

**Town of Middletown
Planning Department**

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

PLANNING BOARD MINUTES

July 12, 2006

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

John Tucker, Vice Chairman Vernon Gorton, Town Solicitor

Jan Eckhart, Secretary

Richard Adams

Audrey Rearick

Colleen Aull

David Lawrence

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

Minutes

The minutes of the regular meeting of June 14, 2006 were reviewed.

Motion by Mr. Tucker seconded by Mr. Adams to approve the minutes. Vote: 6-0-0 (Mr. Lawrence had not yet arrived).

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, representing the applicant, discussed the results of the site visit. The applicant is not in favor of the proposal to connect Trout Drive to Bailey Ave. He stated that only Mr. Gallipeau would benefit as it would allow public water to be brought to his property. Mr. Bardorf stated that the policy to eliminate cul-de-sacs is fine, but not practical in this situation. He stated that his client is willing to work with the Board toward a compromise. The construction of a standard roadway connection would make the project economically infeasible.

There was discussion of the potential to provide a gate to limit public access and waiver of construction standards for the proposed road connection.

Mr. Gorton raised concerns regarding a gate across a public road.

The hearing was opened for public input.

Mrs. Cohen, a resident of Miller St., stated that she has concerns with the horse farm, and the traffic it creates. She stated that she has concerns with drainage and is not in favor of new development.

Martha Koziara, of Miller St. stated that well water quality is declining in the neighborhood. She has experienced basement flooding. She stated that she is not in favor of the proposed road connection. There is no need for improved emergency vehicle access. Traffic will

increase causing a safety problem. She stated that the proposed subdivision will result in negative environmental impacts.

Peter Gallipeau, an abutter to the proposed subdivision, stated that connecting the roads would allow for public water to the benefit of the neighborhood for fire protection and domestic water supply. If public water is not provided, he would be required to install a cistern at the end of Sachuest Way. He stated that the application should be considered a major subdivision because the applicant would be seeking waivers from the standards of the subdivision regulations. He stated that the potential compromise of a gated roadway is acceptable, provided that the public right-of-way is connected. He questioned the applicant's contention that the roadway connection would make the project economically infeasible.

Mr. Weber stated that the Town Solicitor and Town Planner have advised that the plan be reviewed as a minor subdivision.

Dr. Lewis stated that the Fire Dept. has access to the hydrant that he has installed on his property. There is no need for an additional hydrant in the area.

Nancy Grasing, an abutter to the proposed subdivision, stated that she is concerned with the impact of the development on storm drainage in the area. She stated that a gated connection would be acceptable.

Mr. Weber suggested that a site visit be scheduled to review the alternatives for road construction.

Dr. Lewis agreed to the further continuance.

Motion by Ms. Aull, seconded by Ms. Rearick, to continue the matter

to the August 9, 2006 Planning Board meeting, and schedule a site visit for July 26th at 9am. Vote: 7-0-0

**2. George D. Smith, 2-lot minor subdivision (Plat 116NE, Lot 187)
Request for amendment to approved plan and extension of plan approval.**

Attorney Patrick Hayes, representing the applicant, described the history of the storm drainage issue for the subject subdivision. Because easements to accommodate the proposed town drainage system have not been secured the applicant is seeking approval of a plan revision based on on-site retention.

The applicant is also seeking a one-year extension of the subdivision approval to allow time for satisfaction of conditions and recording.

Motion by Mr. Tucker, seconded by Ms. Rearick, to approve the amendment to the approved subdivision plan, and to approve a one-year extension of the subdivision approval, subject to the following condition:

Revised site storm drainage plans and calculations must be reviewed and approved by the Town Engineer prior to recording the final plan.

Vote: 7-0-0

3. Omni Land Development Company, Request for extension of final subdivision plan approval, West Main Rd. Plat 111, Lots 8, 9, 9A, 10

Attorney Bob Silva represented the applicant. He requested that the Board approve a one-year extension of the final subdivision plan approval.

Motion by Mr. Tucker, seconded by Mr. Adams, to grant a one-year

extension of the subdivision approval. Vote: 7-0-0.

4. Public Hearing – Church Community Housing Corporation - Application for Comprehensive Permit under Article 15B of the Middletown Zoning Ordinance, Low & Moderate Income Housing Comprehensive Permit, to allow construction of 2 two-family dwellings, Sunset Lawn Road, Plat 108NW, Lots 344 & 345.

Attorney Stephen Haire, representing the applicant, discussed the outcome of the planning board subcommittee's July 5th site visit, and agreed with the characterization of the outcome of the meeting as presented in Mr. Wolanski's July 6th memo. He presented written testimony from real estate expert Paul J. Hogan regarding consistency with the Middletown Comprehensive Plan.

