

POSTED MARCH 16, 2022  
REGULAR MEETING MARCH 21, 2022

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on **Monday, March 21, 2022 at 6:00 P.M. Executive Session; 6:30 P.M. Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. Said meeting will be conducted in person, by telephone conference call/ webinar, in accordance with Executive Order 22-01 issued by Governor McKee on January 6, 2022, extended to March 19, 2022, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19. Members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID: 835 8473 9646 or on the web at <https://us02web.zoom.us/j/83584739646>

If you chose to join the meeting by zoom or telephone, Council Rules allow for the Public to speak only during the Public Forum and Public Hearings. If calling in by telephone, pressing \*9 raises your hand and pressing \*6 will unmute.

The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed, and voted upon in executive session and/or open session.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert’s Rules of Order Newly Revised 10<sup>th</sup> edition (2000), together with

whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to **Reconsider** [RONR (10<sup>th</sup> ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

### **EXECUTIVE SESSION**

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (5) Land Acquisition, (5) Land Acquisition, (5) Lease (JFK School), (1) Collective Bargaining (NEARI) (1) Collective Bargaining (TEAMSTERS), (1) Collective Bargaining (FOP), (1) Collective Bargaining and (2) Potential Litigation - review, discussion and/or potential action and/or vote in executive session and/or open session.

### **PUBLIC FORUM**

2. Pursuant to Rule 25 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

### **PRESENTATION**

3. Memorandum of Town Administrator, re: Remote Net Metering - Presentation by Clean Economy Development, LLC.
4. Resolution of the Council, re: Award of Remote Net Metering (RNM) Contract to Green Development, LLC.

### **CONSENT**

5. Approval of Minutes, re: Regular Meeting, March 7, 2022.
6. Communication of Sarah Karns Burman, Esquire, through Cheyneicka I. Frazier, on behalf of Robert Ray Frazier-Robinson, Jr., re: Claim for personal injuries. (Council action to receive)

7. Communication of Dennis E. Hoyle, CPA, Auditor General, re: Granting extension to March 31, 2022 for submission of the Town of Middletown audited financial report and management letter.
8. Petition of National Grid to install Pole 4-50 for the purpose of supplying electric to EV charging station – Wave Avenue. (Council action to forward request to the Roads and Utilities Advisory Committee for review and recommendation)
9. Applications received from the following named persons, firms and corporations for RENEWAL of Sunday Selling Licenses for the 2022-2023 licensing year. (See Attached List)
10. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Licenses for the 2022-2023 licensing year. (See Attached list)

### **PUBLIC HEARINGS**

11. Public Hearing (Advertised; Abutters Notified)  
An Ordinance of the Town of Middletown (First Reading)  
An Ordinance in Revision to the Comprehensive Community Plan.  
The future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan is amended to bring consistency between the Future Land Use Plan and the Town's Zoning Map for selected parcels fronting on Toni-Lynn Terrace and Reservoir Road, Subject parcels are identified on attached map. (Planning Board recommendation on file)
12. Public Hearing (Advertised; Abutters Notified)  
An Ordinance of the Town of Middletown (First Reading)  
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 152 Zoning Code, is amending the Zoning Map to change the zoning district designations for certain properties fronting on Toni-Lynn Terrace and Reservoir Road. Subject parcels are identified on attached map. (Planning Board recommendation on file)
13. Public Hearing (Advertised; Abutters Notified)  
An Ordinance of the Town of Middletown (First Reading)  
An Ordinance in Revision to the Comprehensive Community Plan.  
The future land use plan, map L-4 of the Land Use element of the Middletown Comprehensive Community Plan is amended to bring consistency between the Future Land Use Plan and the Town's Zoning Map for selected parcels fronting on Aquidneck Avenue, Browns Lane, Carriage Trail, Dexter Street, East Main Road, Fairway Drive, Goldenrod Drive, Green End Avenue, Johnson Terrace, Loring Street, Meadow Lane, Mitchell's Lane, Morrison Avenue, Oakwood Road, Prospect Avenue, Ridgewood Road, River Run Road, Turner Road, Wayside Avenue, Wintergreen Drive, Wood Terrace and Wyatt Road. Subject parcels are identified on attached map. (Planning Board recommendation on file)

## **ORDINANCES**

14. An Ordinance of the Town of Middletown (Second Reading)  
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34 Taxes, is amending Section 34.70 Tax Classification System.
  
15. An Ordinance of the Town of Middletown (First Reading)  
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 94 Streets, Sidewalks and Public Places, is amended by adding a new Section 94.07 Esplanade Sidewalks.

## **OTHER COMMUNICATION**

16. Communication of Antone C. Viveiros, re: Tiered Residential Tax Program (TRTP).

## **TOWN COUNCIL**

17. Communication of Council President Rodrigues, re: Request for support of a performance audit of the School Department's finances.
18. Memorandum of Councillor Flynn, re: Marijuana Update.
19. Memorandum of Councillor Flynn, re: Update Request – Purgatory Sidewalk/RIDOT Inquiry.

## **TOWN ADMINISTRATOR**

20. Memorandum of Town Administrator, re: FY2023 School Department Budget Concerns.
21. Memorandum of Town Administrator, re: FY2023 Consolidated Budget.
22. Memorandum of Town Engineer and DPW Director, to the Town Administrator, re: Shore Drive, Crossman Engineering report dated March 12, 2022.
23. Memorandum of Town Engineer and DPW Director, to the Town Administrator, re: Birchwood Drainage, Crossman Engineering report dated March 2022.

*Wendy J.W. Marshall, CMC  
Town Clerk*

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.

Posted on March 16, 2022, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.

**Item # 9**

**SUNDAY SELLING LICENSE Expires: April 5, 2023**

Andrew's at Eastgate, LTD/ Gold's Wine and Spirits- 1374 West Main Road

Aquidneck Package Store, Inc./Aquidneck Liquors – 15 East Main Road

Brewtus, Inc./Sandy's Liquors-717 Aquidneck Avenue

**Item #10**

**HOLIDAY LICENSE Expires: April 5, 2023**

Advance Stores Company, Inc./Advance Auto Parts #7361- 957 West Main Road

Aldi, Inc./ Aldi- 890 West Main Road

AV Tech, Inc./Flint Audio Video- 77 East Main Road

Barnes & Noble Booksellers, Inc./Barnes & Noble Booksellers- 1311 West Main Road

Bed, Bath & Beyond/Bed, Bath & Beyond #550- 288 East Main Road

BJ's Wholesale Club, Inc./BJ's Wholesale Club- 173 East Main Road

Cardi's Department Stores, Inc./Cardi's Furniture Mattresses- 1199 West Main Road

