

**Town of Middletown
Planning Department**

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

PLANNING BOARD MINUTES

August 9, 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 July 12, 2006 were reviewed.

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

Sitting as Planning Board

Old Business

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

The applicant was not present.

Mr. Wolanski stated that he had received a phone call from the applicant's attorney, Mr. Bardorf, requesting a continuance to the Board's September meeting. The applicant has provided a letter the Board agreeing to further continuances as necessary.

Motion by Ms. Rearick, seconded by Mr. Tucker, to continue the matter to the September 13, 2006 Planning Board meeting. Vote: 6-0-0 (Ms. Aull had not yet arrived)

2. Kelley Subdivision (Sean Johnson) - Proposed 2-lot Minor Subdivision, Wyatt Rd. (Plat 113, Lot 189)

The applicant, Ms. Kelley, was in attendance.

There was discussion of the applicant's request to waive the requirement for submission of a list of abutters since abutter notification was not required for this application.

Mr. Weber asked the applicant about the potential for a sale of a portion of the property to the Town.

Ms. Kelley stated that she is considering her options.

Mr. Wolanski reviewed the recommended conditions of approval.

Motion by Mr. Tucker, seconded by Mr. Adams, to grant a waiver from the application submission requirements regarding the required list of abutters, and to approve the plan subject to the following

conditions:

- 1. Prior to recording of the final subdivision plan, one of the two existing dwelling units on the lot 189 must be removed, subject to certification by the Building Inspector.**
- 2. Prior to recording of the subdivision plan, a note must be added to the plan to indicate that the storm water drainage control provisions and plans required by Chapters 151 & 153 of the Town Code must be provided and approved at the time of construction.**
- 3. Prior to recording of the subdivision plan, a note must be added to the plan stating that future development of Lot a may be subject to payment of development impact fees ordinance in accordance with Chapter 150 of the Town Code of Ordinances.**

Vote 7-0-0.

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

The applicant was not present.

Mr. Wolanski stated that the applicant requested that the matter be continued to the September 13, 2006 meeting. The application has yet to be certified complete.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue the matter to the September 13, 2006 Planning Board meeting. Vote 7-0-0.

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

Mr. Wolanski stated that he had received a letter from the applicant's attorney, Mr. Martland, requesting a continuance to the September

13th Planning Board meeting. The application has yet to be certified complete.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue the matter to the September 13, 2006 Planning Board meeting. Vote: 7-0-0.

5. 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, provided the Board with a memo entitled "Town of Middletown Planning Board of Review" which provides a response to issues identified in the Town Planner's August 2, 2006 memo.

There was discussion of the required perimeter survey. The applicant requested a waiver of the requirement to provide a full perimeter survey.

There was discussion of the sewer provision to the proposed development. Mr. Hayes stated that the Navy has agreed to continued provision of sewer service.

There was discussion of the apparent conflicting documents from the Navy regarding sewer service. The applicant was advised that the materials provide were not sufficient to demonstrate permanent access to sewer service.

Manny Mello, a Middletown resident, stated that the Board must carefully consider the sewer issue.

There was discussion of the requested waivers, including the perimeter survey, the topographic survey and the application fees.

The Board was agreeable to the waiver of the full perimeter survey and topographic survey, provided that the applicant provide as-built plans for the existing development. The application fees will be considered after receiving an estimate of actual review costs from the Town Engineer.

Mr. Adams raised a concern about the proposed road names. He stated that the existing road names are linked to Navy history. He would prefer keeping at least some of the existing names.

The applicant asked that the Board identify which street names it wishes to retain.

Motion by Mr. Eckhart, seconded by Mr. Tucker, to grant the following waivers from the application submission requirements:

- 1. A waiver from topographic survey. In lieu of the topographic survey, the applicant must provide “as-built” plans for the existing development, including information on the existing storm drainage system.**
- 2. A waiver from the requirement for full perimeter survey.**
- 3. Waiver of application fees subject to the determination of alternate fees by the Planning Board.**

Vote: 7-0-0

Mr. Hayes requested that the Board grant master and preliminary plan approval, subject to any required information being provided prior to final approval.

Mr. Wolanski stated that the application has not been certified complete. The latest revised plans were provided that afternoon and have not been reviewed by Town staff. He recommended that the

Board not grant approvals until the application has been certified complete and all required information has been reviewed.

Mr. Hayes stated that his client would be seeking final approval at the September 13 planning Board.

