



## Town of Middletown Planning Department

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

### PLANNING BOARD MINUTES

**August 23, 2021 6pm**

Town Council Chambers – Town Hall  
350 East Main Road  
Middletown, RI 02842

**Board members present:**

Paul Croce, Chair  
Bill Nash, Vice Chair  
Michael Fenton, Secretary  
Art Weber  
John Ciummo  
B.J. Owen

Ron Wolanski, Town Planner  
Rita Lavoie, Principal Planner  
Peter Regan, Town Solicitor

**Member absent:**

Joe Pierik

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

1. Public Workshop – Presentation of, and public comment on the draft zoning use restrictions and design regulations for the proposed Atlantic Beach Overlay Zoning District.
  - a. Mr. Croce introduced the topic and invited the Town Planner to give a presentation
  - b. Mr. Wolanski gave a PowerPoint presentation reviewing the proposed zoning overlay district regulations noting previous work on the draft, presentations, and tonight's meeting to collect additional input. He reviewed the Atlantic Beach District Master Plan, the Town's Comprehensive Plan, and the proposed amendments to the zoning code.
  - c. Ms. Lavoie provided a review of the proposed design manual
  - d. Mr. Croce provided an overview of issues raised at the Atlantic Beach District Overlay public hearing during a Town Council meeting 1) limiting hotel rooms 2) impacts to businesses.
  - e. Members of the public were invited to speak on those two issues
  - f. Ms. Valarie Gelb, 94 Shore Drive suggested reducing the total number of hotel/motel rooms allowable if pending application for hotel development get denied by the planning or zoning board, and suggested removal of the short-term rental number from the final calculation.

- g. Mr. John Parillio, 53 Newport Ave asked about parking spaces requirements for hotel/motel
- h. Mr. Wolanski explained the parking requirements per the zoning code
- i. Mr. Jim Parente, 65 Aquidneck Ave asked about how the proposal would impact his existing residential structure and potential future expansion
- j. There was discussion about grandfathering of existing uses, new development must comply with zoning rules
- k. Mr. John Bagwill, 587 Tuckerman Ave suggested that short term rentals be removed from the hotel room calculations in the draft
- l. Mr. David Lawrence, 75 Beagle Drive spoke in favor of tabling the proposal due to concerns on limiting hotel rooms
- m. Ms. Olga Tregassaur 71 Aquidneck Ave spoke of concerns to residential homes in the district and short-term rental impacts
- n. Ms. Colleen Aull, 87 Warren Ave spoke in favor of a variety of businesses and limiting the number of hotel rooms but not including short term rentals in the calculation
- o. Mr. Scott Kirmil, 124 Aquidneck Ave raised concerns about decreasing property value and a cap on the number of rooms causing resale impacts
- p. Members of the board discussed:
  - i. Mr. Weber spoke of finding a balanced approach, public notice of the planning board meeting, delayed work on the ordinance
  - ii. Providing the Town Council a recommendation prior to their second reading on September 20, 2021
  - iii. Hearing feedback from business owners and residents
  - iv. Removing the short-term rentals from the maximum room capacity: 260 maximum hotel/motel rooms
- q. **Motion** by Mr. Fenton, seconded by Mr. Weber to recommend limiting hotel/motel room capacity to 260 and not include short term rental.
- r. Discussion: allowing applications in the pipeline to proceed, able to change that number via the Town Council
- s. Mr. Komez Roses of Flo's Clam Shack offered a new classification of hotel/motel and inn/bed-and-breakfast or a maximum hotel size to encourage smaller hotels-type structures not large structures
- t. Mr. Dennis Barry 62 Warren Ave asked for clarification on the proposed number of rooms
- u. Discussion on lot size limitations
- v. **Vote:** 6-0-0

