

**Town of Middletown
Planning Department**

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

PLANNING BOARD MINUTES

November 9, 2005

Board members present:

Hedy Bennett, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Secretary Vernon Gorton, Town Solicitor

David Lawrence

Richard Adams

Audrey Rearick

Colleen Aull

Members absent:

Art Weber

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

The minutes of the regular meeting of October 12, 2005 were reviewed.

Motion by Ms. Rearick, seconded by Mr. Adams to approve the minutes. Vote: 6-0-0.

Sitting as Planning Board

Old Business

1. Omni Land Co., West Main Rd., Proposed 9-lot subdivision Plat 111, Lots 8, 9, 9A, 10, Final Plan – Set amount of performance security.

Attorney Robert Silva represented the applicant. He stated that the applicant was continuing to finalize the cost estimates for the installation of improvements and was not ready to proceed at this time. He requested that the matter be removed from the Planning Board agenda until a later date when more information becomes available.

By consensus the Board agreed to remove the item from the agenda.

2. Bryant – Request for 2-lot subdivision, Concord & Continental Dr., Plat 114, Lot 67

Attorney William Harvey, representing the applicant, described the plan and the required zoning setback relief.

Ms. Bennett stated that the subcommittee established by the Board had conducted a site visit. She asked Mr. Eckhart, a member of the committee, if he had any concerns with the proposal.

Mr. Eckhart stated that he did not have any concerns with granting conditional approval.

Motion by Mr. Adams, seconded by Ms. Rearick, to grant conditional preliminary subdivision plan approval, subject to the following

conditions:

1. Relief granted by the Zoning Board of Review to allow for the creation of a lot (Lot 67) with less than the required rear yard setback is required prior to final approval.

2. The design and installation of sanitary sewer to serve proposed lot 67-E must be in accordance with Town regulations, and must include a back-flow preventer at the service connection.

Vote: 6-0-0

3. MR4A-JV – Request for administrative subdivision approval, Mitchell’s Lane, Plat 124, Lots 5 & 29, Plat 123, Lot 12

Attorney David Martland represented the applicant.

There was discussion of the recommendation from the Town Engineer indicating that water table levels should be reviewed after drains have been in place through a wet season.

Ms. Bennett stated that documentation from the RIDEM indicating that the proposed reconfigured lots could support septic systems.

Mr. Martland stated that based on similar development in the area, the Board could find that the lots could support development.

Mr. Gorton suggested that the applicant be allowed to present his case, then the Board should determine if it can make the required positive findings.

Mr. Lawrence asked if the lots could be served by sewer.

Mr. Martland stated that while that would be possible, the applicant does not want the approval of the subdivision tied to the provision of sewer service.

Mr. Eckhart asked about future development of Parcel A.

Eric Offenberg, engineer for the applicant, stated that RIDEM has granted variances for other development in the area. Soils should not be considered a limiting factor. He noted that existing lot 29 is nonconforming for zoning. Proposed parcel B would meet zoning requirements.

There was additional discussion regarding the required findings that the Board must make prior to approval, and the effectiveness of subdrains in lowering water table.

Mr. Offenberg stated that the drains usually work, but there is no guarantee.

Ms. Bennett suggested that the plan could be approved subject to the applicant providing documentation from RIDEM prior to recording.

Mr. Martland stated the rezoning of the land which is subject to the subdivision is contingent on the approval of subdivision. The required delay to gain RIDEM approval would be problematic.

Motion by Ms. Bennett, seconded by Ms. Rearick, to grant approval of the subdivision subject to the applicant providing documentation indicating RIDEM approval of the building lots for septic systems prior to recording. Vote: 1-5-0, with Mr. Eckhart, Ms. Aull, Mr. Lawrence, Ms. Rearick, and Mr. Adams voting in opposition. The motion fails.

Motion by Mr. Lawrence, seconded by Ms. Aull, to grant approval of the administrative subdivision as presented. Vote: 5-1-0, with Ms. Bennett voting in opposition.

4. Saltwood Farm Subdivision – Peter Gallipeau Bailey Ave./Sachuest Drive - Plat 126, Lot 4 – 4-lot subdivision (Final Plan)– Request for

1-year extension of subdivision approval.

Mr. Gallipeau was not present

Mr. Wolanski explained that the Board had received a letter from Mr. Gallipeau requesting an extension of the requirement for installation of public water or a cistern, which was a condition of the approval of the subject subdivision.

Motion by Ms. Rearick, seconded by Ms. Aull, to approve the request for a 1-year extension of the subdivision approval. Vote: 6-0-0.

5. Segerson, Greene Lane, Proposed 5-lot subdivision, Plat 105, Lots 4B & 4C, Final Plan – Request for 6-month extension of subdivision approval.

