

PL ANNING BOARD MINUTES

March 14, 2007

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

John Tucker, Vice Chairman Michael Miller, Assistant Town Solicitor

Richard Adams

Audrey Rearick

Frank Forgue

Jan Eckhart

Betty Jane Owen

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

Minutes

The minutes of the February 21, 2007 regular meeting were reviewed.

Motion by Mr. Tucker, seconded by Ms. Rearick to approve the minutes as presented. Vote: 7-0-0

The election of Planning Board officers for the 2007 calendar year.

Nomination by Mr. Tucker, seconded by Ms. Rearick, for Mr. Weber to serve as Chairman. Vote 7-0-0.

Nomination by Mr. Weber, seconded by Ms. Rearick, for Mr. Tucker to serve as Vice-Chairman. Vote 7-0-0.

Nomination by Mr. Tucker, seconded by Ms. Rearick, for Mr. Eckhart to serve as Secretary. Vote 7-0-0.

Old Business

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

Mr. Wolanski stated that he had received a phone call from the applicant's attorney, Mr. Bardorf, requesting that the matter be continued to the next regular Planning Board meeting.

Mr. Wolanski confirmed for the Board that the applicant had previously submitted a letter agreeing to all necessary continuances.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue the discussion of the matter and the public hearing to the April 11, 2007 Planning Board meeting. Vote: 7-0-0.

2. Peter Gallipeau, Saltwood Farm Subdivision, Request for review of the conditions of approval of the Saltwood Farm Subdivision. & discussion of concept plan for possible re-subdivision. Bailey Ave./Sachuest Drive - Plat 126, Lot 4

Mr. Wolanski stated that he had received a phone call from Mr. Gallipeau where he stated that he would not be able to attend the meeting. He requested that the Planning Board schedule a site visit to view the property that is the subject of his concept plan.

By consensus the Board scheduled a site visit for March 22, 2007 at 10am.

3. Paradise Realty LLC, Proposed 2-lot Subdivision, Paradise Ave. and Bailey Ave. Plat 120, Lot 77, Request for final approval

The applicant's engineer, Lynn Small of Northeast Engineers and Consultants, was present.

Mr. Wolanski stated that the necessary zoning relief had been granted by the Zoning Board of Review.

Motion by Mr. Tucker, seconded by Mr. Adams, to grant final subdivision plan approval. Vote: 7-0-0.

4. Newport Residential Corp., Proposed 2-lot subdivision, Tuckerman Ave., Plat 116, Lot 128, Request for Final Plan approval.

Attorney David Martland represented the applicant. He stated that the Zoning Board of Review had yet to act on his client's request for the necessary zoning relief.

Motion by Mr. Tucker, seconded by Ms. Owen, to continue this matter to the April 11, 2007 regular Planning Board meeting. Vote: 7-0-0.

5. Carol Cummings, Proposed 2-lot subdivision, Plat 129, Lot 154, Indian Avenue, Request for combined Preliminary and Final Plan review.

The applicant, Ms. Cummings, was present.

There was discussion of the written comments of the DPW director regarding the need for approval of the driveway entrance to the new lot at the time of construction.

Mr. Wolanski suggested that the DPW concerns be made a condition of the subdivision approval.

Motion by Ms. Rearick, seconded by Mr. Tucker, to grant preliminary and final subdivision plan approval subject to the condition that the construction of the driveway entrance be approved by the DPW Director at the time of development. Vote: 7-0-0.

6. D&B Valley Associates, LLC - Proposed 2-lot Minor Subdivision (Plat 114, Lot 4A), Request for Final Plan approval.

Mr. Wolanski stated that he had received a phone call from the applicant's attorney, Mr. Bardorf, requesting that the Board proceed with approval of the plan with any necessary conditions as he was not able to attend the meeting.

Mr. Wolanski recommended that five conditions be applied to the approval for items that had yet to be resolved.