Chaves Gardens, Inc./Chaves Gardens- 935 East Main Road

Colbea Enterprises, LLC/ East Main Shell- 207 East Main Road

Colbea Enterprises, LLC/ West Main Shell- 1149 West Main Road

CoxCom LLC/Cox Communications- 882 West Main Road

Cumberland Farms, Inc./Cumberland Farms- 47 Aquidneck Avenue

CVS Pharmacy Inc./CVS Pharmacy #493- 99 East Main Road

GameStop #5581- 288 East Main Road

General Nutrition Corp #3551/General Nutrition Corporation- 1364A West Main Road

JT Releaf, LLC/Releaf Center- 1341 West Main Road

Island Carpet & Floors- 695 West Main Road

Michael's Stores, Inc./Michaels #3711- 1305 West Main Road

Newport Cryotherapy, LLC/Island Wellness- 102 West Main Rd

Newport National Golf Club, Inc./Newport National Golf Club- 324 Mitchell's Lane

Newport Vineyards & Winery, LLC – 909 East Main Road

Ocean State Jobbers, Inc./ Ocean State Job Lot- 282 East Main Road

Office Superstore East, Inc./Staples – 898 West Main Road

PD Humphrey, Co., Inc./Beach Paint- 750 Aquidneck Avenue

PD Humphrey, Co., Inc./Humphrey's Window and Door Design Gallery-  
 8 Coddington Highway  
 Petco Animal Supplies, Inc./ Petco #1830- 1309 West Main Road  
 Progasco Operating I, LLC/Neon Marketplace- 533 East Main Road  
 RPC, Inc./Rumford Pet Express- 99 East Main Road  
 Stop & Shop Supermarket Company – 1360 West Main Road  
 TPS Group Holdings, LLC/The Paper Store- 1313 West Main Road  
 Walgreen Company #3000/Walgreens- 12 East Main Road  
 Wamm, Inc./Anthony's Seafood & Restaurant- 963 Aquidneck Avenue

**Item #11**

**TOWN OF MIDDLETOWN  
 ORDINANCE  
 OF THE  
 TOWN OF MIDDLETOWN**

**AN ORDINANCE IN REVISION TO THE COMPREHENSIVE COMMUNITY PLAN OF  
 THE TOWN OF MIDDLETOWN**

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**FIRST:** The 2014 Middletown Comprehensive Community plan adopted March 2, 2015, and as amended thereafter, is hereby amended as follows:  
 The future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan is amended to bring consistency between the Future Land Use Plan and the Town's Zoning Map for selected parcels fronting on Reservoir Road and Toni-Lynn Terrace. Subject Parcels (listed below) are identified on the attached map.

<b>Plat, Lot</b>	<b>Current Future Land Use Code</b>	<b>Proposed Future Land Use Code</b>	<b>Street Number</b>	<b>Street Name</b>
121NW 104	Low Density Residential	Medium Density Residential	278	RESERVOIR RD
121NW 112	Low Density Residential	Medium Density Residential	2	TONI-LYNN TERR
121NW 106	Low Density Residential	Medium Density Residential	3	TONI-LYNN TERR
121NW 111	Low Density Residential	Medium Density Residential	4	TONI-LYNN TERR
121NW 107	Low Density Residential	Medium Density Residential	5	TONI-LYNN TERR
121NW 110	Low Density Residential	Medium Density Residential	6	TONI-LYNN TERR
121NW 108	Low Density Residential	Medium Density Residential	7	TONI-LYNN TERR
121NW 109	Low Density Residential	Medium Density Residential	8	TONI-LYNN TERR

**SECOND:** This ordinance shall take effect upon its adoption and all ordinances and parts of ordinance inconsistent herewith are hereby repealed.



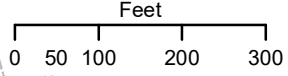
# TOWN OF MIDDLETOWN

## PROPOSED AMENDMENT TO THE MIDDLETOWN COMPREHENSIVE COMMUNITY PLAN

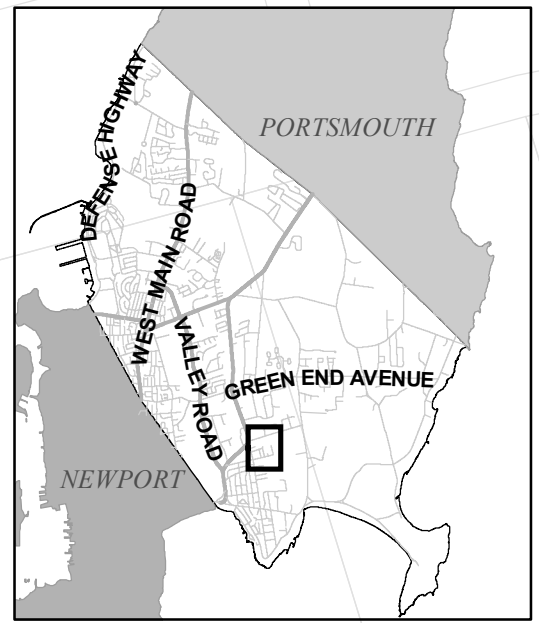
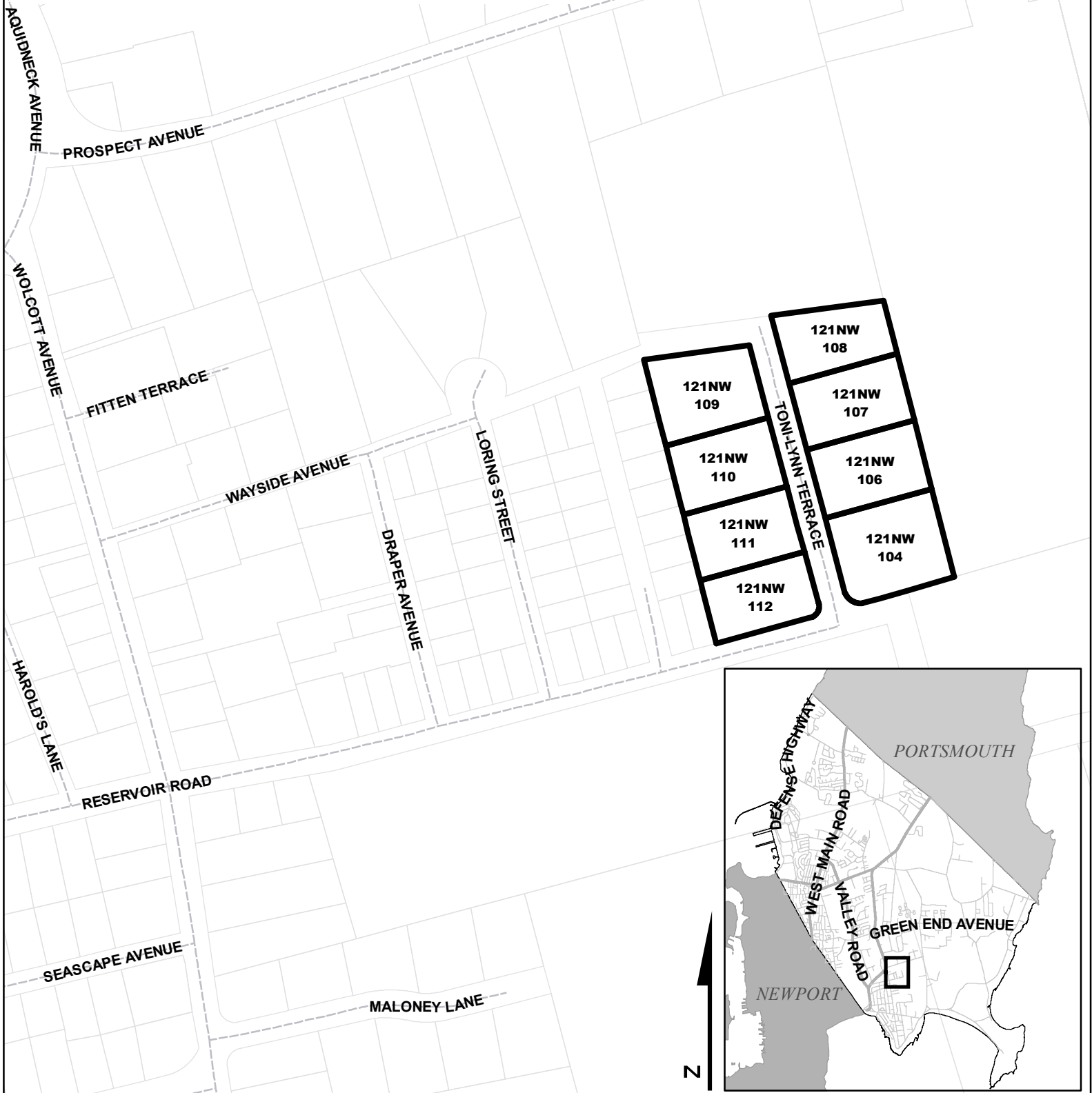
IER RUN ROAD

