



Town of Middletown Planning Department

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

PLANNING BOARD MINUTES

June 9, 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

B.J. Owen

Ron Wolanski, Town Planner

Rita Lavoie, Principal Planner

Peter Regan, Town Solicitor

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

1. Approval of the minutes of the May 12, 2021 regular Planning Board meeting.

A. Motion to approve by Ms. Owen, seconded by Mr. Nash

B. Vote: 7-0-0

2. Correspondence

A. Email correspondence dated May 17, 2021 of Christine S. Fagan, 5 Toni Lynn Terrace, with attachments, regarding proposed future land use plan designation for Toni-Lynn Terrace.

B. Correspondence dated May 15, 2021 from Christine S. Fagan, 5 Toni Lynn Terrace, with attachments, regarding petition and letters related to proposed future land use plan designation for Toni-Lynn Terrace.

1.Motion to receive both items of correspondence by Mr. Weber, seconded by Mr. Nash

2.Vote: 7-0-0

3. Continuances

A. Public Hearing - Application of Jack Gullison 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 new commercial building, to include an 17-room hotel with a restaurant, and associated site work located on property identified as 59 Aquidneck Ave., Assessor's Plat 115SE, Lot 169.

1. Mr. Jay Lynch, attorney for the applicant explained the need to modify the landscape plan and anticipates moving forward in July with another meeting of the Technical Review Committee

2. **Motion** to continue to the July 14, 2021 meeting by Ms. Owen, seconded by Mr. Nash

3. **Vote:** 7-0-0

B. Public Hearing - Application of GD Middletown West Main I, LLC for Development Plan Review, including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land Section 521, and recommendation to the Zoning Board of Review regarding special use permit application for development in Zone 1 of the Watershed Protection District, to allow construction of a ground-mounted solar photovoltaic installation on a property located at 1747 West Main Road, Plat 111 Lot 9A.

1. Mr. Jay Lynch, attorney for the applicant, spoke of changes to easements underway, requested to continue to August

2. **Motion** to continue to the August 11, 2021 meeting by Ms. Owen, seconded by Mr. Ciummo

3. Discussion on easement, engineering issues

4. **Vote:** 7-0-0

4. Business

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. Mr. David Martland, attorney for the applicant, described the request for expansion of the single-family residence

2. Board discussion on previous kitchen expansion before the planning board, conservation commission review next week, no site visit, any additional expansion projects

3. **Motion** for a positive recommendation to the Zoning Board with the conditions of the Town Planner's memo dated June 1, 2021.

4. **Vote:** 7-0-0

B. Public Hearing – Proposed amendments to the Middletown Comprehensive Plan Future Land Use Plan designation and recommendation to the Town Council on proposed amendment to the zoning map designation for certain parcels fronting on Reservoir Rd. and Toni-Lynn Terrace.

1. **Motion** to open the public hearing meeting by Ms. Owen, seconded by Mr. Nash

2. **Vote:** 7-0-0

3. Mr. Wolanski introduced the proposed amendments noting that a few hundred properties were part of the proposed changes, this section on Toni-Lynn Terrace was returned to the Planning Board for further consideration

after residents expressed concern. Property owner's requested the change to R-20 and medium density residential designations.

4. Board discussion on public input and town council actions, working towards compliance between the zoning and comp plan maps

5. Members of the public were invited to speak

6. Ms. Alyson Novick, 278 Reservoir Ave spoke in favor of the change and of the concerns on the water pressure and fire hydrant in the neighborhood

7. Mr. Bob Novick of 278 Reservoir Ave spoke of deficient infrastructure and safety issues justifying the proposed low density residential change

8. Mr. Steven Fagan of 5 Toni-Lynn Terrace spoke of all lots being over the proposed minimum lot size, established neighborhood

9. Question on group home in medium density residential

10. **Motion** to close the public hearing by Mr. Weber, seconded by Mr. Nash

11. **Vote:** 7-0-0

12. **Motion** to adopt revision to the future land use plan of the comp plan to designate the properties to medium density residential by Mr. Nash, seconded by Ms. Owen and forward to the town council

13. **Vote:** 7-0-0

14. **Motion** to recommend the Town Council change the lots to the R-20 zoning district by Mr. Weber, seconded by Ms. Owen

15. **Vote:** 7-0-0

C. Request of Peter Gallipeau, developer of the Saltwood Farm subdivision, for extension of timeframe to record phases 3 & 4 of the approved subdivision.

1. Mr. Ciummo recused and muted himself

2. Mr. Peter Gallipeau spoke of on going work but more time is needed.

3. Discussion on modest timeframe extension request

4. **Motion** to approve by Mr. Weber, seconded by Ms. Owen

5. **Vote:** 6-0-0

D. Request of Peter Gallipeau, developer of the Saltwood Farm subdivision, for reduction of performance security held by the Town for Phases 1 & 2 of the subdivision.

1. Mr. Ciummo recused and muted himself

2. Mr. Peter Gallipeau spoke of pavement on Cross Country Lane Phase 2

3. Mr. Wolanski reviewed the memo from the Town Engineer referencing the status of Cross Country Lane regarding the public/private status.

