



MIDDLETOWN
Rhode Island

**PLANNING
DEPARTMENT**
TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
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PLANNING BOARD MINUTES
January 24, 2022, 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 (via Zoom)
Art Weber
John Ciummo
Joe Pierik

Ron Wolanski, Town Planner
Michael Monti, Assistant Town Solicitor

Member absent:

B.J. Owen

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

1. **Correspondence – Motion** by Mr. Nash, seconded by Mr. Weber, to receive email correspondence from Bill Welch, 180 Mitchell's Lane, Portsmouth, RI regarding the Newport National golf course application. **Vote:** 6-0-0.
2. Application of Newport National Real Estate, LLC for Development Plan Review for development of a 9-hole golf course and associated clubhouse, and request for waivers from certain commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property fronts on Wyatt Road and Mitchell's Lane, Tax Assessors Plat 124 lot 29.
 - a. Mr. Croce stated that the public hearing was opened during a prior Planning Board meeting and remains open.
 - b. The applicant was represented by attorney Robert Silva, who provided background information regarding the application.
 - c. Chuck Allott, Executive Director of the Aquidneck Land Trust stated that the land trust holds a conservation easement on the subject property. The proposed golf course development complies with the restrictions imposed by that easement.
 - d. Mr. Silva stated that the project has received necessary approvals from RIDEM and has been reviewed and approved by the Town's Technical Review Committee.

- e. Chris Duhamel of DiPrete Engineering, the applicant's engineer, confirmed that the project meets RIDEM design requirements. He stated that the project will result in a reduction of stormwater runoff from the property due to the construction of an irrigation pond. The pond will also be a benefit to the town in helping to control downstream Maidford River flooding. There was discussion of the operation of the pond to ensure that capacity will be provided in advance of anticipated heavy rainfall to help control runoff.
- f. Mr. Duhamel stated that potable water will be provided to the project by an extension of the Wyatt Rd. water main. This will have the effect of eliminating any impact to groundwater available to local wells. Connection to the public sewer via the East Meadow pump station will be provided. As a result there will be no point source of groundwater pollution due to a septic system. The pump station has sufficient capacity to accept the anticipate flow.
- g. Mr. Duhamel stated that the applicant is requesting a waiver from a requirement identified by the Town Engineer that a fence be provided around the proposed irrigation pond. Town Engineer Warren Hall, who attend the meeting via Zoom, stated that Town Code Chapter 153 requires a fence given the proposed pond's depth.
- h. Mr. Duhamel and Mr. Silva stated that fencing of the irrigation pond is not necessary. It is private property and signs restricting access can be posted. They stated that they were unaware of fences around similar ponds on other golf courses, including the existing Newport National east course.
- i. There was discussion that preventing access from the abutting town recreation fields is needed. Mr. Hall confirmed that there is an existing fence along the subject property line.
- j. Some board members stated that a fence is not desirable since the pond also serves as a landscape feature for the golf course.
- k. Mr. Fenton discussed safety, particularly in the winter months when ice safety is a concern. Other members agreed with this concern.
- l. Mr. Wolanski stated that he and the Town Solicitor are discussing the procedure for granting waivers or variances from the requirements of Chapter 153. He suggested a modification to a proposed condition to require the fence to reflect this ongoing review and the Board's interest in providing flexibility in how safety concerns are addressed. Board members and the applicant agreed with this approach.
- m. Mr. Duhamel stated that his client is comfortable with all the proposed conditions of approval.
- n. At the request of Mr. Nash, Mr. Duhamel explained some of the notations on the plans.
- o. There was discussion of the landscaping plan. Only the landscaping in the area of the proposed clubhouse is provided. Mr. Croce asked for review and approval of the landscape plan for the entire property by the Tree Commission. This will be considered as a condition of approval.
- p. Mr. Silva referenced the report by real estate expert Nathan Godfrey. Mr. Godfrey addressed the Board and stated that the project complies with the goals

of the Middletown Comprehensive Community Plan. Since the area is zoned as “Open Space” a golf course is a permitted use.