Lots with Proposed Comp Plan Change from Low Density Residential to Medium Density Residential

Roads



Data Source: Town of Middletown and RIGIS  
Prepared by the Town of Middletown.  
Author: RL Date: 2/14/2022



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**Item #12**

**ORDINANCE OF THE  
TOWN OF MIDDLETOWN, RHODE ISLAND**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE  
TOWN OF MIDDLETOWN**

**TITLE XV: LAND USAGE  
Chapter 152, Zoning Code**

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**FIRST:** That Town Code Title XV, Chapter 152, Entitled “Zoning Code” is amended by amending the Zoning Map to change the zoning district designations for certain properties fronting on Toni-Lynn Terrace as described below and depicted on the attached map:

<b>Plat, Lot</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
121NW 104	278 RESERVOIR RD	R-10	<b>R-20</b>
121NW 106	3 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 107	5 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 108	7 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 109	8 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 110	6 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 111	4 TONI-LYNN TERR	R-10	<b>R-20</b>
121NW 112	2 TONI-LYNN TERR	R-10	<b>R-20</b>

**SECOND:** This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.

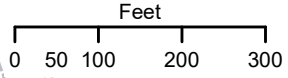




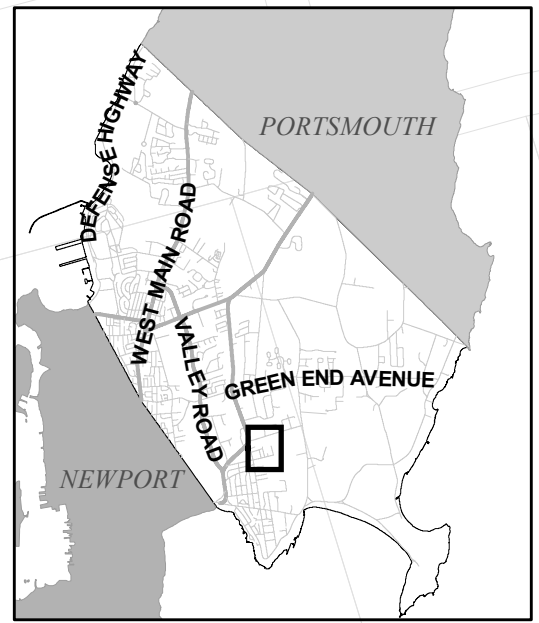
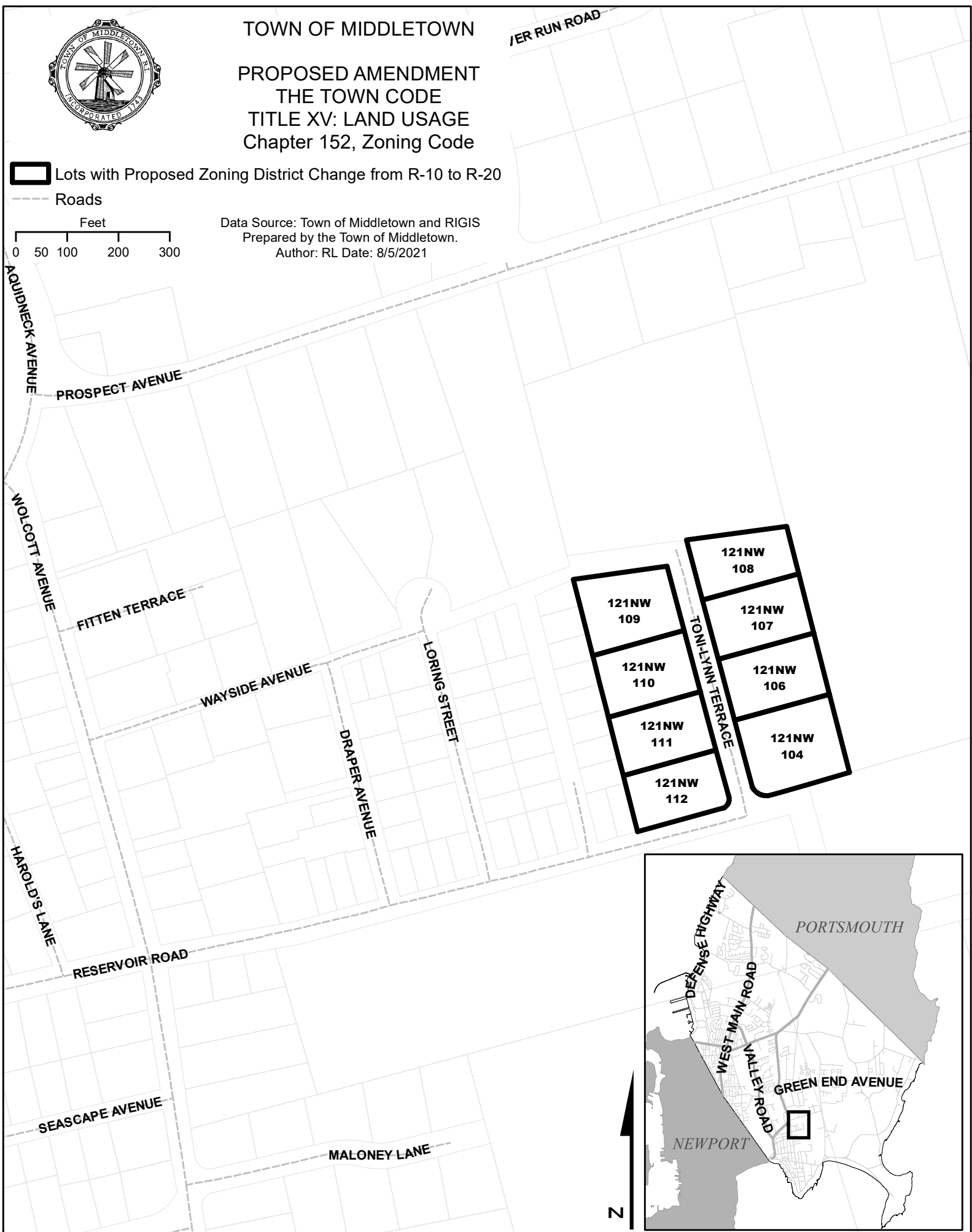
TOWN OF MIDDLETOWN  
PROPOSED AMENDMENT  
THE TOWN CODE  
TITLE XV: LAND USAGE  
Chapter 152, Zoning Code