Motion by Mr. Tucker, seconded by Ms. Rearick, to final subdivision plan approval, subject to the following conditions:

- 1. Prior to recording the survey must be tied to the State Plane Coordinates System.**
- 2. Prior to recording permanent markers shall be placed along the wetland buffer to provide notice to future property owners of the limits of the RIDEM regulated wetland. Permanent markers must be placed on the 50' wetland buffer boundary as depicted on the RIDEM approved plan. The markers shall be of granite extending to at least 24 inches above grade and permanently labeled "RIDEM Buffer Zone".**
- 3. Prior to recording the note on the plan regarding stormwater control must be revised to reflect recent amended regulations as follows: "At the time of development of the new building lots, the owner is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control ordinance (Chapter 151)."**
- 4. Prior to recording the following note must be added to the plan: "At**

the time of development of the new building lot impact fees consistent with the Town's impact fee ordinance (Chapter 150) must be paid prior to the issuance of building permits.”

5. Prior to recording an autocad file of the final plan must be submitted, if applicable.

Vote: 7-0-0

7. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1501 of the Zoning Ordinance regarding a request for approval for multi-family residential development – 985 East Main Road, LLC, Request to develop a 36-unit multi-family dwelling project, located at 985 East Main Rd., Plat 118, Lot 20.

Mr. Weber recused himself from the discussion. Vice-chairman Mr. Tucker presided.

Attorney David Martland represented the applicant.

The applicant has yet to complete the revised materials needed for the review to proceed.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue this matter to the April 11, 2007 regular Planning Board meeting. Vote: 6-0-0.

8. Recommendation to the Town Council on the draft proposed amendment to Zoning Ordinance, Article 12 -Signs

Mr. Wolanski referenced the discussion that occurred at the special Planning Board meeting that was held on March 6th to review the proposed ordinance. The only change recommended at that time was to add time limits to some of the exempt temporary signs.

Mr. Adams discussed the process to develop the new sign ordinance. Motion by Mr. Adams, seconded by Ms. Owen, to forward the draft ordinance to the Town Council with a positive recommendation. Vote: 7-0-0

9. Update – Conservation Subdivision ordinance amendment

There was discussion of the presentation provided Scoot Millar for DEM on March 6th. The Board found the presentation useful and agreed that a similar presentation to the Town Council once that draft ordinance is complete should be considered.

Mr. Wolanski suggested that the next step of the process would be to meet with the Zoning Board and Zoning Official to discuss the proposal and solicit input.

By consensus the Board request that Mr. Wolanski work with the Zoning Official to schedule a joint meeting with the Zoning Board.

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

Mr. Weber updated the Board on discussions that were held with the owners of the properties under consideration for inclusion in the Mixed-use Zoning District. Based on a review of the existing and potential development of the former Anchorage property, and the Shers Valley Rd. property, he recommends that these properties be removed from consideration, which would leave the area fronting on West Main Rd. and Brown’s Lane as the only area under consideration at this time.

Mr. Wolanski stated that the Zoning Board and Zoning Official may also want to review and provide input on this proposed ordinance

amendment.

The Board requested that the initial joint meeting of the Planning Board and Zoning Board include discussion of both the mixed-used, and conservation zoning proposals.

11. Update – Atlantic Beach District Master Plan

Mr. Wolanski stated that the consultants are compiling the results of the February 28th public meeting, and will provide that information along with the existing conditions report with the next two weeks. The next step is develop initial recommendations that will be presented at another public meeting.

New Business

12. Barbara Brushett, proposed 2-lot minor subdivision, 25 Oliphant Lane, Plat 111, Lot 6B. Preliminary Plan

The applicant's engineer, Lynn Small, was present.

Mr. Weber stated that, as is standard practice, the Board would conduct a site visit to view the property.

By consensus a site visit was scheduled for March 22nd at 12pm, and the matter was continued to the April 11, 2007 Planning Board meeting.

13. Mary E. Silvia, proposed 2-lot minor subdivision, Oliphant Ln. & James-Francis Terr., Plat 112, Lot 30. Preliminary Plan

The applicant was not present.

Mr. Miller recused himself from the discussion of the matter.

There was discussion of the purpose of the plan.

Mr. Wolanski stated that the request is to split a parcel to separate an existing business uses from the residential use on the property. No

new development is proposed. The plan would result in the creation of lots that do not meet the dimensional requirements of the Zoning Ordinance. Relief granted by the Zoning Board of Review would be required prior to final plan approval.

Mr. Weber indicated that since no new development would result from the plan, he would be inclined to grant preliminary approval subject to the granting of the necessary zoning relief. Other members agreed. Motion by Mr. Eckhart, seconded by Ms. Owen, to grant conditional preliminary plan approval subject the granting the necessary relief by the Zoning Board of Review. Vote: 7-0-0.

