, seconded by Mr. Ciummo
  5. **Vote:** 6-0-0
- C.** Town Council request that the Planning Board research adopting an ordinance requiring esplanade-style sidewalks.
1. Mr. Wolanski noted a resident asked the Town Council to put esplanade-style sidewalks into an ordinance, mirroring a resolution by the Town Council. Discussion on where in the town code to place such an ordinance. Already in the subdivision regulations.
  2. **Motion** to receive request by Mr. Nash, seconded by Mr. Ciummo
  3. Discussion: maintenance of grass strip, state roads not required to comply with local ordinance but would consider local ordinances,
  4. Request received by consensus
  5. Staff will prepare a draft and present a draft to the planning board
- D.** Town Council request that the Planning Board review parking space minimums and maximum for various uses in town and recommend Zoning Ordinance amendments as appropriate.
1. **Motion** to receive request by Mr. Ciummo, seconded by Mr. Nash
  2. Discussion; police department enforcement, zoning officer enforcement, out of date requirements
  3. **Vote:** 6-0-0
  4. Discussion: parking tied to the use table, conduct a comparison to other towns, current regulations not outside the norm, subcommittee review, two planning board members (Bill Nash and Joe Pierik) to work with town planner

- E.** Town Council request that the Planning Board consider additional revisions to the proposed new Zoning Ordinance Article 27B- Outdoor Lighting
1. Mr. Wolanski noted concerns at the Town Council meeting regarding limitations on large residential properties
  2. Discussion: not reasonable to regulate by zoning district, not impacting neighbors on large lots, ask staff to look into language changes and present to the planning board

## **7. Updates**

**A.** Status Report on Planning Board action items.

1. New format to show planning board items completed and prioritized
2. Discussion: planning board input on affordable housing, use table review may be allowed in person following state guidelines, application fees timeline

**B.** Update on BRAC Navy Surplus Land reuse planning process.

1. No update

**C.** Committee reports

1. Airport Overlay Zoning Subcommittee
  - Pending airport online “site visit”, public meeting required but airport is reluctant
2. Use Table Subcommittee
  - Targeting a meeting in July
3. Tree Commission
  - \$50 discount for tree purchase available
4. Open Space and Fields Committee
  - April earth day cleanup
5. Conservation Commission
  - Aquidneck Crossing project was reviewed
6. Aquidneck Island Planning Commission
  - No appointee. Housing, transportation a new possible focus, need for improved communication on agendas

**D.** Upcoming meetings:

1. June 9, 2021, 6pm – Regular monthly Planning Board meeting. Will include Toni-Lynn Terrace comp plan/ zoning review
2. Request: Add a link to the video discussion
- 3.

**Motion** to adjourn by Mr. Weber, seconded by Mr. Nash

**Vote:** 6-0-0

*Meeting adjourned at approximately 7:40 pm*

Respectfully submitted:  
Mike Fenton, Secretary

DRAFT