The Board indicated that it would be willing to consider a combined master, preliminary, and final plan approval at its September meeting if all required information has been provided and all issues have been resolved.

Motion by Mr. Adams, seconded by Ms. Rearick, to continue the matter to the September 13, 2006 Planning Board meeting. Vote: 7-0-0

6. 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. Two revised options for the proposed facility were presented with photo renderings.

The Board favored option one, which according to the applicant, would include a shelter approximately 7.5 tall containing the antenna arrays.

The applicant did not have revised plans depicting option one. There was discussion of whether the revised plans should be reviewed by the chairman and Town Planner, as a condition of approval, to ensure that they are consistent with option one.

Motion by Ms. Rearick, seconded by Ms. Aull to continue discussion to the September 13th meeting in order to allow the applicant to provide revised plans. Vote: 2-5-0 with Mr. Weber, Mr. Tucker, Mr.

Eckhart, Mr. Adams and Mr. Lawrence voting in opposition.

Motion by Mr. Tucker, seconded by Mr. Adams, to forward a positive recommendation on the application to the Zoning Board of Review, subject to the following condition:

1. Prior to the issuance of building permits, final review of engineering plans by the Planning Board Chairman and Town Planner to confirm consistency with “Option 1” shall be provided to the Building Inspector.

Vote: 5-2-0, with Ms. Rearick and Ms. Aull voting opposition.

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

Sitting as the Town Center Review Board

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

The Board discussed the proposal in relation to the Town Center Overlay District Regulations.

Motion by Mr. Lawrence, seconded by Mr. Tucker, to approve the application, subject to the following condition:

Prior to the issuance of building permits, final review of engineering plans by the Planning Board Chairman and Town Planner to confirm consistency with “Option 1” shall be provided to the Building Inspector.

Vote: 5-1-0, with Ms. Rearick voting in opposition. Ms. Aull had left the room.

2. Newport Fed, 165 East Main Rd. Plat 107SE, Lot 402, Request to install new wall sign to replace existing internally illuminated sign.

Mr. Tucker recused himself from discussion of this matter due to a potential conflict of interest.

A representative of the sign company, Dick Slater, represented the applicant.

He stated that the proposed wall sign would be constructed of individual cast bronze letters with a brass finish. The sign might be externally illuminated. He stated that the sign could not be placed above the first floor windows due to the design of the building.

Mr. Wolanski stated that the information provided with the application indicated that the sign would not meet dimensional requirements. It would exceed the sign height and area limits.

There was additional discussion of the proposed design.

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the proposal as presented and to grant the following waivers:

2404.5 (e) – Wall sign exceeding two feet in height, and not located above the first-floor windows.

2404.5 (f) – The total area of all signs exceeding the maximum allowed

Vote: 6-0-0

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

Sitting as the Planning Board

7. 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

8. Update – Preparation of draft mixed–use zoning ordinance amendment

Mr. Wolanski stated that a meeting with Andy Teitz, the town’s consultant, has been scheduled for August 31st at 3pm, at which point a draft ordinance will be presented for review.

By consensus the matter was continued to the September 13, 2006 Planning Board meeting.

9. Discussion of amendments to the zoning ordinance and the subdivision regulations regarding commercial development plan review, as recommended to the Town Council by the Zoning Ordinance Review Committee

Mr. Wolanski described the process for adopting the proposed zoning ordinance amendments and subdivision regulations. The Town Council has scheduled a joint meeting of the Council, Planning Board, and Zoning Ordinance Review Committee for August 28th at 6:30pm.

The Board, by consensus, decided to schedule a special meeting to discuss the proposed amendments for August 28, 2006 at 5:30, and to

advertise for the Planning Board public hearing on the amendments to the subdivision regulations to be held on Wednesday, September 13, 2006 at 5pm.

10. Discussion of draft Inclusionary Housing zoning ordinance amendment

The Board established a subcommittee to review the proposed draft and to meet With Steve Ostiguy of Church Community Housing Corp. Mr. Wolanski will schedule the meeting and notify the Board.

11. Additional new business

Mr. Lawrence asked about the status of the proposed improvements to the intersection of Green End Ave. and Valley Rd. and suggested a need for review of the design of left turn lanes.

Mr. Wolanski stated that the Town Engineer is responsible for the design, and any questions or concerns should be directed to him.

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

The meeting adjourned at 7:55pm