

# **PL ANNING BOARD MINUTES**

**February 8, 2006**

**Board members present:**

**Art Weber, Vice Chairman   Ron Wolanski, Town Planner**

**Jan Eckhart, Secretary   Vernon Gorton, Town Solicitor**

**David Lawrence**

**Richard Adams**

**Audrey Rearick**

**Member absent:**

**Colleen Aull**

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

**The minutes of the regular meeting of January 11, 2006 were reviewed.**

**Motion by Mr. Adams seconded by Mr. Eckhart to approve the minutes. Vote: 4-0-0. (Ms. Rearick had yet to arrive)**

**Sitting as Planning Board**

**Old Business**

**1. Public Hearing -   George P. Lewis, Proposed 5-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Preliminary Plan**

**Attorney Brian Bardorf represented the applicant. He discussed ongoing research related to the legal status of Bailey Ave. He has been in communication with attorneys representing the abutters and the Town Solicitor. He indicated that he would agree to a continuance given the need to resolve the issue of road ownership prior to proceeding with review of the subdivision plan.**

**Attorney David Martland stated that he is representing Peter and Elizabeth Gallipeau. Their belief is that the road in the area of the proposed subdivision is private.**

**Mr. Gorton indicated that he will work with the applicant's and abutters' attorneys to review the available information, and advise the Board accordingly.**

**Motion by Mr. Adams, seconded by Mr. Eckhart, to continue the matter to the March 8, 2006. Planning Board meeting. Vote: 4-0-0 (Ms. Rearick had yet to arrive).**

**2. Peter Gallipeau, Island Drive & Elizabeth Lane, Request for release of subdivision maintenance bonds.**

**Mr. Gallipeau was not present.**

**Mr. Wolanski stated that the Town Engineer had indicated verbally that he was satisfied with the condition of the improvements for the Elizabeth Lane subdivision. He was still reviewing the conditions and a related easement issue at the Island Drive subdivision.**

**Motion by Mr. Adams, seconded by Mr. Eckhart, to continue the matter to the March 8, 2006. Planning Board meeting. Vote: 4-0-0 (Ms. Rearick had yet to arrive).**

**3. Request of Attorney Patrick Hayes on behalf of his client**

**(Autocenter) 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 represented the proponent. He requested that the Board provide a recommendation on the proposed zone change to the Town Council.**

**The Board had received comments from Pare Engineering regarding the groundwater analysis that had been provided by the proponent's engineer.**

**Mr. Weber cited a statement in the letter from Pare (dated February 2, 2006) which expressed a need for additional data to evaluate the impact on the Crystal Springs well.**

**Mr. Bloomer stated that his concern was with regard to the design of the proposed storm drainage system rather than the proposed use of the property. He stated that the system should be designed in conjunction with RIDEM requirements to limit potential negative impacts on the Crystal Springs well, adjacent wetlands, and Bailey Brook.**

**Mr. Hayes requested a conditional positive recommendation on the zone change.**

**Mr. Adams reiterated that Board's request that the drainage system treat the storm runoff from the entire Autocenter property.**

**Mr. Hayes agreed.**

**Mr. Wolanski stated that the proponent had previously offered to preserve the remainder of the property by conservation easement. He asked if this was still the case, and if it included the upland area**

**abutting Forest Ave.**

**Mr. Hayes stated that the proponent would work with the Town to apply a conservation easement over the bulk of the property, with the exception of the upland area abutting Forest Ave..**

**Motion by Mr. Adams, seconded by Ms. Rearick, to forward a positive recommendation to the Town Council on the proposed zone change subject to the following recommended conditions:**

**1. The remainder of Lot 14, AP 112 not subject to the zone change request, as well as all of Lot 11, AP 112, (also known as Lot 107, AP 106), with the exception of an upland area immediately adjacent to Forest Ave. shall be protected in perpetuity by a conservation easement granted to an agency subject to Town approval. The specific boundaries and language of the conservation easement should be approved by the Town Council prior to approval of the zone change.**

**2. RIDEM shall review and approve all proposed site development, particularly proposed storm water drainage control facilities with regard to their potential impacts on Bailey Brook and associated wetlands.**

**3. Storm water drainage control facilities, incorporating all appropriate best management practices, shall be designed and installed to capture, detain and treat all storm water runoff from the area of proposed parking lot expansion, as well as the remainder of the entire Auto Center development, including lots 87, 91, and 92, AP 106, in accordance with all town and state regulations, and subject to review and approval by the Town Engineer.**

**Vote: 5-0-0**

**4. 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, Jr., representing the applicant, stated that the engineering required for Planning Board review is on-going.**

