

**Town of Middletown
Planning Department**

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

PLANNING BOARD MINUTES

August 10, 2005

Board members present:

Hedy Bennett, Chair Sam Hogan, Assistant Town Planner

Art Weber, Vice Chair Vernon Gorton, Town Solicitor

Jan Eckhart, Secretary

David Lawrence

Richard Adams

Colleen Aull

Audrey Rearick

The meeting was called to order at 6:30 pm.

Sitting as Planning Board

Old Business

1. George D. Smith, Allston Ave., Proposed 2-lot subdivision, Plat 116NE, Lot 187, Preliminary Plan

Pat Hayes, attorney representing the applicant, provided proposed bond language for demolition of the existing garage, a waiver of right to a certificate of occupancy until the garage is demolished, and an irrevocable power of attorney allowing the town to demolish the garage. He explained that these three documents would ensure that the garage would be demolished

Ms. Bennett questioned why the garage couldn't be demolished before recording.

George Smith explained that he would be living in the existing building while the new house was being built.

Ms. Bennett asked Vern Gorton if the three documents would be sufficient to ensure the garage was demolished.

Mr. Gorton said that they would, with a slight modification to the language of the waiver of certificate of occupancy.

Mr. Hayes agreed to that change.

Dave Lawrence asked why the sewer line was shown running in an easement in front of the house.

Sam Hogan explained this was requested by the DPW Director.

Ms. Bennet asked if there were any other outstanding issues.

Ms. Hogan stated that comments from the DPW Director and Town Engineer had just been received, and must be addressed prior to final approval; and that the DPW Director must approve the final sewer connection. She also said that the language for the utility easement had been provided earlier today, and that it needed to be reviewed by the Town Solicitor.

Motion by Ms. Aull, seconded by Mr. Eckhart to grant Conditional Preliminary approval with the following conditions:

- 1. Prior to final approval, the applicant shall address any concerns raised by the Town Engineer and DPW Director.**
- 2. The proposed sewer connection shall be in accordance with Town standards, and subject to the approval of the DPW Director.**
- 3. Prior to final approval, documents related to the proposed utilities easement shall be reviewed and approved by the Town Solicitor and Planning Board.**
- 4. Prior to final approval, documents related to the demolition of the garage, including a \$5,000 bond, a waiver of rights to a Certificate of Occupancy, and an irrevocable power of attorney allowing the Town to demolish the garage shall be reviewed and approved by the Town Solicitor and Planning Board.**

5. No Certificate of Occupancy shall be issued until the existing garage has been demolished.

Vote: 7-0-0

2. Omni Land Co., West Main Rd., Proposed 9-lot subdivision Plat 111, Lots 8, 9, 9A, 10 Preliminary Plan

Dave Martland, Attorney representing the applicant, stated that all outstanding permits had been received.

Ms. Bennett questioned the status of outstanding items and the conditions of Master Plan approval.

Mr. Martland stated that the lots 9 & 10 had been rezoned to LIA, that RI DOT had issued a Physical Alteration Permit and a letter stating that a traffic signal was not warranted and that a traffic signal for the location would not be supported, and that the requested fire hydrants were shown on the new plans. He stated that the only remaining condition of Master Plan Approval was the Comprehensive Plan Amendment, which has not yet been approved.

Mr. Martland stated that the sewer connection had been approved, that the conditions of the Newport Water Department had been incorporated into the plans, that a note indicating that the berm would be 6' above finished grade, that the plans had been revised to indicate the new zoning of Lots 9 & 10, that storm drainage easements would be provided to the town and a property owner's

association would be created to maintain the storm drainage structures, and that a landscaping plan showing species and planting detail had been provided.

Ms. Hogan stated that the subdivision could not be approved until the Comprehensive Plan amendment takes effect, which is contingent on the adoption of Commercial Design Standards. She said that the Board must make a finding that the proposal is consistent with the Comprehensive Plan, which it currently is not.

Mr. Martland stated that the subdivision could be approved if areas of inconsistency with the Comprehensive Plan were mitigated.