- w. Members of the public were asked to comment on concerns of the overlay for businesses
- x. Ms. Colleen Aull 87 Warren Ave, asked about grandfathering of existing businesses
- y. It was clarified that the signage provision requiring compliance in 5 years and any new development would need to comply with adopted zoning ordinances, existing uses may remain
- z. Mr. Jeff Burgess of the Sea Whale Hotel spoke of a hardship to businesses if new regulations were adopted
- aa. Ms. Lisa Amarant of the SeaBreeze Inn spoke of a hardship to businesses to remove the signage, sidewalk upgrades
- bb. It was clarified that a variance could be requested from zoning board if a business is unable to comply do the site specifications
- cc. Mr. Regan spoke of the Tax Increment Financing district to creating a funding source to improve the streetscape
- dd. Mr. Weber offered to remove the 5-year “sunset provision” for existing non-conforming signage to be brought into compliance
- ee. Ms. Valarie Gelb, 94 Shore Drive suggested removing the sunset provision on signs but requiring sign to conform when they are replaced
- ff. Leon Amarant, 24 Shore Drive spoke of positive changes to Aquidneck Ave occurring without ordinance guidelines already
- gg. Mr. David Lawrence, 75 Beagle Drive spoke of putting the telephone poles underground before enacting any ordinances
- hh. Ms. Owen spoke of the Town’s requirement for underground utilities
- ii. Mr. Wolanski stated that the proposal to put to utilities underground is estimated to cost \$20 million, the Middletown Economic Advisory Committee is investigating options for such work
- jj. Mr. Antone Viveiros, 110 India Hill Road suggested removing the sign sunset provision
- kk. Mr. Komez Roses spoke against the signage requirements due to concerns to the businesses, restrictions on bars, request to for a committee with the town and business owners
- ll. Discussion on the Atlantic Beach District Master Plan formation including business input, definition of a bar vs restaurant with food service.
- mm. Mr. Leon Amarant, 65 Crescent Road spoke of the loss of trust by the business community, concerns for impacts to businesses
- nn. Mr. Croce asked for specific suggestions for changes to the ordinance and encourage residents to voice their concerns to the Town Council
- oo. Mr. Nash spoke of protecting the district with strengthened regulations

- pp. Mr. Dennis Barry, 62 Warren Ave referenced other concerns and was invited to speak again later
- qq. Mr. Robert Silva, 8 Circle Drive asked about building and height limitations, spoke of roadway and utility improvements, signage provisions
- rr. Ms. Lee Kirmil, 124 Aquidneck Ave spoke of concerns of the impacts to existing business expansions
- ss. Mr. Scott Kirmil, On the Pond LLC and Diego's asked about catering as a principal use, spoke of the character of the area
- tt. Mr. Wolanski explained the intent of the changes to the use table based on the Atlantic Beach District master plan
- uu. Mr. Ciummo offered to remove the signage sunset provisions, concerns of impacts small businesses
- vv. Mr. Regan referenced section 1207 of the zoning code requiring non-conforming signs to be replaced when expanded and subject to certain requirements. He suggested changing language in the draft ordinance so that non-conforming signs be replaced in accordance with section 1207
- ww. **Motion** by Mr. Nash, seconded by Ms. Owen to recommend removing the requirements that non-conforming signs be brought into compliance within 5 years and reference section 1207 for replacement of signs
- xx. Discussion: Sign ordinance subcommittee, requiring sign compliance when a business changes, requiring sign compliance with change of use
- yy. **Motion amended** to change "provided that when there is a change of use that the sign will be brought into compliance"
- zz. **Vote:** 6-0-0
- aaa. Mr. Dennis Barry, 62 Warren Ave spoke of the height concerns, concerns regarding the reduced rear setbacks, suggested changes to the site design section E.(c) requirement from "the public right of way" to the "benefit of local residents", requested delivery times, dumpster location restrictions
- bbb. Mr. Regan expressed concerns of protecting views of private property being outside the scope of local zoning ordinances
- ccc. Mr. Komez Roses asked about process
- ddd. There was discussion on process of sending suggestions to the town council, staff, and planning board
- eee. Ms. Lisa Amarant of the Sea Breeze Inn spoke of needing roadway improvements
- fff. Mr. Leon Amarant requested that the proposal be tabled, asked about the streetscape design
- ggg. There was discussion on sending suggestions to the Town Council, Staff, and the Planning Board, being specific with suggestions. Town Council's role

in approval of zoning documents, business owners forming a group to improve communication to the Town.

**Motion** to adjourn by Ms. Owen, seconded by Mr. Weber

**Vote:** 6-0-0

*Meeting adjourned at approximately 9:00pm*

Respectfully submitted:

Mike Fenton, Secretary

DR