**By consensus this matter was continued to the March 8, 2006 Planning Board meeting.**

**5. Request of the Zoning Board of Review for an advisory recommendation to the on proposed development within Zone 1 of the Watershed Protection District – Kenneth Haslam, Plat 113, Lot 803  
Attorney David Martland represented the applicant. He requested a positive recommendation on the request.**

**There was discussion regarding the revised drainage plans.**

**Mr. Martland stated that RIDOT approval is required for the proposed drainage facilities.**

**Motion by Mr. Adams, seconded by Ms. Rearick, to forward a positive recommendation to the Zoning Board of Review subject to the following recommended conditions:**

**1. The Town Engineer must review and approve revised drainage plan and calculations prior to issuance of permits. Any necessary approvals from the RI Dept. of Transportation, and any other state and local regulatory approvals must be secured prior the issuance of permits.**

**2. To the extent possible, all roof runoff shall be directed to landscaped areas to promoted infiltration, subject to the approval of**

**the drainage plan by the Town Engineer.**

**3. The storage of any hazardous chemicals in the proposed storage units and elsewhere on the property shall be prohibited.**

**Vote: 5-0-0**

**6. Request of the Zoning Board of Review for an advisory recommendation to the on proposed development within Zone 2 of the Watershed Protection District – Matthew S. Gurl, Proposal to construct a commercial building for use as a carwash. Plat 107NE, Lots 17 & 453, 741 West Main Rd**

**There was discussion regarding the need to readvertise the Public Hearing required for the Town Center Board review due to an incorrect address used on the public notice.**

**Motion by Mr. Lawrence, seconded by Mr. Adams, to continue the matter and advertise for Public Hearing to be held during the March 8, 2006 Planning Board meeting. Vote: 5-0-0.**

**7. Discussion of proposed Easton's Beach district master plan**

**Mr. Wolanski stated that the Town will be submitting a request for grant funding for a master planning project for the Atlantic Beach district.**

**Mr. Lawrence suggested that the Economic Development Advisory committee be included in the planning process.**

**Mr. Adams suggested that a subcommittee could be gin work even before funds are awarded.**

**New Business**

**8. Island Hotel Group – The Planning Board received the request for an advisory opinion regarding a sepecial use permit application**

**under Article 14 of the Zoning Ordinance, Motels & Hotels.**

## **Sitting as the Town Center Review Board**

**1. Public Hearing - Richard Reavis/Vince Arcello (Tito's Cantina), Proposed addition to an existing commercial building. Plat 107SE, Lot 17, 651 West Main Rd.**

**The applicants, Mr. & Mrs. Arcello, were present.**

**Mr. Eckhart discussed that concerns of the subcommittee, which conducted a site visit. The proposed addition is relatively small and will be consistent with the existing building. No site work is recommended due to the limited nature of the application.**

**The public hearing was opened. No one in attendance wished to speak.**

**The public hearing was closed.**

**Mr. Wolanski suggested conditions of approval in order to clarify the extent of the proposal and to address concerns raised by the Zoning Official regarding signage.**

**Motion by Mr. Lawrence, seconded by Mr. Adams, to approve the application subject to the following conditions:**

**1. This approval applies only to the proposed additions to the front and south side of the building as depicted in the sketch provided by the applicant, not to the area identified on that sketch as "proposed addition" at the rear of the building.**

**2. The existing signs on the building shall be brought into conformity with the requirements of the Zoning Ordinance and off-premises**

**sign(s) shall be eliminated, subject to the approval of the Zoning Officer.**

**3. The replacement parapet proposed for the building shall continue to screen, to the extent possible, the HVAC and any other mechanical equipment on the roof.**

**Vote: 5-0-0**

**2. Public Hearing – Matthew S. Gurl, Proposal to construct a commercial building for use as a carwash. Plat 107NE, Lots 17 & 453, 741 West Main Rd.**

**Attorney Peter Regan represented to applicant.**

**There was discussion regarding the need to readvertise the Public Hearing required for the Town Center Board review due to an incorrect address used on the public notice.**

**Motion by Mr. Lawrence, seconded by Mr. Adams, to continue the matter and advertise for Public Hearing to be held during the March 8, 2006 Planning Board meeting. Vote: 5-0-0.**

**3. Public Hearing – Marshall Properties, Inc., Proposal to construct a commercial building for use as a restaurant, including a drive-up window. Plat 107SE, Lots 13 & 14, 619 West Main Rd.**

**Mr. Wolanski stated that revised site plans have yet to be provided. The applicant is seeking approval of the building design.**