Discussion ensued regarding the need for the Comprehensive Plan Amendment to take effect prior to approval of the subdivision.

Ms. Bennett asked whether it would be possible to approve the subdivision, but not allow any building permits to be issued for the project until Commercial Design Standards had been adopted.

Mr. Gorton stated this would be permissible.

Mr. Dermanoulian, owner, was amenable to this requirement.

Motion by Mr. Weber, seconded by Ms. Rearick, to grant conditional Preliminary Approval subject to the following conditions:

- 1. No building permits shall be issued for new development until the town has adopted Commercial Design Standards.**
- 2. Final design of the sewer connection shall be in accordance with Town standards, and subject to the approval of the DPW Director.**
- 3. The requirements of the Newport Water Department must be met.**
- 4. Documents requiring creation of a property owners association responsible for the maintenance of the storm drainage facilities and all required easements must be provided for review and approval prior to final approval.**
- 5. The landscape plan shall be provided to the Tree Commission for review.**

Vote: 7-0-0

3. John E. Utz Proposed 2-lot subdivision, Plat 127, Lot 1, Paradise Ave. Request for Preliminary and Final plan approval

Ms. Hogan stated that the applicant had requested a continuance in order to address comments provided by the DPW Director and requirements imposed by the Zoning Board.

Motion by Ms. Aull, seconded by Ms. Rearick, to continue this matter to the September 14, 2005 meeting. Vote: 7-0-0

4. James Mack (Treeman), Proposed 2-lot subdivision, Plat 115, Lot 3A, Aquidneck Ave. Request for Preliminary and Final plan approval

Ms. Hogan stated that the application is not yet complete, as it is not tied to the RIGIS Coordinate system. The applicant originally

requested a waiver from this requirement, but has since gone forward and had GPS points taken, these will be added to the plan before recording.

Ms. Hogan stated that comments had been received from the DPW Director and Town Engineer. One comment related to drainage to Aquidneck Avenue, however, this is a state road and therefore subject to RI DOT requirements. Ms. Hogan explained that the applicant had provided a Physical Alteration Permit and that there was a condition addressing drainage attached to the permit. She stated that comments had not yet been received from the fire department.

Ms. Bennett questioned the comment regarding the cemetery.

Ms. Hogan stated that there are no specific requirements for historic cemeteries, however the Planning Board had required that the recent Overlea Farm subdivision include an easement to a historic cemetery on one of the lots.

The applicant stated the cemetery was shown on the plans and access would be permitted.

Motion by Ms. Aull, seconded by Mr. Weber, grant preliminary and final approval, subject to the following conditions:

1. Prior to recording, the subdivision shall be tied to the State Plane Coordinate System.
2. Prior to recording, approval of ingress/egress to the site shall be obtained from the Fire Department.

Vote: 7-0-0

5. Request of the Town Council for advisory opinion on a request of Craig A. Paris to re-zone AP 108SW, Lots 39 & 40, from R-10A to GBA Ms. Hogan stated that the second reading for the Comprehensive Plan Amendment was scheduled for Monday, August 15 and that the applicant had requested a continuance on this matter.

Motion by Ms. Aull, seconded by Mr. Lawrence, to continue this matter to the September 14, 2005 Planning Board meeting. Vote: 7-0-0

6. Request of Attorney Patrick Hayes on behalf of his client for a change in zoning designation for property consisting of a portion of Lot 14, AP 112 from residential R-20A to general business (GB).

Mr. Hayes requested a continuance on this matter, as his client was currently having the required testing done.

Motion by Mr. Weber, seconded by Ms. Rearick to continue this matter to the September 14, 2005 Planning Board Meeting, Vote: 7-0-0

7. Request of the Zoning Board of Review for an advisory recommendation on a special use permit application under Article 14, Motels & Hotels, for the expansion of an existing hotel located at 855 West Main Rd., Plat 107NE, Lot 451.

Mr. Hayes requested a continuance on this matter.