14. John S. & Denise Crimmins, Proposed administrative subdivision, Riverview Ave., Plat 125, Lots 131A & 500

Attorney David Martland Represented the applicant.

There was discussion of the purpose of the plan to transfer land from lot 131A to lot 500. As a result of the plan Lot 131A would not meet the lot area requirement of the Zoning Ordinance.

Mr Eckhart requested information on the access easement.

Mr. Martland explained that the easement to access lot 500 crosses lot 131A. This situation would not change.

There was discussion of Mr. Wolanski's recommendation that a condition be placed in the form of a note on the plan that no new development or further subdivision of the subject property be permitted.

Mr. Miller offered language for the condition.

Motion by Mr. Tucker, seconded by Ms. Rearick, to grant conditional preliminary approval subject to the granting the necessary relief by

the Zoning Board of Review and the following condition:

A note shall be added to the plan as follows: “No further subdivision of the subject parcels, and no further development of the subject parcels, except for uses accessory to the existing single family dwelling use, shall be permitted.”

Vote: 7-0-0.

15. Discuss potential for an Aquidneck Island West Side Special Area Management Plan (SAMP) (CRMC & URI CRC)

Jim Boyd of CRMC and Sue Kennedy of the URI Coastal Resources Center provided a power-point presentation. They explained the purpose of the SAMP and the process for its development and adoption. CRMC would like to have all areas of the state’s coast covered by SAMPs, which offer a more tailored approach to planning and regulation than is currently provided by the statewide regulations. It will be an approximately 2-year process to complete the plan, and will be a cooperative effort of CRMC with the local communities. At this point CRMC is viewing the West Side Master Plan boundary as an initial SAMP boundary, though this will be discussed further as the process begins. They have suggested that the West Side Task Force could act as the SAMP steering committee. There was discussion the West Side Master Plan, including the proposed Greene Lane Park and the ongoing development in Portsmouth. The SAMP process would be able to address these issues, perhaps prior to the completion of the complete plan.

Motion by Mr. Adams, seconded by Mr. Tucker, to offer the Board’s endorsement of the SAMP concept. Vote: 7-0-0

16. Discuss proposed Portsmouth comprehensive permit application, Meadowview Condominiums, 6-unit development, Mitchell's Lane.

Mr. Wolanski stated that he included this item on the agenda as an informational item. If the Board wished to offer any comments to the Portsmouth Planning Board he would forward them.

The Board reviewed the comments provided by the Town Engineer regarding the need to not adversely impact the existing storm drainage situation on Mitchell's Lane. Ongoing maintenance of the storm system is critical.

Mr. Eckhart suggested that vegetative screening be recommended along the properties Mitchell's Lane frontage.

Motion by Mr. Eckhart, seconded by Mr. Tucker, to send a letter to the Portsmouth Planning Board in support of the concerns raised by the Town Engineer, and recommending the installation of screening along Mitchell's Lane. Vote: 7-0-0.

17. Review proposed Capital Improvement Program (CIP) for consistency with the Middletown Comprehensive Community Plan.

Mr. Wolanski explained the need for Planning Board review of the proposed Capital improvement program prior to it being presented to the Town Council. The Board must determine whether any of the proposed projects are inconsistent with the Middletown Comprehensive Community Plan.

Mr. Wolanski stated that based on his review there appears to no projects that would be considered inconsistent with the Comprehensive Plan.

There was discussion of the types projects included in the CIP.

Motion by Ms. Rearick, seconded by Mr. Eckhart, to find that the CIP as presented is consistent with the goals and policies of the Middletown Comprehensive Community Plan. Vote: 7-0-0.

18. Additional new business

Mr. Weber discussed the idea of the Planning Board playing a role in the review and planning for the future use of town-owned properties. Currently there is no coordinated effort on behalf of the town and School Department to evaluate and plan for town properties.

Concern was raised about extent of the Board's role.

Mr. Weber stated that he sees the Board participating with the other interested parties, and including discussion with experts to develop recommendations.

By consensus it was decided that Mr. Forgue would talk with Council President Rodrigues to determine if there is interest in this concept.

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

The meeting adjourned at 7:50pm