 Lots with Proposed Zoning District Change from R-10 to R-20

 Roads



Data Source: Town of Middletown and RIGIS  
Prepared by the Town of Middletown.  
Author: RL Date: 8/5/2021



**Item #13**

**TOWN OF MIDDLETOWN  
ORDINANCE  
OF THE  
TOWN OF MIDDLETOWN**

**AN ORDINANCE IN REVISION TO THE COMPREHENSIVE COMMUNITY PLAN OF THE TOWN OF MIDDLETOWN**

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**FIRST:**The 2014 Middletown Comprehensive Community plan adopted March 2, 2015, and as amended thereafter, is hereby amended as follows:

The future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan is amended to bring consistency between the Future Land Use Plan and the Town’s Zoning Map for selected parcels fronting on Aquidneck Avenue, Browns Lane, Carriage Trail, Dexter Street, East Main Road, Fairway Drive, Goldenrod Drive, Green End Avenue, Johnson Terrace, Loring Street, Meadow Lane, Mitchell’s Lane, Morrison Avenue, Oakwood Road, Prospect Avenue, Ridgewood Road, River Run Road, Turner Road, Wayside Avenue, Wintergreen Drive, Wood Terrace and Wyatt Road. Subject Parcels are identified on the attached list and map.

**SECOND:** This ordinance shall take effect upon its adoption and all ordinances and parts of ordinance inconsistent herewith are hereby repealed.

**PARCELS**

<b>Plat, Lot</b>	<b>Current Future Land Use Code</b>	<b>Proposed Future Land Use Code</b>	<b>Street Number</b>	<b>Street Name</b>
114 508A	High Density Residential	Limited and Office Business	906	AQUIDNECK AVE
106 141	High Density Residential	Medium Density Residential	181	BROWNS LN
106 43	High Density Residential	Medium Density Residential	251	BROWNS LN
106 42	High Density Residential	Medium Density Residential	259	BROWNS LN
106 44A	High Density Residential	Medium Density Residential	269	BROWNS LN
105 11A	High Density Residential	Medium Density Residential	279	BROWNS LN
105 11	High Density Residential	Medium Density Residential	299	BROWNS LN