Motion by Mr. Weber, seconded by Ms. Rearick to continue this

matter to the September 14, 2005 Planning Board Meeting, Vote: 7-0-0

8. Discussion of proposed amendments to the Middletown Zoning Ordinance and Subdivision Regulations regarding storm water drainage control and treatment.

Ms. Hogan stated that the Board had been provided with the most recent draft of the proposed Stormwater Ordinances, which incorporated comments from the DPW Director and Town Engineer.

By consensus, the Planning Board scheduled a workshop meeting for August 23 at 4:00 pm.

New Business

9. Paul & Andrea Borges, proposed minor subdivision with creation of a new road. Vaucluse Ave. Plat 129, Lots 200 & 202.

Mr. Hayes explained that although this was technically a minor subdivision, due to the creation of a new road, no new lots were being created. Therefore, his client was requesting a waiver from several submission requirements.

He stated that the current configuration of the two lots made no sense, and that his client merely wanted to make a better subdivision of land. He stated that he was specifically requesting a waiver from the requirement for wetlands delineation and topography at 2' contours, due to the expense.

Ms. Hogan stated that the applicant was requesting waivers from the

majority of requirements for Minor Subdivisions, and the current application did not even included all the items required for an administrative subdivision.

Discussion ensued about the different requirements for administrative versus minor subdivisions.

By consensus, the Planning Board established a subcommittee to review this proposal, and determine whether it should be reviewed as a Minor Subdivision or resubmitted as an Administrative Subidivision, on August 23rd at 10:00 AM.

10. Review draft memo to Town Council regarding recommendations for the Easton's Point business district.

Ms. Hogan stated that the letter included recommendations from the August, date meeting of the Planning Board for the Easton's Point district.

Ms. Bennett stated that Council Member Lou DiPalma was also placing a letter on the Council Docket for August 15, 2005 regarding this matter.

Motion by Mr. Weber, seconded by Ms. Aull to, approve the letter as written and place it on the docket for the August 15, 2005 Town Council Meeting. Vote: 7-0-0

The Planning Board adjourned and reconvened as the Town Center Review Board.

Old Business

1. William Parvo – Request for approval to install an awning sign for a business located at 679 West Main Rd., Plat 107SE, Lot 22

Ms. Hogan stated that the applicant was not present, and had not contacted the Planning Department to request a continuance.

Ms. Bennett stated that at the previous meeting the applicant had said he would try to work with Benjamin Moore to change the corporate-required design.

Motion by Mr. Lawrence, seconded by Mr. Weber to continue this matter to the September 14, 2005 Planning Board Meeting, Vote: 7-0-0

2. Newport Athletic Club – Request for approval of a new wall sign for the business located at 66 Valley Rd., Plat 113, Lot 19

The applicant stated that he wanted to replace an old, deteriorating wall mounted sign with a low maintenance material. He provided the board with pictures of the existing sign. The new sign would be the same total area as the old sign (72 square feet), however, the size of the lettering would be uniform, unlike the old sign.

Ms. Bennett asked if the sign would be illuminated.

The applicant said it would not be illuminated.

Ms. Bennett questioned what the plastic would look like.

The applicant said it would be painted. He stated that the sign could be constructed of aluminum, however, it would be more costly, more difficult to maintain, and look similar to the painted plastic sign.

Ms. Hogan explained the other waiver the applicant was requesting was from the requirement to have signs within a two-foot band above the storefront windows, and that the design of this building does not allow for such a band.

Ms. Hogan stated that the Board would need to vote on each waiver separately.

Motion by Mr. Weber, seconded by Mr. Lawrence, to grant a waiver from 2404.5 (e) to allow a wall sign in excess of two feet in height.

Vote: 7-0-0.

Motion by Mr. Weber, seconded by Mr. Lawrence, to grant a waiver from 2404.5 (g) to allow a plastic sign.

Vote: 7-0-0.

Motion by Mr. Weber, seconded by Mr. Lawrence, to grant a waiver from 2404.5 (h) to allow a plastic sign.

Vote: 7-0-0.

Motion by Mr. Weber, seconded by Ms. Aull, to adjourn. Vote: 7-0-0

The meeting adjourned at 8:10pm