

PL ANNING BOARD MINUTES

April 11, 2007

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

John Tucker, Vice Chairman Frank Holbrook, Town Solicitor

Richard Adams

Audrey Rearick

Frank Forgue

Jan Eckhart

Betty Jane Owen

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

Minutes

Motion by Mr. Tucker, seconded by Ms. Rearick, to approve the minutes of the March 14, 2007 regular meeting, and March 6 2007 special meeting. 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 Ms. Rearick, seconded by Mr. Tucker, to continue the discussion of the matter and the public hearing to the May 9, 2007 Planning Board meeting. Vote: 7-0-0.

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

Attorney Bob Silva represented the applicant. He stated that the Zoning Board of Review has granted his client's request for the necessary zoning relief to allow for the subdivision.

Mr. Weber stated that the Board should consider granting final approval with the three conditions contained in the Town Planner's memo of April 4, 2007.

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

1. Prior to recording the required application review fee of \$160 must be provided.
2. Prior to recording the survey must be tied to the RI State Plane Coordinates System.
3. Prior to recording the approved final plan, the portion of the existing structure which currently straddles the proposed property line must be removed consistent with the depiction on the approved subdivision plan, and subject to any necessary permits.

Vote: 7-0-0

3. Barbara Brushett, proposed 2-lot minor subdivision, 25 Oliphant

Lane, Plat 111, Lot 6B. Preliminary Plan

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

Mr. Weber stated that a site visit had been conducted.

There was discussion of the proposed conditions of approval.

Mr. Wolanski stated that the Board may wish to require that wetland markers be placed at the limit of disturbance as approved by RIDEM.

Motion by Mr. Forgue, seconded by Ms. Rearick, to grant conditional preliminary plan approval subject to the following conditions:

1. The development area on proposed lot 2 would be within Zone 1 of the Watershed Protection District. Prior to final plan approval a special use permit must be sought from the Zoning Board of Review to allow for residential development in Zone 1.

2. Prior to final approval, permanent markers must be placed along the wetland buffer to provide notice to future property owners. In this case the markers should be placed at the limit of disturbance approved by RIDEM. The markers shall be of granite extending to at least 24 inches above grade and permanently labeled "RIDEM Buffer Zone".

Vote: 7-0-0

4. Request of the Zoning Board of Review for advisory recommendation regarding proposed development in Zone 1 of the Watershed Protection District (Section 1106 of the Zoning Ordinance) – Barbara Brushett, proposed 2-lot minor subdivision, 25 Oliphant Lane, Plat 111, Lot 6B

Mr. Weber asked that the Board review the application checklist normally used by the Board in reviewing Watershed Protection District applications.

Following the review of the checklist, the Board reviewed the conditions recommended by the Town Planner in his memo of April 4, 2007, as well as the recommendation provided to the Zoning Board of Review by the Conservation Commission.

The Board agreed that the Conservation Commission recommendation should also be attached to the Planning Board's recommendation.

Motion by Mr. Tucker, seconded by Mr. Forgue, to forward a positive recommendation on the special use permit application to the Zoning Board of Review, subject to the following conditions:

- 1. The applicant must connect to the public sewer.**
- 2. At the time of development of the new building lot, the builder would be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). To the extent possible storm water runoff should be infiltrated on the property.**
- 3. The applicant should be required to comply with all conditions of the RIDEM Insignificant Alteration permit. Permanent markers must be placed along the wetland buffer to provide notice to future property owners. In this case the markers should be placed at the limit of disturbance approved by RIDEM. The markers shall be of granite extending to at least 24 inches above grade and permanently labeled "RIDEM Buffer Zone".**
- 4. All recommendations of the Middletown Conservation Commission contained in its letter of April 10, 2007 should also be included as conditions of the special use permit.**

Vote: 7-0-0

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

The applicant was present, and confirmed that they had been granted the relief granted by the Zoning Board of Review needed to allow for the subdivision.

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

6. 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. He requested a continuance to the May 9 Planning Board meeting.

There was some discussion the possible traffic impacts and the location of the traffic signal at Oliphant Lane.

Motion by Ms. Owen, seconded by Ms. Rearick, to continue this matter to the May 9, 2007 regular Planning Board meeting. Vote: 6-0-0.

