

**Town of Middletown
Planning Department**

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

PLANNING BOARD MINUTES

September 13, 2006

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Secretary Vernon Gorton, Town Solicitor

Richard Adams

Audrey Rearick

Colleen Aull

David Lawrence

Members absent:

John Tucker

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

Minutes

The minutes of the regular meeting of August 9, 2006 were reviewed.

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

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

Sitting as the Town Center Review Board

1. Island Hotel Group, LLC – 317-351 West Main Rd. (Plat 108, Lots 97G, 131, 193) Request for approval of signs application

Attorney Robert Silva represented the applicant. He described the application and the waivers that would be required, including for materials, illumination, total sign area, and location of freestanding signs. The goal of the sign package is to direct Marriott customers to the hotel from West Main Rd.

Mr. Weber stated that the board has been consistent in not allowing internally illuminated signs. He would like to see the signs redesigned. Others Board members agreed.

Mr. Eckhart stated that there should be no internally illuminated signs on the High St. side of the property.

After consulting with his client, Mr. Silva requested that the matter be continued to the next Board meeting in order to address the Board's concerns.

The Board requested that color renderings of the proposed signs be provided.

Motion by Mr. Lawrence, seconded by Ms. Aull, to continue this matter to the October 11, 2006 regular meeting. Vote 6-0-0.

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

Attorney Brian Bardorf represented the applicant.

Mr. Weber summarized the status of the application, including the need for the Board to determine the direction it would the applicant with regard to the proposed road extensions.

Mr. Bardorf requested that the Board endorse the original concept, including the extension and cul-de-sac turn around at Trout Drive, and the provision of a turnaround at the end of the constructed portion of Bailey Ave. He stated that requiring a connection between Trout Dr. and Bailey Ave. would not be practical. Also, property owners, with the exception of Mr. Gallipeau who would benefit from the opportunity to receive public water, are opposed to the road connection.

The hearing was opened to the public.

Peter Gallipeau, an abutting property owner, asked if the Board is considering any waivers requested by the applicant.

Mr. Wolanski stated that there are currently no waiver requests before the Board. The Planning Board is considering option regarding the road connection. The applicant must then submit a revised plan.

Mr. Gallipeau stated that providing a turn-around at the end of Bailey would improved access as requested by Town departments. Public water would also not be brought to Bailey. He suggested that the plan be referred again to the Roads & Utilities Advisory Committee for

comment.

Mr. Weber asked why Dr. Lewis should be made responsible for providing water to Bailey Ave.

Mr. Gallipeau stated that even if the roads are not connected, the plan should provide for public water.

Mr. Wolanski stated that the Town had received a letter from Newport DPW stating that a new public water main must be contained in an improved public road.

Mr. Gallipeau discussed the condition on his subdivision regarding fire protection.

Martha Koziara, a resident of Miller St., reiterated her concern for well water quality in the area, but stated that residents in the neighborhood were not interested in gaining access to public water. She expressed concern for the impact of storm water runoff.

Mr. Gallipeau stated that there is a water pressure problem with the public water main in Paradise Ave.

Mr. Weber summarized the pros and cons of a road connection. With the pros including consistency with the Comprehensive Plan, and addressing concerns of Town departments and the Roads & Utilities Advisory Committee. The cons include the potential negative impact on traffic safety and the concerns of the neighborhood homeowners.

Mr. Lawrence stated that the Board should consider the concerns of the department heads.

Mr. Eckhart stated that, in weighing the risks, he sees a more immediate risk to public safety if the road connection is provided, as compared to the risks that would be addressed by providing the

connection.

Ms. Rearick and Ms. Aull agreed that the road connection should not be required.

There was discussion that the applicant should consult with the Town Engineer in designing the proposed extension and turn-around for Bailey Ave.

Motion by Ms. Rearick, seconded by Ms. Aull, to request that the applicant proceed with, and provide a revised plan including the cul-de-sac turn-around on Trout Dr. and the turn-around at the end of an extension to the constructed portion of Bailey Ave, and to continue the matter to the October 11, 2006 Planning Board meeting.

Vote: 6-0-0

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

Peter Gallipeau requested that the application be withdrawn.

By consensus the Board agreed to allow that applicant to withdraw the application, without prejudice.

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

Attorney David Martland represented the applicant. He explained that his client would like to proceed to the Zoning Board of review to request a variance to allow for a lot with less than the required lot width.