**Attorney Bob Silva, representing the applicant, described the changes made to the plans as a result of the subcommittee discussions.**

**Mr. Weber stated that he was not happy with the proposed design as it did not meet the intent of the Town Center ordinance. The**

**subcommittee had agreed to a brick design with no stone.**

**Ms. Rearick stated that she was not in favor of the design, and would prefer a pitched roof. She referred to the Middletown Public Library as an example.**

**Mr. Lawrence stated that a more colonial look might be possible.**

**Mr. Eckhart expressed concern with the design. It does not meet the intent of the ordinance.**

**Mr. Adams stated that he does not approve of the design, but sees it as a transitional design between existing development on West Main Rd. and the Town's goal with the Town Center.**

**Mr. Silva stated that the design meets the technical requirements of the Town Center ordinance.**

**There was discussion of other buildings approved by the Town Center review Board, including the Atlanta Bread Building.**

**The public hearing was opened.**

**Roberta Duffy of 280 Forest Ave stated that she did not approve of the building design or the landscaping.**

**Gail Greenwood of Forest Ave. referenced the proposed commercial design standards. She cited Burger King and Chili's as examples of good site design. She stated Mr. Silva voted as a member of the Zoning Ordinance Review Committee to request a delay in adoption of the proposed commercial development design standards, which is a conflict of interest.**

**Mr. Silva stated that he did not vote no the action to request a delay. He stated that he represented the developers of the Chili's and Burger King projects.**

**Jennifer King of 20 Maplewood, and abutter to the property, stated that she was happy with the proposed plan.**

**After additional discussion the applicant indicated that they are willing to proceed with the brick design which was favored by the subcommittee. The subject rendering was entered as exhibit 1.**

**Motion by Mr. Lawrence, seconded by Mr. Adams, to approve the design submitted as exhibit 1 subject to final approval of the building elevations and revised site plans. Vote: 4-1-0 with Ms. Rearick voting in opposition.**

**It was agreed that a subcommittee meeting would be scheduled to review the final site plans.**

**4. Public Hearing – Island Hotel Group, LLC, Proposal to demolish a portion of an existing hotel, and construct a new 97-room hotel. Plat 108, Lots 97G, 131, & 193, 317-351 West Main Rd.**

**Mr. Weber referenced letters received by the Board: Letter from Greg DeAscentis, dated 1/30/06; Letter from Laura DeAscentis, dated February 1, 2006.**

**Attorney Bob Silva, representing the applicant, described the proposal.**

**The applicant's engineer, John Caito, described the roof options and the site plan. He indicated that two of the Beech trees along High Street could be saved, but due to grading requirements, the others could not be saved.**

**There was discussion of items yet to be submitted, including a revised landscaping plan and lighting plan.**

**The public hearing was opened.**

**Greg DeAcentis of 37 Elmwood Ave. stated that the plan does not meet the intent and requirements of the Town Center district. He is concerned with the height of the building and the proximity to his property line.**

**There was additional discussion regarding the height of the building. Board members expressed a desire to conduct another sight visit.**

**Laura DeAcentis of 37 Elmwood Ave. stated that she is concerned with the environmental condition of the property, including contaminated soil and dust. In the past there were problems with blowing dust from the property.**

**Mr. Lawrence stated that the Kampenaars have been good citizens. He reference the Kempenaar land purchased by the Town.**

**Gail Greenwood of Forest Ave. stated that Mr. Lawrence should recuse do to his statements regarding the Kempenaar family.**

**Mr. Wolanski stated that the with either roof design, the applicant must seek relief for the building height. The proposed flat roof would be 48 ft. above the existing grade, 63 ft. for the pitched roof design.**

**Mr. Silva requested input on the proposed exterior building materials.**

**The consensus of the Board was that the proposed materials are acceptable.**

**By consensus, the Board agreed to conduct an additional site visit on March 2nd to focus on the issue of the building height and proposed roof design.**

**5. Public Hearing – Tim Horton’s (New England) Inc., Proposal to demolish existing commercial building, and construct new**

**commercial building, including a drive-up window, for use as a restaurant. Plat 107SE, Lot 401. 159 East Main Rd.**

**Attorney Amy Oberg, representing the applicant, described the proposal. She stated that zoning relief is needed for the drive-thru, setbacks, and sidewalks.**

**Mr. Weber and Mr. Adams both stated that building should be brought closer to the road.**

**By consensus the Board scheduled a site visit to be held on February 27th.**

**Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 5-0-0**

**The meeting adjourned at 9:45pm**