7. Update – Conservation Subdivision ordinance amendment

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

amendment

There was discussion that both the draft conservation ordinance and the mixed-use ordinance have been forwarded to the Zoning Board of Review. It is hoped that a preliminary discussion of two proposals can occur during the upcoming joint meeting of the two boards with the Town Council.

9. Update – Atlantic Beach District Master Plan

Mr. Wolanski stated that the consultants have requested a meeting be held to review initial recommendations before they are presented to the public.

The Board scheduled a meeting with the consultants to be held on Monday April 30th at 1pm at the Town Hall.

New Business

10. Public Hearing - Karmik, LLC, Proposed 6-lot major subdivision, Plat 120 Lot 46, Prospect Ave. & Aquidneck Ave. Request for Preliminary Plan approval

Attorney Robert Silva represented the applicant. He described the action that had been taken by the Zoning Board of Review to approve the appeal of the Planning Board's denial of the master plan application, and the approval of the variance needed to allow for the creation of lots with less than the required frontage.

There was discussion that the easements needed for the provision of electrical service to some of the lots will not be established by National Grid until the plan has been approved by the town.

Mr. Wolanski indicated that there may also be need for a sewer line easement and access easement.

Mr. Wolanski stated that the application remains incomplete. If the Board wishes to proceed with preliminary approval the remaining issues could be applied as conditions of preliminary approval.

Mr. Weber suggested that the Board could consider combined preliminary and final approval at the May meeting if all outstanding issues have been addressed by that time.

Mr. Silva indicated that this course of action would be acceptable.

The public hearing was opened.

Donna McHenry of Prospect Ave., an abutter to the subject property, indicated that she supports the plan, but was concerned with the potential future use of a right-of-way that currently crosses her property and could potential be used to access the subdivision from Prospect Ave.

Mr. Silva stated that if the plan is approved there would likely be no need for the right-of-way since each of the proposed lots would have other access points. It is possible that the right-of-way, which is to the benefit of the property owner of the subdivision parcel, could be eliminated. However, Mr. Silva stated that he was not able to commit to the elimination of the right-of-way at this time.

There was discussion about options for addressing the concern of Ms. McHenry that the right-of-way could be used as an access.

Mr. Wolanski suggested that the plan before the board indicates that each of the lots would have access without need to use the right-of-way. The Board could consider a condition of approval that would restrict the use of the right-of-way.

A question was raised about whether such a condition on a

subdivision plan could legally eliminate the right-of-way or its use. It was agreed that the applicant's attorney and the Town Solicitor would discuss this issue.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue this matter, keeping the public hearing open, to the May 9, 2007 Planning Board meeting. Vote: 7-0-0.

11. James S. Holmes, Proposed 2-lot Minor Subdivision, Mitchell's Lane (Plat 123, Lot 6), Preliminary Plan

Mr. Wolanski stated that he had received a call from the applicant's attorney. He was not able to attend that meeting but requested that the Board move ahead to schedule a site visit if necessary.

Mr. Weber stated that he had concerns over the site conditions of the proposed lot. It appears to be a very wet area. A site visit should be scheduled.

By consensus a site visit was scheduled for April 24th at 10am.

Motion by Mr. Tucker, seconded by Mr. Forgue, to continue the matter to the May 9, 2007 Planning Board meeting. Vote: 7-0-0

12. Patrick Baker, Proposed 2-lot Minor Subdivision, Miantonomi Ave (Plat 108SW, Lot 163), Preliminary Plan

Attorney David Martland represented the applicant.

By consensus a site visit was scheduled for April 24th at 11am.

Motion by Mr. Tucker, seconded by Mr. Forgue, to continue this matter to the May 9, 2007 Planning Board meeting. Vote: 7-0-0.

13. Child & Family Services, Request for Development Plan Review, referral by the Technical Review Committee.

Attorney David Martland represented the applicant.

By consensus a site visit was scheduled for April 25th at 1pm.

Motion by Mr. Tucker, seconded by Ms. Owen, to continue this matter to the the May 9, 2007 Planning Board meeting. Vote: 7-0-0.

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

The meeting adjourned at 7:20pm