Mr. Wolanski stated that the proposal would eliminate that need to extend Silva Lane to provide for the required frontage and lot width.

The Public Works Director and the Roads & Utilities Advisory Committee had expressed concern with the earlier proposed road extension, which would require additional maintenance costs for an additional cul-de-sac turnaround on the road while providing no benefit to the Town or adjacent properties.

Motion by Ms. Aull, seconded by Mr. Eckhart, to grant preliminary plan approval, subject to the applicant being granted the necessary relief by the Zoning Board of Review. Vote: 6-0-0.

4. 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, explained that all major issues relating to the provision of sewer and other utilities to the property had been resolved. The developer has been grant an easement to allow the continued use of the existing Navy sewer connection, and therefore, a new sewer line is not proposed at this time.

Mr. Gorton indicated that there are few minor changes to the easement language that he has requested.

Mr. Wolanski stated that the latest revised plans have been provided to the Town Engineer for review.

The remaining issues as discussed in the Planner's September 7, 2006 memo were reviewed.

The applicant indicated a need to have final approval as soon as possible in order to facilitate financing and to allow for building improvements as soon as possible.

The Board indicated that it could consider final approval at a previously scheduled special meeting on September 27th.

There was discussion of the application fee. The Town Engineer has provided an estimated cost of \$2,970 to allow review of the plans.

Motion by Ms. Rearick, seconded by Mr. Adams, to waive the standard application fee in favor of the fee recommended by the Town Engineer (\$2,970). Vote: 6-0-0.

Motion by Mr. Adams, seconded by Ms. Rearick, to grant master and preliminary plan approval subject to the following conditions:

1. Revised plans to be submitted indicating the continued use of the existing sewer connection to the U.S. Navy Sewer System, rather than a new sewer line as previously proposed.

2. Prior to final approval, all plans, easement documents, and additional materials shall be reviewed by the Town Engineer and Town Solicitor, and approved by the Planning Board.

3. Prior to final approval the Planning Board, after receiving a recommendation from the Town Engineer, must approve the amount of the performance security. The form of the security must be approved by the Finance Director, and must be posted with the town before recording.

4. The following activities requested by the Fire Dept must be completed prior to recording, or appropriate security to ensure completion must be provided, subject to approval of the Fire Chief:

- Hydrants on 4" water mains must be removed.**
- The hydrant connection ports must be changed to Newport thread.**
- All hydrants must be tested, including operational and flow testing.**

· The water system must be flushed to remove sediment.

· A maintenance contract for hydrants must be provided.

5. All requirements of the Newport Department of Public Works regarding water service, including those contained in the July 26, 2006 letter from Kenneth Mason, shall be adhered to.

6. Prior to recording, development impact fees in accordance with the Town's Development Impact Fee Ordinance must be paid to the Town.

Vote: 6-0-0

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

The Planning Board had requested that the matter be forwarded to the Roads & Utilities Advisory Committee for review.

Mr. Wolanski stated that he had not received comments from the committee.

By consensus the Board decided to continue the matter to the October 11, 2006 regular Planning Board meeting.

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

Mr. Wolanski stated that he will schedule a meeting with Andy Teitz, the town's consultant, to review the revised draft ordinance.

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

9. 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.

10. Update – Atlantic Beach District Master Plan

Mr. Wolanski stated that the Town has received proposals from eight consultant teams interested in the project. The selection committee, consisting of Mr. Weber, Mr. Adams, Mike Ahnrud (Statewide Planning), and Mr. Wolanski will meet on September 21st to review and score the proposals. Contract award is expected by late October.

New Business

11. Request for concept review – Jose L. Gomes, 2-lot subdivision, Jepson Lane, Plat 117, Lot 84

Mr. Lawrence recused himself from the discussion.

Attorney David Martland represented the applicant. He indicated that the plan could be revised and requested that the Board conduct a site visit.

There was discussion of the possibility of providing the new proposed building lot with some frontage on Jepson Lane, rather than creating a land-locked parcel. Also the possibility of a paper road to provide the require frontage was proposed.

Mr. Weber indicated that he was not in favor of creating new paper roads, and that he was concerned with the creation of a nonconforming lot.

Mr. Martland thanked the Board for its input.

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

The meeting adjourned at 8:30pm