Mr. Weber noted that the DPW Director has recommended that the large Maple tree located in the right-of-way of Sunset Lawn Rd. be removed. He suggested that the matter be forwarded to the Middletown Tree Commission for a final determination of whether the tree can be saved. The other outstanding item is approval by the Town Engineer of grading alterations in the area of the driveway for lot 25.

The hearing was opened for public input.

Manny Mello of Beacon Terrace, an abutter to the subject property, stated that the duplex units should ownership units rather than rental units, expressing concern for the possibility of poor maintenance.

Mr. Haire stated that Church Community Housing will play an active role in managing the properties.

The Board reviewed the seven required findings of fact as contained

in the July 6th memo from the Town Planner.

Motion by Mr. Tucker, seconded by Ms. Rearick, to approve the comprehensive permit, subject to the findings of fact and the following conditions:

1. Prior to the issuance of building permits for the subject units, a determination must be made by the Middletown Tree Commission as to the recommendation of the DPW Director that the large maple tree located within the road right-of-way adjacent to lot 25 be removed. If the tree is to be retained, revised road construction plans must be provided.

2. Prior to the issuance of building permits for the subject units the Town Engineer must review and approve revised grading plans submitted by the applicant for the driveway and associated drainage in the area of lot 25. Said plans stamped received by the Middletown Planning Dept. on July 12, 2006.

Vote: 7-0-0

5. Additional Old Business – Mr. Wolanski requested that the Board consider granting an extension of the approval for the Scribner Subdivision (Plat 106, Lot 6A), which is due to expire July 12th. The applicant is working to address the conditions of approval. A 90-day extension was recommended.

Attorney Bob Silva represented the applicant. He requested that Board's consideration of the request.

Motion by Mr. Tucker, seconded by Ms. Rearick, to grant a 90-day extension to the final subdivision approval. Vote: 7-0-0

6. Kelley Subdivision (Sean Johnson) - Proposed 2-lot Minor

Subdivision, Wyatt Rd. (Plat 113, Lot 189)

The applicants, Mr. Johnson and Ms. Kelley, were in attendance.

Mr. Weber stated that the Board would schedule a subcommittee site visit to review the application.

By consensus the matter was continued to the August 9, 2006 Planning Board meeting, and the Board established a subcommittee to meet at the site on July 26th at 11am.

7. Gallipeau Administrative Subdivision, Paradise Ave & Cross Country (Plat 120, Lot 98 & Plant 126, Lot 218)

Mr. Wolanski stated that the applicant requested that the matter be continued to the August 9th meeting.

By consensus the matter was continued to the August 9, 2006 Planning Board meeting.

8. Public Hearing - Gene Goldstein, Goldstein Assoc. LLC. Proposed 2-lot Minor Subdivision and extension of Silva Lane (Plat 115, Lot 42)

Mr. Weber stated that a subcommittee should be established to review the application.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue the matter to the August 9, 2006 meeting and established a subcommittee to meet at the site on July 27th at 9am. Vote: 7-0-0.

9. Tremblay Subdivision - Proposed 2-lot Minor Subdivision, Crest St. (Plat 116NE, Lot 127)

Attorney Robert Silva represented the applicant.

Mr. Weber stated that he could not support the proposal, which would result in two nonconforming lots. He questioned whether a subcommittee site visit would be necessary.

Other board members indicated that they were not inclined to support the plan due to the zoning nonconformities.

Mr. Silva stated that there are many existing lots in the neighborhood with similar dimensions. There are two units on the existing lot, one of which will be demolished. The plan would not result in an increase in the number of dwelling units.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to deny the application as presented. Vote: 7-0-0.

10. Public Hearing - Landings Capital and Development, LLC, Request for Master Plan & Preliminary subdivision plan review for a 3-lot subdivision of Navy land (Anchorage) Plat 107SW, Lot 1

Attorney Patrick Hayes, representing the applicant, described the intent of the plan.

Mr. Weber asked if there were plans for use of the former Navy Lodge property.

Mr. Hayes stated that the lot would remain in Navy ownership. He was not aware of any plans for the property.

The hearing was opened to the public.

Paul Lamond, chairman of the Middletown Tree Commission, stated that he would be interested in working to provide additional street trees in conjunction with the proposed turning lane to be constructed by RIDOT at the corner of West Main Rd. and Coddington Highway.

Mr. Weber noted that there are several issues that must be resolved before the Board can move forward. He suggested that a subcommittee be established to review the application.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to continue the

matter to the August 9, 2006 Planning Board meeting, and establish a subcommittee to meet and review the application on July 31, 2006 at 10am at Town Hall. Vote: 7-0-0

11. Nextel Communications- Request for recommendation to the Zoning Board of Review on an application for a Special Use Permit to allow a proposed wireless telecommunications facility at 317 West Main Rd., Plat 108, Lot 131

A representative from Nextel was present.