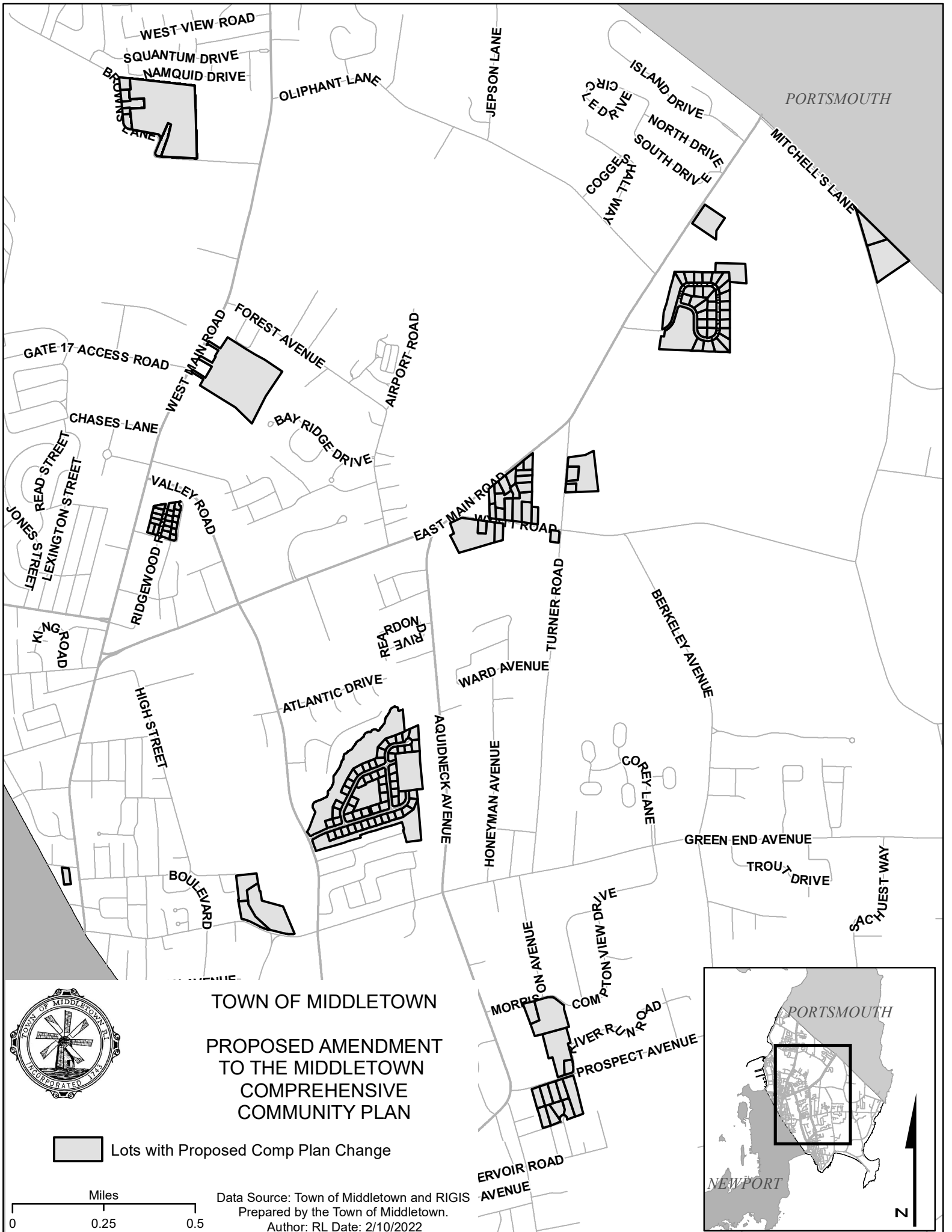
114 740	High Density Residential	Medium Density Residential	14	CARRIAGE TR
114 756	High Density Residential	Medium Density Residential	21	CARRIAGE TR
114 739	High Density Residential	Medium Density Residential	24	CARRIAGE TR
114 755	High Density Residential	Medium Density Residential	35	CARRIAGE TR
114 738	High Density Residential	Medium Density Residential	50	CARRIAGE TR
114 737	High Density Residential	Medium Density Residential	60	CARRIAGE TR
114 754	High Density Residential	Medium Density Residential	65	CARRIAGE TR
114 736	High Density Residential	Medium Density Residential	70	CARRIAGE TR
114 735	High Density Residential	Medium Density Residential	80	CARRIAGE TR
114 753	High Density Residential	Medium Density Residential	85	CARRIAGE TR
114 734	High Density Residential	Medium Density Residential	90	CARRIAGE TR
114 752	High Density Residential	Medium Density Residential	95	CARRIAGE TR
114 733	High Density Residential	Medium Density Residential	100	CARRIAGE TR
114 751	High Density Residential	Medium Density Residential	105	CARRIAGE TR
114 732	High Density Residential	Medium Density Residential	120	CARRIAGE TR
108SW 14	General Business	High Density Residential	73	DEXTER ST
113 175	Limited and Office Business	Medium Density Residential	619	EAST MAIN RD
113 173	Low Density Residential	Medium Density Residential	629	EAST MAIN RD
113 172	Low Density Residential	Medium Density Residential	639	EAST MAIN RD
113 174	Low Density Residential	Medium Density Residential	641	EAST MAIN RD
113 170	Low Density Residential	Medium Density Residential	673	EAST MAIN RD
113 166	Low Density Residential	Medium Density Residential	689	EAST MAIN RD
118 19	Low Density Residential	Medium Density Residential	1105	EAST MAIN RD
106 4619	High Density Residential	Medium Density Residential	201	FAIRWAY DR
106 4620	High Density Residential	Medium Density Residential	202	FAIRWAY DR
106 4621	High Density Residential	Medium Density Residential	203	FAIRWAY DR
106 4615	High Density Residential	Medium Density Residential	401	FAIRWAY DR
106 4616	High Density Residential	Medium Density Residential	402	FAIRWAY DR
106 4617	High Density Residential	Medium Density Residential	403	FAIRWAY DR
106 4618	High Density Residential	Medium Density Residential	404	FAIRWAY DR
106 4614	High Density Residential	Medium Density Residential	601	FAIRWAY DR
106 4613	High Density Residential	Medium Density Residential	602	FAIRWAY DR
106 4612	High Density Residential	Medium Density Residential	603	FAIRWAY DR
106 4611	High Density Residential	Medium Density Residential	604	FAIRWAY DR
106 4610	High Density Residential	Medium Density Residential	605	FAIRWAY DR
106 4632	High Density Residential	Medium Density Residential	701	FAIRWAY DR
106 4633	High Density Residential	Medium Density Residential	702	FAIRWAY DR
106 4634	High Density Residential	Medium Density Residential	703	FAIRWAY DR
106 4635	High Density Residential	Medium Density Residential	704	FAIRWAY DR
106 4636	High Density Residential	Medium Density Residential	705	FAIRWAY DR
106 4631	High Density Residential	Medium Density Residential	901	FAIRWAY DR
106 4630	High Density Residential	Medium Density Residential	902	FAIRWAY DR
106 4629	High Density Residential	Medium Density Residential	903	FAIRWAY DR

106 4628	High Density Residential	Medium Density Residential	904	FAIRWAY DR
106 4627	High Density Residential	Medium Density Residential	905	FAIRWAY DR
106 4626	High Density Residential	Medium Density Residential	1101	FAIRWAY DR
106 4625	High Density Residential	Medium Density Residential	1102	FAIRWAY DR
106 4624	High Density Residential	Medium Density Residential	1103	FAIRWAY DR
106 4623	High Density Residential	Medium Density Residential	1104	FAIRWAY DR
106 4622	High Density Residential	Medium Density Residential	1105	FAIRWAY DR
106 4609	High Density Residential	Medium Density Residential	1301	FAIRWAY DR
106 4608	High Density Residential	Medium Density Residential	1302	FAIRWAY DR
106 4607	High Density Residential	Medium Density Residential	1303	FAIRWAY DR
106 4606	High Density Residential	Medium Density Residential	1304	FAIRWAY DR
106 4605	High Density Residential	Medium Density Residential	1501	FAIRWAY DR
106 4604	High Density Residential	Medium Density Residential	1502	FAIRWAY DR
106 4603	High Density Residential	Medium Density Residential	1503	FAIRWAY DR
106 4602	High Density Residential	Medium Density Residential	1504	FAIRWAY DR
106 4601	High Density Residential	Medium Density Residential	1505	FAIRWAY DR
114 701	High Density Residential	Medium Density Residential	33	GOLDENROD DR
114 742	High Density Residential	Medium Density Residential	34	GOLDENROD DR
114 702	High Density Residential	Medium Density Residential	45	GOLDENROD DR
114 741	High Density Residential	Medium Density Residential	46	GOLDENROD DR
114 703	High Density Residential	Medium Density Residential	55	GOLDENROD DR
114 743	High Density Residential	Medium Density Residential	64	GOLDENROD DR
114 704	High Density Residential	Medium Density Residential	65	GOLDENROD DR
114 705	High Density Residential	Medium Density Residential	75	GOLDENROD DR
114 744	High Density Residential	Medium Density Residential	76	GOLDENROD DR
114 706	High Density Residential	Medium Density Residential	85	GOLDENROD DR
114 745	High Density Residential	Medium Density Residential	90	GOLDENROD DR
114 707	High Density Residential	Medium Density Residential	95	GOLDENROD DR
114 746	High Density Residential	Medium Density Residential	104	GOLDENROD DR
114 708	High Density Residential	Medium Density Residential	105	GOLDENROD DR
114 709	High Density Residential	Medium Density Residential	115	GOLDENROD DR
114 747	High Density Residential	Medium Density Residential	116	GOLDENROD DR
114 710	High Density Residential	Medium Density Residential	125	GOLDENROD DR
114 711	High Density Residential	Medium Density Residential	135	GOLDENROD DR
114 712	High Density Residential	Medium Density Residential	145	GOLDENROD DR
114 713	High Density Residential	Medium Density Residential	155	GOLDENROD DR
114 715	High Density Residential	Medium Density Residential	160	GOLDENROD DR
114 714	High Density Residential	Medium Density Residential	165	GOLDENROD DR
114 3	Medium Density Residential	Low Density Residential	178	GREEN END AVE
114 812	Medium Density Residential	Low Density Residential	0	GREEN END AVE
114 813	Medium Density Residential	Low Density Residential	0	GREEN END AVE
113 167	Low Density Residential	Medium Density Residential	1	JOHNSON TERR
113 172A	Low Density Residential	Medium Density Residential	2	JOHNSON TERR