Attorney Robert Silva, representing the applicant, stated that the applicant is working to finalize funding for the required public improvements. An extension of the subdivision approval is needed in order to allow for completion of this work.

Motion by Ms. Rearick, seconded by Ms. Aull, to approve the request for a 6-month extension of the subdivision approval. Vote: 6-0-0.

6. Bancroft Partners, LLC , Proposed Administrative Subdivision, Tuckerman Ave. (Plat 122, Lots 123 & 127)- Request for 60-day extension of subdivision approval.

Attorney Robert Silva, representing the applicant, stated that the applicant is working to address remaining issues prior to recording. An extension of the subdivision approval is needed in order to allow for completion of this work.

Motion by Ms. Rearick, seconded by Ms. Aull, to approve the request for a 60-day extension of the subdivision approval. Vote: 6-0-0.

7. 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).

Attorney Patrick Hayes, Jr., representing the applicant, discussed the proposal and reviewed the current status. He introduced Peter Capadilupo, principal of Newport Autocenter.

Mr. Capadilupo expressed his desire to have the zone change in order to allow for the expansion of his parking area.

There was additional discussion of the need for an expert to review the results of the water quality analysis. The Board received a memo from the Town Engineer indicating that he does not have the expertise required to review the study.

The Board consensus was that an independent review of the results is needed.

Mr. Hayes stated that his client would fund this review.

Mr. Wolanski stated that the Town is in the process of seeking proposals for engineering services. It will be several weeks before a review could be completed.

There was discussion of the need for appropriately designed drainage facilities serving the entire property, and the applicant's earlier proposal to set aside remaining land as protected open space. The Board discussed the possibility of recommending these items as conditions of the zoning change.

The applicant was agreeable to this course of action.

Motion by Ms. Bennett, seconded by Ms. Rearick, to continue this

matter to the December 14, 2005 Planning Board meeting.

Vote: 6-0-0.

8. Public Hearing - Review of proposed ordinance amendments for storm water drainage control and implementation of the town's Phase II Storm Water Management Plan.

Ms. Bennett stated that the public hearing was open to allow for comment on the proposed amendments to the subdivision rules and regulations with regard to the stormwater drainage requirements.

There being no one wishing to speak on the item, the hearing was closed.

Motion by Ms. Rearick, seconded by Mr. Adams, to adopt the proposed amendments and forward them, along with the proposed zoning and Town Code amendments to the Town Council for consideration. Capadilupo Vote: 6-0-0.

9. Love Realty Trust II (Residences at Forest Commons) – Review of site plans for a 60 unit senior independent living facility – Forest Ave. Plat 113, Lots 3, 3A, 3B, & 5.

Attorney Patrick Hayes represented that applicant.

By consensus the Board established a subcommittee to complete the technical review of the engineering plans, and scheduled a subcommittee meeting for November 21, 2005 at 9am. The matter was continued to the December 14, 2005 Planning Board meeting.

Sitting as the Town Center Review Board

1. Robert T. Karns, 6 Valley Road, Plat 107NE, Lot 16-B, Request for approval of a proposed free-standing sign & alterations to approved

site plan

Charlene Karns and her sign company representative addressed the Board. The applicant is seeking approval of a proposed free standing sign which requires a waiver for a 6' tall sign where 4' height maximum is required.

Ms. Karns stated that the proposed sign design will have a more colonial look than a sign that would meet the height requirement.

Ms. Bennett stated that new signs should meet the regulations.

Motion by Ms. Aull, seconded by Ms. Rearick, to deny the proposed sign. Vote 5-1-0, with Mr. Lawrence voting in opposition.

Ms. Karns explained the request to alter the previously approved site plan to allow for the required landscaping to be located on state property located along the Valley frontage. The state has granted a lease for this purpose.

Motion by Ms. Rearick, seconded by Ms. Aull, to approve the amended site Plan. Vote: 6-0-0.

2. Christopher Maitland, 659 West Main Rd., Plat 107SE, Lot 18, Request to alter an existing awning sign.

Mr. Maitland addressed the Board with a request to alter an existing awning sign to provide a new business name, and to allow for a sign to be located on the existing pylon sign. Neither sign would be internally illuminated.

Mr. Wolanski noted that the awning had been previously approved by the Board for the prior business.

Mr. Maitland confirmed that the sign to be located on the pylon would be constructed of wood.

Mr. Wolanski stated that there would be more than one sign for the business, which does not meet the requirement of one sign per business in a multi-use building. This requirement has been waived for similar situations in the past.

Motion by Ms. Aull, seconded by Mr. Eckhart, to grant a waiver to allow for more than one sign for the business, and to approve the application as presented. Vote: 6-0-0.

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

Sitting as Planning Board

Andy Teitz was available to provide a discussion of the proposed commercial design regulations if needed. The Board determined that such a presentation would not be needed.

Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 6-0-0

The meeting adjourned at 8:30pm