4. Discussion on Cross Country Lane status, length of time to resolve the status, no formal assertion of ownership made

5. **Motion** to approve the Phase 2 request according to the Town Engineer and DPW director's memo by Ms. Owen, seconded by Mr. Nash

6.Vote: 6-0-0

7.Mr. Peter Gallipeau spoke re-paving of Paradise Ave after water main extension (Phase 1)

8.Discussion on other work to be done, town to hold 125% of required improvement costs

9.Motion to approve subject to the Town Engineer and DPW director memo by Mr. Weber, seconded by Ms. Owen

10.Vote: 6-0-0

11.Mr. Ciummo rejoined the meeting

E. Request for conceptual review of proposed new commercial building at Aquidneck Shopping Centre, 99 East Main Rd., Plat 107SE Lot 106

1.Mr. David Martland and Mr. Kerry McCormack presented conceptual plans for planning board feedback for a freestanding Starbucks building with drive-thru. Mr. McCormack noted 11 car queue, modification of bank drive-thru, additional landscaping, walk-up window, cape-style architecture, traffic analysis on going

2.Mr. Jonathan Hueber of Crosspoint Development spoke of working with Starbucks as a tenant, adding green space, improving stormwater, outdoor seating, parking lot modifications, upgrading the parking lot lighting,

3.Members of the planning board spoke of concerns regarding the amount of drive-thrus in proximity to each other, ingress and egress, interaction with Aquidneck Liquors, easing traffic near Shaw's, in favor of green space

4.Discussion on anticipated planning and zoning relief: special use permit for drive-thrus and shopping center, lot coverage exceeding maximum

5.Mr. Nash suggested re-use of existing building

6.Mr. Pierik spoke of covid spiking drive-thru traffic beyond the previous standard of 11 cars and asked about net change in parking

7.Mr. Fenton offered removal of parking spaces along East Main Rd and re-positioning of the building on the lot

8.Discussion on drive-thru capacity, walk up window, minimizing conflict with neighboring businesses, traffic pattern, Christmas Tree Shoppe traffic pattern, snow piles, examples of other drive-thrus next to each other, not impacting neighbors, bank traffic pattern concerns, curbing issues

F. Town Council request that the Planning Board consider additional revisions to the proposed new Zoning Ordinance Article 27B- Outdoor Lighting.

1.Mr. Wolanski and Ms. Lavoie reviewed the request by the Town Council and staff performed research noting no other examples of lighting restriction by zoning district and the Dark Sky Alliance recommendations that greater lighting restrictions be placed on rural areas to limit light pollution in sensitive areas.

2.Mr. Weber suggested recommending that regulating lighting for each zoning district was too difficult and unconventional

3. Mr. Regan suggested adding illustrations to demonstrate impacts to residential properties

4. Mr. Wolanski suggested a conceptual site plan, no limit to lighting fixtures, variance process

5. **Motion** to send a Memo to the Town Council by Mr. Nash seconded by Ms. Owen stating that the current ordinance is adequate but add graphic illustration and outliers can be treated through the variance procedure

6. **Vote:** 7-0-0

G. Town Council request that the Planning Board research adopting an ordinance requiring esplanade-style sidewalks. Consider recommending ordinance language to the Town Council.

1. Mr. Wolanski reviewed the proposed ordinance to mirror the Town Council resolution and discussion on where to place the language in the Town Code under Title 5 Public Works or Chapter 94 Streets Sidewalks and Public Places,

2. Discussion on 4-foot width of grass strip and compliance, reviewing body, state project compliance, questions on maintenance,

3. Item to be researched and returned to the board at the next planning board meeting

H. Request for review and recommendation to the Town Council on proposed amendments to the Middletown Zoning Ordinance, Town Code Chapter 152, Sections 400, 703, and 722 regarding farm promotion accessory uses and mobile food establishments.

1. Mr. Regan spoke of request by local farms for allowing food trucks on their property, allowing food trucks by right on large farms (greater than 10 acres) by special use permit on smaller farms with certain operating hour restrictions and other restrictions

2. Discussion on difference between a mobile food truck and a farm stand, number and size of farms in town, need for an ordinance, owner of the food truck, compliance with state mobile food establishments, requiring a greater portion of goods sold to be from the farm, truck as an accessory use to the farm, zoning board review, permit from the town council, annual renewal of the mobile food truck operator permit

3. **Motion** for a positive recommend to the town council by Mr. Weber, seconded by Mr. Nash

4. **Vote:** 7-0-0

I. Discuss policy for removing items that are repeatedly continued from the Planning Board agenda.

1. Discussion on time frame for triggering removal, no progress on some applications, dropping timeframe to 6 months, withdraw application instead of table the application, showing good cause, giving town planner more discretion

2. Request for the Town Planner and Town Solicitor to continue revisions

5. Updates

A. Status Report on Planning Board action items.

- 1.Mr. Croce asked about application fees, Mr. Wolanski spoke of an upcoming revision

B. Committee reports

1.Airport Overlay Zoning Subcommittee

- Trying to schedule meeting with Rhode Island Airport Corporation unsuccessful, ready to schedule a subcommittee meeting, awaiting feedback from Solicitor's office on Town's liability if not adopted

2.Use Table Subcommittee

- Look at combining with parking subcommittee

3.Parking Ordinance Subcommittee

- Timely response to town council preferred

4.Tree Commission

- Discount trees available
- Memorial trees planted

5.Open Space and Fields Committee

- No recent meeting due to quorum

6.Conservation Commission

- Upcoming meeting Monday

C. Upcoming meetings:

- 1.July 14, 2021, 6pm – Regular monthly Planning Board meeting.

- 2.Town Council Atlantic Beach District overlay review

Motion to adjourn by Ms. Owen, seconded by Mr. Ciummo

Vote: 7-0-0

Meeting adjourned at approximately 8:45 pm

Respectfully submitted:

Mike Fenton, Secretary