113 168	Low Density Residential	Medium Density Residential	3	JOHNSON TERR
113 171	Low Density Residential	Medium Density Residential	4	JOHNSON TERR
113 169	Low Density Residential	Medium Density Residential	5	JOHNSON TERR
121NW 119B	High Density Residential	Low Density Residential	51	LORING ST
121NW 119A	High Density Residential	Low Density Residential	59	LORING ST
118 130	Low Density Residential	Medium Density Residential	113	MEADOW LN
118 101	Low Density Residential	Medium Density Residential	132	MEADOW LN
118 102	Low Density Residential	Medium Density Residential	140	MEADOW LN
118 129	Low Density Residential	Medium Density Residential	141	MEADOW LN
118 103	Low Density Residential	Medium Density Residential	152	MEADOW LN
118 128	Low Density Residential	Medium Density Residential	153	MEADOW LN
118 104	Low Density Residential	Medium Density Residential	164	MEADOW LN
118 127	Low Density Residential	Medium Density Residential	167	MEADOW LN
118 105	Low Density Residential	Medium Density Residential	172	MEADOW LN
118 106	Low Density Residential	Medium Density Residential	178	MEADOW LN
118 107	Low Density Residential	Medium Density Residential	186	MEADOW LN
118 125	Low Density Residential	Medium Density Residential	191	MEADOW LN
118 108	Low Density Residential	Medium Density Residential	194	MEADOW LN
118 109	Low Density Residential	Medium Density Residential	206	MEADOW LN
118 123	Low Density Residential	Medium Density Residential	207	MEADOW LN
118 110	Low Density Residential	Medium Density Residential	218	MEADOW LN
118 121	Low Density Residential	Medium Density Residential	219	MEADOW LN
118 111	Low Density Residential	Medium Density Residential	232	MEADOW LN
118 119	Low Density Residential	Medium Density Residential	233	MEADOW LN
118 112	Low Density Residential	Medium Density Residential	242	MEADOW LN
118 113	Low Density Residential	Medium Density Residential	250	MEADOW LN
118 118	Low Density Residential	Medium Density Residential	253	MEADOW LN
118 114	Low Density Residential	Medium Density Residential	256	MEADOW LN
118 115	Low Density Residential	Medium Density Residential	266	MEADOW LN
118 116	Low Density Residential	Medium Density Residential	276	MEADOW LN
118 117	Low Density Residential	Medium Density Residential	281	MEADOW LN
118 120	Low Density Residential	Medium Density Residential	301	MEADOW LN
118 122	Low Density Residential	Medium Density Residential	311	MEADOW LN
118 124	Low Density Residential	Medium Density Residential	319	MEADOW LN
118 126	Low Density Residential	Medium Density Residential	327	MEADOW LN
118 26	Low Density Residential	Medium Density Residential	0	MITCHELL'S LN
123 703	Publicly-owned or Zoned Open Space	Low Density Residential	222	MITCHELL'S LN
123 13	Publicly-owned or Zoned Open Space	Low Density Residential	272	MITCHELL'S LN
120 852	Medium Density Residential	Low Density Residential	186	MORRISON AVE
120 38	Medium Density Residential	Low Density Residential	192	MORRISON AVE
107NE 28	Medium Density Residential	High Density Residential	18	OAKWOOD RD
121NW 117	High Density Residential	Low Density Residential	222	PROSPECT AVE
120 622	Medium Density Residential	Low Density Residential	227	PROSPECT AVE

