

PL ANNING BOARD MINUTES

March 8, 2006

Board members present:

Art Weber, Vice Chairman Ron Wolanski, Town Planner

Jan Eckhart, Secretary Vernon Gorton, Town Solicitor

Richard Adams

Audrey Rearick

John Tucker

Member absent:

Colleen Aull

David Lawrence

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

Election of Planning Board officers for 2006

Motion by Mr. Tucker, seconded by Ms. Rearick, nominating Mr. Weber to serve as Planning Board Chairman. Vote 5-0-0

Motion by Mr. Adams, seconded by Ms. Rearick, nominating Mr. Tucker to serve as Vice Chairman. Vote 5-0-0

Motion by Ms. Rearick, seconded by Mr. Weber, nominating Mr. Eckhart to serve as Secretary. Vote 5-0-0

Minutes

The minutes of the regular meeting of February 8, 2006 were

reviewed.

Motion by Ms. Rearick seconded by Mr. Tucker to approve the minutes. Vote: 5-0-0.

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 indicated that his client agrees to a continuance given the need for the Town Solicitor to complete his review to resolve the issue of road ownership.

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. He requested a copy of the Town Solicitor's report when it becomes available.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to continue the public hearing to the April 12, 2006 regular Planning Board meeting. Vote: 5-0-0

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

Mr. Adams recused himself from the discussion.

Mr. Weber stated that the Board had received correspondence from the Town Engineer identifying items that must be resolved for both

subdivisions. The Board should not release bonds until the Town Engineer agrees.

Mr. Gallipeau stated that he has no control over the ongoing easement dispute at Island Drive. He will address the concerns identified for Elizabeth Lane. He requested release of the maintenance bonds since the one-year bond period has expired.

Mr. Gorton noted that the Town Engineer also identified problems with improvements.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to grant conditional approval of the maintenance bond release for Elizabeth Lane, subject to certification by the Town Engineer that all outstanding issues have been resolved, and to continued the consideration of the request for release of the Island Drive maintenance bond to the April 12, 2006 Planning Board meeting. Vote: 5-0-0

3. 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 April 12, 2006 Planning Board meeting.

4. 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

Attorney Peter Regan representing the applicant described the revised plans, including changes to the entrance from West Main Rd. Mr. Wolanski stated that the Town Engineer had raised a question regarding the proposed drainage. It should be designed to ensure that the swale is dewatered after rain events.

There was discussion of the brushless system by a representative of the applicants equipment contractor. All wash water will be discharged to the sanitary sewer system. The City of Newport must approve the connection and treatment.

The applicant presented a real estate report prepared by Newport Appraisal Group, LLC.

Motion by Mr. Adams, seconded by Mr. Tucker, to forward a positive recommendation to the Zoning Board of Review on the Watershed Protection District, Zone 2, subject to the following 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.

Vote: 5-0-0

5. Request of the Zoning Board of Review for an advisory recommendation on an application for Special Use Permit under

Article 14, Motels and Hotels, for a proposed development by 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.

Attorney Robert Silva, representing the applicant, requested that the matter be continued to the April 12 Planning Board meeting..

Motion by Mr. Adams, seconded by Mr. Tucker, to continue the discussion the April 12, 2006 regular Planning Board meeting. Vote: 5-0-0.

6. Karmik LLC, Request for conceptual review of proposed 6-lot major subdivision, Prospect Ave. & Aquidneck Ave. Plat 120, Lot 46.

Attorney Robert Silva, representing the applicant, requested that the matter be continued to the April 12 Planning Board meeting in order that his client may be able to attend.

Mr. Weber stated that he has concerns with the proposal to create nonconforming lots.

Mr. Silva stated that the plan would address the existing nonconforming situation of the property.

Motion by Ms. Rearick, seconded by Mr. Weber, to continue discussion of the, matter to the April 12, 2006 Planning Board meeting. Vote: 5-0-0.

7. Request of the Zoning Board of Review for an advisory recommendation on proposed development within Zone 2 of the Watershed Protection District – Yvonne Blackman, Proposal to construct an addition to an existing commercial building used as a carwash. Plat 112, Lot 3A, 1379 West Main Rd

Mr. Weber stated that a site visit will be needed.

A subcommittee was established and a site visit scheduled for March 14th.

Motion by Mr. Tucker, seconded by Mr. Adams, to continue the matter to the April 12, 2006 Planning Board meeting. Vote: 5-0-0.

8. Discussion of zoning designation of town-owned properties, and possible recommendation for zoning changes to the Town Council.

By consensus the Board established a subcommittee to review the proposal.

The matter was continued to the April 12, 2006 Planning Board meeting.

9. Appointment of Planning Board members to serve on the Aquidneck Island Planning Commission.

Motion by Mr. Tucker, seconded by Ms. Rearick, to recommend to the Town Council that Mr. Weber and Mr. Eckhart be appointed to serve on the Aquidneck Island Planning Commission, and to appoint Mr. Adams as the alternate member. Vote: 5-0-0

Sitting as the Town Center Review Board

1. 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, representing the applicant, described the changes that had been made to the plans in response to Planning Board review. A lighting plan was provided.

There was discussion of the proposed lighting fixtures. The applicant

was asked to provide details of the fixtures.

There was discussion of the proposed exterior building materials.

The Board expressed support for the materials.

The hearing was opened for public input.

Art Benner of Namquid Dr. asked about the schedule for cleaning the equipment. IF done during the day could impact the business.

Mr. Regan stated that only one of the three bays would be closed at a time for required maintenance.

Manny Mello expressed concern that the drainage from the site could adversely impact the Knights of Columbus property.