- q. Mr. Silva referenced the economic impact analysis prepared by planning expert Joe Lombardo.
- r. Mr. Weber asked about additional economic benefits not addressed in the report. Mr. Silva stated that, though not quantified, additional benefit resulting from the golf course are anticipated. Mr. Lombardo confirmed that his report addresses only direct economic impact from the revaluation of the property for tax purposes.
- s. Mr. Nash asked about the plan for the temporary clubhouse currently in use on the east course. On behalf of the applicant, Shawn Burns stated that the existing structure would be removed once construction of the proposed clubhouse is completed. Parking will remain and a new “snack shack” will be constructed to serve the existing course.
- t. Mr. Pierik ask about additional economic benefits, which Mr. Lombardo addressed which included meals and apparel sales tax and employment opportunities for up to 20 people.
- u. Mr. Silva introduced traffic engineer Herman Peralta of BETA Engineering. Mr. Peralta summarized the results of the traffic study and noted that the increase in traffic resulting from the proposed development would not have a significant impact on existing traffic volumes on Mitchell’s Lane and resulting traffic would be well below the capacity of the roadway. Mr. Peralta’s traffic study included real time data taken at peak summertime hours in 2019 (pre-COVID) and, he feels, represents a worse case traffic volume for this road. The study also includes crash data from Middletown police for Mitchell’s lane and the major intersections at both ends. He also stated that the new 9 hole course would add a total 25 vehicles/hour during peak times – still way below the road capacity.
- v. Mr. Weber suggested that a traffic signal at the intersection of Mitchell’s Lane and East Main Rd. might be warranted.
- w. There was discussion of the road crossings and connections between the existing and proposed golf courses.
- x. Mr. Silva offered to have the project architect describe the plans for the clubhouse. Board members indicated that they were satisfied with the proposed building design.
- y. Mr. Silva stated that he had completed his presentation.
- z. Mr. Croce opened the meeting for public input.
- aa. Ms. Roby Faria, a resident of 9 Cardoza Terrace, addressed the board via telephone. She expressed concern for potential impacts for stormwater runoff and contamination, possible contaminated soils, light pollution, and speeding traffic on Mitchell’s Lane. Mr. Duhamel responded that the stormwater management plan has been approved by RIDEM and reviewed by the Town. RIDEM would also require compliance with regulations if soil contamination were identified during the construction process. Regarding lighting, it was noted that a condition of the change in zoning approved several years ago requires the Town Council to approve hours of operation and lighting. Mr. Peralta stated that the

Town could consider traffic calming measures to address concerns over speeding.

- bb. There being no other members of the public wishing to speak, **motion** by Mr. Weber, seconded by Mr. Ciummo, to close the public hearing. **Vote:** 6-0-0.
- cc. The board reviewed the four requested waivers identified in Mr. Wolanski's memo of January 18, 2022. **Motion** by Mr. Weber, seconded by Mr. Nash to grant the requested waivers. **Vote:** 6-0-0.
- dd. Motion by Mr. Nash, seconded by Mr. Weber, to grant approval and forward a positive recommendation on the application to the Zoning Board of Review subject to the waivers granted, the required findings and the following conditions of approval:
 - 1. Prior to permitting, the Town Engineer and Director of Public Works must review and approve the final stormwater design and Operations and Maintenance plan.
 - 2. Prior to permitting, the Town Engineer and Director of Public Works must review and approve the final sewer system design and flow calculations.
 - 3. Prior to permitting, there must be confirmation, subject to the approval of the Town Engineer, that the soil erosion & sediment control plan includes adequate measures for controlling dust during the construction process.
 - 4. Prior to permitting, golf cart safety signage, crosswalks on Mitchell's Lane, and grading details along the public right-of-way should be submitted for review and approval to the Director of Public Works and the Town Engineer.
 - 5. Prior to permitting the applicant must seek Town Council determination regarding the time in which the parking lot lighting must be extinguished, per condition number 8 of the 2005 approved re-zoning petition recorded in the Middletown Land Evidence Records, Book 897, Page 291.
 - 6. Prior to permitting any legal documents must be reviewed and approved by the Town Solicitor.
 - 7. 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. A note to this effect must be provided on the plans prior to permitting.
 - 8. Prior to permitting, the traffic engineer's recommendations and conclusions from the July 2019 BETA engineering report shall be incorporated into the development plan:
 - 1. **Mitchells Lane at Site Driveway Intersection:** Minor clearing of roadside vegetation for sight line enhancement.
 - 2. **Mitchells Lane at Route 138 Intersection:** Minor clearing of roadside vegetation for sight line enhancement.

Replacement of the Stop sign on Mitchells Lane.
Installation of appropriate Stop Ahead sign and/or pavement markings on Mitchells Lane to emphasize the primary traffic control device.
Relocation of the Mitchells Lane street name sign for improved visibility of the intersection for Route 138 southbound traffic.
Installation of intersection warning signs on Route 138 to alert Route 138 motorist of the approaching intersection.

3. **Mitchells Lane at Wyatt Road Intersection:** Replace Stop signs on each approach to the intersection.
 4. **Mitchells Lane between Route 138 and Wyatt Road:** Installation of crosswalks and applicable warning signs at the golf cart crossing and the Sakonnet Greenway Trail crossing per the concept plans provided.
9. Prior to permitting, the applicant shall initiate discussion with Town staff, including the Town Engineer, Town Solicitor, and Town Planner to determine whether provisions of Town Code Chapter 153 requiring a fence surrounding retention/detention ponds is applicable to the proposed irrigation pond, and if so, the process that must be followed to seek a variance from this requirement if the applicant wishes to seek relief. If a fence is required, but relief is not sought and granted, a fence meeting town requirements shall be added to the plans prior to the issuance of permits. If a fence is not required, alternative measures for addressing public safety shall be investigated and implemented, subject to the approval of the Town Engineer.
 10. Prior to permitting, the landscape plan for the entire property shall be submitted to the Middletown Tree Commission for review and approval.
- ee. **Vote:** 6-0-0.

Motion by Mr. Nash, seconded by Mr. Weber to adjourn. Vote: 6-0-0

Meeting adjourned at approximately 8:45pm.

Respectfully submitted,
Mike Fenton, Secretary