Mt. Tucker and Mr. Adams expressed concern for the visibility of the proposed structure from the street.

Mr. Weber suggested that a site visit be scheduled to examine the proposal.

Motion by Ms. Rearick, seconded by Ms. Aull, to continue the matter to the August 9, 2006 Planning Board meeting, and establish a subcommittee to meet at the site on July 25th at 9am. Vote: 7-0-0

12. Paradise Realty, Inc. Request for recommendation to the Zoning Board of Review on an application for a Special Use Permit to allow residential development within Zone 1 of the Watershed Protection District, Plat 120, Lots 916 & 917.

Mr. Wolanski stated that the Planning Board had previously recommended, and the Zoning Board had approved a special use permit for residential development of the property. That permit has since expired. He recommended that the board consider applying similar conditions as with the prior proposal.

Motion by Mr. Tucker, seconded by Ms. Rearick, to forward a positive recommendation to the Zoning Board of Review, subject to the

following conditions:

- 1. The applicant should be required to connect to the public sewer.**
- 2. The applicant must retain storm water on the lot to the extent possible in order to minimize stormwater flow to the road drainage system, and limit potential impacts of lawn chemicals and other contaminants on the Maidford River. The retention of stormwater should be accomplished through the use dry wells or similar structures used to promote infiltration of storm water runoff, subject to the approval of the Town Engineer. Stormwater detention/retention is required by the Town's Stormwater Ordinance, Chapter 153.**
- 3. The applicant should be required to consult with the Town Engineer and/or Public Works Director when designing the road drainage improvements along Bailey Ave.**

Vote: 7-0-0

13. Consideration of proposed Zoning Ordinance amendment to allow temporary stockpiling of materials and equipment for municipal construction projects in all zoning districts.

There was discussion of some potential restrictions that might be applied to storage of construction materials

Motion by Mr. Adams, seconded by Ms. Rearick, to continue the matter to the August 9, 2006 Planning Board meeting, and to establish a subcommittee to develop draft language and meet on July 31st at 11am. Vote: 7-0-0

14. Additional new business

Mr. Lawrence asked about the status of sidewalk installation on Aquidneck Ave. Mr. Wolanski stated that the proposed sidewalks in

the area of Gaudet School would require reconstruction of the roadway. Side walks would be improved on lower Aquidneck as part of the implementation of a master plan for the Atlantic Beach District. There was discussion about the required landscaping at the front of the RK Plaza, which was agreed to by the property owner as part of the approval for the Atlanta Bread building. Mr. Wolanski stated that he would discuss with the Building Official.

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

Sitting as the Town Center Review Board

**1. Public Hearing - KF Middletown SH LLC (d/b/a Blenheim – Newport)
Request for approval for minor building addition and site alterations,
303 Valley Rd. Plat 108, Lot 3**

Tara Vargish of Northeast Engineers & Consultants represented the applicant. She discussed the comments of the subcommittee which conducted a site visit. The existing drainage basin will be cleaned out and a maintenance program was provided.

Mr. Weber review the issues contained in the Town Planner's memo to the Board. The Town Solicitor has indicated that it appears that the applicant has the legal ability to use the driftway as a new driveway entrance to the parking area.

Mr. Adams asked about the maintenance of the driftway.

Ms. Vargish stated that no improvements to the driftway are proposed.

Mr. Wolanski stated that the Town Engineer had yet to provide comments on the drainage plan. This should be a condition of the approval. A waiver would be required to allow for the carved foam sign.

Motion by Mr. Tucker, seconded by Ms. Aull, to waive section 2404.5 (g) – to allow for proposed carved signs constructed of materials other than wood or metal. And to approve the application subject to the following conditions:

1. Prior to the issuance of building permits, site and drainage plans and calculations must be reviewed and approved by the Town Engineer.

2. Prior to the issuance of building permits the existing drainage detention basin must be properly maintained. The applicant must provide certification by a register professional engineer that the basin has received the required maintenance. A maintenance schedule must also be provided and recorded with the approved plan

Vote: 7-0-0

2. Nextel Communications (WM Hotel Group, LLC). 317 West Main Rd., Request to install a rooftop wireless telecommunications facility. Plat 108, Lot 131

By consensus the Board continued the matter to the August 9, 2006 Planning Board meeting, and established a subcommittee to meet at the site on July 25th at 9am.

Motion by Mr. Tucker, seconded by Ms. Rearick, to adjourn. Vote: 7-0-0

The meeting adjourned at 8:40pm