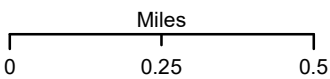
121NW 116	High Density Residential	Low Density Residential	238	PROSPECT AVE
121NW 115	High Density Residential	Low Density Residential	250	PROSPECT AVE
121NW 114	High Density Residential	Low Density Residential	262	PROSPECT AVE
121NW 113	High Density Residential	Low Density Residential	274	PROSPECT AVE
107NE 34	Medium Density Residential	High Density Residential	143	RIDGEWOOD RD
107NE 27	Medium Density Residential	High Density Residential	146	RIDGEWOOD RD
107NE 33	Medium Density Residential	High Density Residential	149	RIDGEWOOD RD
107NE 26	Medium Density Residential	High Density Residential	156	RIDGEWOOD RD
107NE 32	Medium Density Residential	High Density Residential	157	RIDGEWOOD RD
107NE 31	Medium Density Residential	High Density Residential	163	RIDGEWOOD RD
107NE 24	Medium Density Residential	High Density Residential	170	RIDGEWOOD RD
107NE 30	Medium Density Residential	High Density Residential	171	RIDGEWOOD RD
107NE 2302	Medium Density Residential	High Density Residential	172	RIDGEWOOD RD
107NE 2301	Medium Density Residential	High Density Residential	174	RIDGEWOOD RD
107NE 29	Medium Density Residential	High Density Residential	177	RIDGEWOOD RD
107NE 25	Medium Density Residential	High Density Residential	166-+168	RIDGEWOOD RD
120 50	Medium Density Residential	Low Density Residential	28	RIVER RUN RD
118 28	Low Density Residential	Medium Density Residential	54	TURNER RD
118 28B	Low Density Residential	Medium Density Residential	60	TURNER RD
118 33	Low Density Residential	Medium Density Residential	96	TURNER RD
121NW 118	High Density Residential	Low Density Residential	44	WAYSIDE AVE
121NW 119	High Density Residential	Low Density Residential	56	WAYSIDE AVE
114 716	High Density Residential	Medium Density Residential	11	WINTERGREEN DR
114 748	High Density Residential	Medium Density Residential	18	WINTERGREEN DR
114 717	High Density Residential	Medium Density Residential	21	WINTERGREEN DR
114 749	High Density Residential	Medium Density Residential	30	WINTERGREEN DR
114 718	High Density Residential	Medium Density Residential	31	WINTERGREEN DR
114 719	High Density Residential	Medium Density Residential	41	WINTERGREEN DR
114 750	High Density Residential	Medium Density Residential	44	WINTERGREEN DR
114 720	High Density Residential	Medium Density Residential	51	WINTERGREEN DR
114 721	High Density Residential	Medium Density Residential	73	WINTERGREEN DR
114 731	High Density Residential	Medium Density Residential	84	WINTERGREEN DR
114 730	High Density Residential	Medium Density Residential	90	WINTERGREEN DR
114 722	High Density Residential	Medium Density Residential	95	WINTERGREEN DR
114 729	High Density Residential	Medium Density Residential	100	WINTERGREEN DR
114 723	High Density Residential	Medium Density Residential	107	WINTERGREEN DR
114 728	High Density Residential	Medium Density Residential	110	WINTERGREEN DR
114 724	High Density Residential	Medium Density Residential	117	WINTERGREEN DR
114 727	High Density Residential	Medium Density Residential	120	WINTERGREEN DR
114 725	High Density Residential	Medium Density Residential	127	WINTERGREEN DR
114 726	High Density Residential	Medium Density Residential	130	WINTERGREEN DR
107NE 113	Medium Density Residential	High Density Residential	2	WOOD TERR
107NE 114	Medium Density Residential	High Density Residential	4	WOOD TERR

107NE 115	Medium Density Residential	High Density Residential	6	WOOD TERR
107NE 116	Medium Density Residential	High Density Residential	8	WOOD TERR
107NE 117	Medium Density Residential	High Density Residential	10	WOOD TERR
107NE 118	Medium Density Residential	High Density Residential	12	WOOD TERR
107NE 450	Medium Density Residential	High Density Residential	12	WOOD TERR
113 189	Low Density Residential	Medium Density Residential	29	WYATT RD
113 808	Low Density Residential	Medium Density Residential	45	WYATT RD
113 183	Limited and Office Business	Medium Density Residential	60	WYATT RD
113 184	Low Density Residential	Medium Density Residential	70	WYATT RD
113 807	Low Density Residential	Medium Density Residential	71	WYATT RD
113 185	Low Density Residential	Medium Density Residential	84	WYATT RD
113 186	Low Density Residential	Medium Density Residential	94	WYATT RD
113 187	Low Density Residential	Medium Density Residential	106	WYATT RD
113 188	Low Density Residential	Medium Density Residential	122	WYATT RD
113 305	Low Density Residential	Medium Density Residential	155	WYATT RD

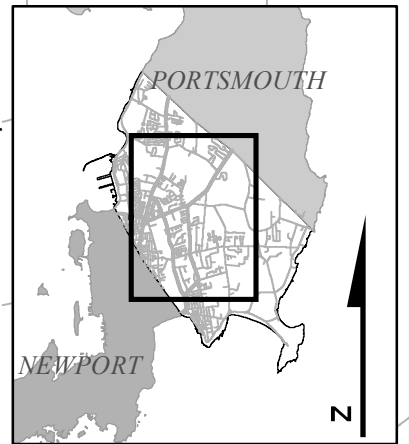


TOWN OF MIDDLETOWN  
 PROPOSED AMENDMENT  
 TO THE MIDDLETOWN  
 COMPREHENSIVE  
 COMMUNITY PLAN

 Lots with Proposed Comp Plan Change



Data Source: Town of Middletown and RIGIS  
 Prepared by the Town of Middletown.  
 Author: RL Date: 2/10/2022





**Item #14**

**ORDINANCE OF THE  
TOWN OF MIDDLETOWN, RHODE ISLAND**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE  
TOWN OF MIDDLETOWN**

**TITLE III: ADMINISTRATION  
Chapter 34, Taxes**

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

*FIRST:* That Town Code Title III, Chapter 34, Taxes, Section 34.70 entitled "Tax Classification System" is amended as follows (language to be deleted is stricken out within brackets; language to be added is underlined):

**Section 34.70 Tax Classification System**

(A) The town does hereby adopt a system of classification of taxable property in the town in conformity with the provisions of R.I. Gen, Laws § 44-5-11.8 effective for taxes assessed as of December 31, 2021. All ratable property in the town shall be classified by the Tax Assessor as follows:

(1) *Class One.* Residential real estate consisting of no more than five dwelling units, land classified as open space and dwellings on leased land including mobile homes. This class may also include residential properties containing partial commercial or business uses with no more than five (5) dwelling units. For properties with both residential and commercial or business uses, the residential tax rate will be applied to the residential portion and the commercial tax rate will be applied to the commercial portion. This class shall be further subdivided into (a) owner-occupied and (b) non-owner occupied properties, and the Town Council shall adopt separate tax rates for each category in compliance with the tax rate restrictions of R.I. Gen, Laws § 44-5-11.8.