Mr. Eckhart stated that the current condition of the property with regard to drainage would improve with the proposed plan.

Motion by Mr. Eckhart, seconded by Mr. Tucker, to approve the application subject to the following 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) Prior to the issuance if permits, the applicant shall provide details of proposed exterior lighting fixtures to the Town Planner for approval by the Chairman of the Town Center Review Board.

4) A sign shall be installed at the driveway entrance from West Main

Rd., facing south-bound traffic, to indicate no left turn into the site.

5) Prior to the issuance of permits, confirmation that all review fees have been paid, including those required for consulting engineer review, should be provided by the Finance Director.

Vote: 5-0-0

2. 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.

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

Mr. Wolanski stated that the landscaping plan should be revised to include the changes made to the site plans. Also, the Town Engineer was seeking additional information on the proposed road crossing for the storm drainage.

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the plans subject to the following conditions:

1. The Town Engineer and DPW Director 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. The approved landscaping must be revised to include the connection of the walkway at the front of the building to the proposed sidewalk along West Main Rd., as depicted on the approved site plan.

Vote: 5-0-0

3. 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.

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

Mr. Weber stated that the primary items of discussion this meeting are the proposed roof design and the location of the building.

Mr. Silva presented the results of a survey conducted by the applicant of abutting property owners. The majority prefer the location of the building as proposed and the hip roof design.

Mr. Weber asked about the potential to move the building closer to High Street.

The applicant's engineer, Mr. Caito, stated that moving the building closer to High Street would pose grading and other constraints due to the lot configuration.

Mr. Karem, the applicant, stated that reconfiguring the hotel and site would pose operational problems.

The hearing was opened to the public.

George Zecher of Elmwood Ave. stated that his primary concern is for increased traffic on High Street.

Mr. Silva stated that the intent is to have traffic enter the site from West Main Rd. Use of High St. by hotel patrons will be discouraged.

Bill Gouch of 3 Adelaide Ave. stated that the height of the building should be reduced; berms along High St. should be considered to screen the building from the Valley park. The access to High Street should be eliminated and access provided from Commercial St.

Mr. Karem stated that the property does not have access to Commercial St.

Greg Deacentis of Elmwood Ave. asked about the distance of the building from West Main Rd. He expressed concern with the proposed access to the site. Regarding the survey conducted by the applicant, a question regarding moving the building closer to High street was not asked. He stated that the design of the proposal could be changed including providing underground parking, added sound buffers, and more evergreen screening.

Art Benner of Namquid Dr. stated that the Tree Commission would like to see the Beech Trees along High St. saved.

Manny Mello stated that the height of the building should be reduced. Mr. Weber stated that he has concerns with the proposed height, particularly the hip roof design. He stated that he could not support that design due to the excessive height of the building.

There was discussion of the desired on the Town's part to save the Beech Trees along High Street if possible.

The applicant stated that in order to save the trees parking would have to be reduced, necessitating a variance. A reduction in the loading spaces would be the likely result.

Mr. Eckhart stated that he would support a reduction in parking in order to save the trees.

Other Board members agreed and indicated that they would support a proposal with reduced parking, subject to relief granted by the ZBR.

Mr. Adams asked about lowering the grade of the site a s way to save the trees.

Mr. Caito stated that the potential for grading changes is limited due to the need to provide a level parking area and to allow for access to the site from West Main Road.

Mr. Eckhart stated that he would like more input from the abutters on the roof design.

Julie Zecher of 41 Elmwood Ave. cited Article 9 of the Zoning Ordinance regarding the requirements for the granting of a special use permit by the Zoning Board of Review. She stated that she preferred the flat roof design.

Motion by Mr. Eckhart, seconded by Mr. Tucker, to support the flat roof design for the building, to maintain the location of the building on the site as proposed, and to support the reduction of parking spaces if necessary to save the Beech Trees along High St. Vote: 5-0-0.

4. 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 revised plans would be provided and that an additional subcommittee meeting may be needed prior to the next Board meeting.

There was discussion of the possibility of moving the proposed building closer to East Main Rd.

Keith Bloomer, Pare Engineering, stated that it appears that moving the building closer to the road would be possible.

Mr. Fielder, the applicant, stated that moving the building would require a reconfiguration of the interior, which would not be consistent with the corporate model.

Ms. Oberg stated that the East Main Rd. entrance to the site will be closed.

Mr. Vianna, Northeast Engineers, stated that a sidewalk would be installed to meet the sidewalk on the BJ's property.

Mr. Fielder stated that the proposed signage would meet the requirements of the district.

By consensus the Board scheduled a subcommittee meeting for March 21st and continued the matter to it's April 12th meeting.

5. Middletown Taco Inc. (Taco Bell), Proposal to replace existing wall mounted sign, awning and canopy on an existing commercial building. Plat 107SE, Lot 15, 641 West Main Rd.

Bob Paige of Beaumont Signs represented the applicant. He described the request, including replacing the existing fabric awnings with similar materials. Samples of the materials were provided to the Board. The existing internally illuminated wall sign would be replaced with a new internally illuminated wall sign of reduced size. Only the face of the existing internally illuminated pole sign would be replaced. Mr. Weber stated that he could not support the installation of a new internally illuminated wall sign. The replacement of the awnings is acceptable.

Mr. Adams and Mr. Tucker stated that there are other signage options available that would meet the requirements, and that are used by chain businesses in other communities.

The Board recommended and the applicant agreed to reconsider the proposed signage, and return to the April 12th meeting.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to approve the proposed replacement of the existing awnings and the continue discussion of the signage to the April 12, 2006 meeting. Vote 5-0-0.

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

The meeting adjourned at 9:30pm