The granting of an application for an owner-occupied residential tax rate as referenced above is subject to the following limitations:

a. An owner-occupied residential tax rate shall only be allowed upon written application therefor, which applications are to be filed every three (3) years on a form prescribed by the Tax Assessor. In the absence of such application, the non-owner occupied rate shall apply. Taxpayers applying for an owner-occupied residential tax rate shall file an notarized application and declaration, and present evidence under oath as to the owner-occupied status of the subject property in such manner as may be required by the Tax Assessor. All applications must be filed with the Tax Assessor's Office between

January 1 and March 15 following the date of assessment for the year for which the owner-occupied rate is claimed; provided however, that for the year following the December 31, 2021 assessment date, all applications may be filed with the Tax Assessor's Office between January 1 and May 1, 2022. For good cause, the Tax Assessor may, with advice of the Board of Assessment Review, accept applications for owner-occupied status after the filing deadline for the current or previous year's taxes only.

b. The real property for which the owner-occupied residential tax rate is claimed must be legally titled to the Taxpayer occupying the property, a trust to which the Taxpayer is the named beneficiary, a life tenant with responsibility for the payment of taxes on the property, or to a corporate entity owned and controlled by the Taxpayer, as of December 31 prior to the fiscal year for which the owner-occupied rate shall apply.

c. Applicants may qualify for an owner-occupied residential tax rate on only one (1) property in the town at any point in time. In addition, an owner of real estate in the Town of Middletown must meet all of the following requirements in order to qualify for an owner-occupied rate:

1. The owner-occupied rate applicant or the owner-occupied rate applicant's spouse, must be a registered voter in the Town of Middletown;
2. Neither the owner-occupied rate applicant nor the applicant's spouse is receiving an owner-occupied rate or homestead exemption or other personal exemption for another piece of real property, located elsewhere in the State of Rhode Island, or in any other state of the United States, for the same period of time the owner is seeking the owner-occupied rate for property owned in the town, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one (1) owner-occupied rate;
3. The owner-occupied rate attaches to the owner(s) of the real property, and not to the real property itself.
4. Applicants for the owner-occupied rate must reside at the subject property for more than six (6) months of the year.
5. If the Taxpayer gives misinformation as to ownership and/or occupancy of the real property on his/her application for an owner-occupied rate, the Tax Assessor may, in such event, remove the owner-occupied rate and apply the non-owner occupied rate and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. Such person shall also subject to a fine of up to \$1,000.00.
6. The Tax Assessor is empowered to inquire into the right of a Taxpayer to the continuance of the owner-occupied rate, and for such purpose he/she may require

the filing of a new application or the submission of such proof as he/she shall deem necessary to determine the right of the Taxpayer to the continuance of such rate, and may promulgate any further rules and regulations which he/she deems necessary to carry out the intent and purpose of this section as it relates to the owner-occupied residential tax rate.

7. An owner-occupied residential tax rate granted pursuant to this subsection shall terminate upon:

(i) The conveyance of the subject property; provided however, if the new owner(s) of the property make application and qualify for an owner-occupied residential tax rate within thirty (30) days of the date of the conveyance, the rate shall continue through the end of said tax year;

(ii) The death of the owner(s) occupying the subject property; provided, however, that if the owner(s) holds an ownership interest in the subject property as of the date of assessment for the year for which the exemption is claimed and subsequently deceases, the rate shall continue through the end of said tax year, unless the subject property is sold; or

(iii) The subject property ceasing to be owner occupied.

(2) *Class Two.* Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five dwelling units.

(3) *Class Three.* All ratable tangible personal property.

(4) *Class Four.* Motor vehicles and trailers subject to excise tax created by R.I. Gen. Laws Title 44, Ch. 34.

(B) The Tax Assessor, on or before June 15 each year shall make a full and fair cash valuation of all the estate, real and personal, including motor vehicles and trailers, subject to taxation and determine the assessed valuation of all property within each class.

(1) The designated classes of property shall be limited to the four classes as defined in division (A) above.

(2) The effective tax rate applicable to any class shall not exceed by 50% the rate applicable to any other class.

(3) Any tax rate changes from one year to the next shall be applied such that the same percentage rate change is applicable to all classes, unless otherwise mandated by law.

(4) The tax rates applicable to wholesale and retail inventory within Class Three are governed by R.I. Gen. Laws § 44-3-29.1.

(5) The tax rates applicable to motor vehicles within Class Four as defined in division (A) above are governed by R.I. Gen. Laws § 44-34.1-1.

(C) The provisions of R.I. Gen. Laws Title 44, Ch. 35 relating to property tax and fiscal disclosure applies to the reporting of and compliance with these classification restrictions.

(D) The Assessor has the authority to apply different rates of taxation against Class One, Class Two, Class Three and Class Four property to determine the tax due and payable on the property provided the rate of taxation is uniform within each class.

(E) The Assessor shall provide to the Finance Director a list containing the full and fair cash valuation of each property class and, with the approval of the Town Council, annually determine the percentages of the tax levy to be apportioned each class or property and shall annually establish tax rates sufficient to produce the proportion of the total tax levy.

SECOND: *This ordinance shall take effect upon passage and shall supersede any inconsistent or contrary provision in any other ordinance.*

**Item #15**

**ORDINANCE OF THE  
TOWN OF MIDDLETOWN, RHODE ISLAND**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE  
TOWN OF MIDDLETOWN**

**TITLE IX: GENERAL REGULATIONS  
Chapter 94, Streets, Sidewalks and Public Places**

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

*FIRST:* That Town Code Title IX, Chapter 94, entitled “Streets, Sidewalks and Public Places”, is amended by adding a new Section 94.07 thereto, entitled “Esplanade Sidewalks”, as follows (language to be deleted is stricken out within brackets; language to be added is underlined):

**§ 94.07 ESPLANADE SIDEWALKS.**

All new streets and significant reconstruction of existing streets shall incorporate provisions to serve bicyclists and pedestrians to the extent possible, including but not limited to the installation

of sidewalks. Where sufficient road right-of-way exists, and where site conditions allow, a grass strip at least four feet in width where conditions allow, but no less than two feet in width, shall be installed between the edge of sidewalk and the curb or edge of the paved street when new streets and sidewalks are installed, or when significant reconstruction of existing streets or sidewalks is conducted. All determinations as to whether the road right-of-way and/or site conditions allow for the installation of a grass strip, or as to the width thereof, shall be made by the Planning Board, which shall seek review and comment from the Roads and Utilities Advisory Committee prior to making its determination; provided however, in the case of project undertaken or funded in whole or in part by the Town, the Town Administrator shall make the final determination as to the feasibility of including grass strips and/or the provision of bicycle and pedestrian facilities, which determination shall include a review of the availability of funding to construct such features.

*SECOND:* This ordinance shall take effect upon its adoption and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ADDENDUM TO TOWN COUNCIL AGENDA  
ADDITION TO ITEM #1

POSTED – March 17, 2022  
REGULAR MEETING – MARCH 21, 2022

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on **Monday, March 21, 2022 at 6:00 P.M. Executive Session; 6:30 P.M. Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. Said meeting will be conducted in person, by telephone conference call/ webinar, in accordance with Executive Order 22-01 issued by Governor McKee on January 6, 2022, extended to March 19, 2022, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19. Members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID: 835 8473 9646 or on the web at <https://us02web.zoom.us/j/83584739646>

**EXECUTIVE SESSION**

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Litigation (Opioid Litigation).

Wendy J.W. Marshall, CMC  
Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk’s Office at 847-0009 not less than 48 hours before this meeting.

Posted on March 17, 2022 at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.