

# **PLANNING BOARD MINUTES**

**September 12, 2007**

**Board members present:**

**Art Weber, Chairman   Ron Wolanski, Town Planner**

**Jan Eckhart, Secretary   Frank Holbrook, Town Solicitor**

**Richard Adams**

**Audrey Rearick**

**Frank Forgue**

**Betty Jane Owen**

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

**Mr. Weber expressed gratitude to Newport Daily News reporter Matt Sheley for his story on John Tucker's contributions to the local community. He stated that the Planning Board would approach the Town Council to request an appropriate town tribute to Mr. Tucker's service.**

**Minutes**

**Motion by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the August 8, 2007 regular meeting. Vote : 6-0-0.**

**Old Business**

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

**There was no one present to represent the applicant.**

**Mr. Wolanski stated that the applicant's attorney, Mr. Silva, had submitted a letter on his client's behalf requesting a continuance to the October 2007 Planning Board meeting.**

**Motion by Ms. Owen, seconded by Ms. Rearick, to continue this matter, keeping the public hearing open, to the October 10, 2007 Planning Board meeting. Vote: 6-0-0.**

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

**There was no one present to represent the applicant.**

**Mr. Wolanski stated that he had received a phone call from Mr. Palumbo, the applicant's attorney. Mr. Palumbo indicated that his client had yet to receive approval of the flagged wetland edge from RIDEM and that a continuance would be in order. Additional information must be added to the subdivision plan.**

**Motion by Ms. Owen, seconded by Mr. Adams, to continue the matter to the October 10, 2007 Planning Board meeting. Vote: 6-0-0**

**3. Carol Cummings, Proposed 2-lot subdivision, Plat 129, Lot 154, Indian Avenue, Request for extension of plan approval.**

**There was no one present to represent the applicant.**

**Mr. Weber, referencing the letter provided by Ms. Cummings, inquired about the need for the extension and the applicant's intentions for recording the plan.**

**Mr. Wolanski suggested that the Board consider a 30-day extension of the subdivision approval. He will contact Ms. Cummings and advise her that she should attend the October Planning Board meeting to address the Board's questions.**

**Motion by Ms. Owen, seconded by Ms. Rearick, to grant a 30-day extension of the subdivision approval. Vote: 6-0-0.**

**4. Segerson Subdivision, Greene Lane, Plat 105, Lots 4b & 4c – Request for 30-day extension of subdivision approval**

**Mrs. Segerson was present.**

**Mr. Weber stated that he was aware that the applicant was having difficulty completing the work needed to satisfy the conditions of approval.**

**Mrs. Segerson stated that she was attempting to identify another contractor to complete the work, and requested an additional 6-month extension of the subdivision approval.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to grant an additional 6-month extension of the subdivision approval. Vote: 6-0-0**

**5. Public Hearing – Proposed amendments to the Rules & Regulations Regarding the Subdivision and Development of Land, Section 1006 and 1007 regarding Development Plan Review.**

**Mr. Wolanski explained that after reviewing the state enabling legislation regarding development plan review (RIGL 45-24-49), it appears that the Planning Board must be the body to offer recommendations to the ZBR on applications requiring a special use permit and/or variance. Therefore, the proposed amendments to sections 1006 and 1007 of the subdivision regulations would not be**

valid and should not be acted upon. Furthermore, the proposed amendment to Section 308 of the Zoning Ordinance previously forwarded by the Planning Board to the Town Council for consideration should be withdrawn. That amendment, discussed at the August 8, 2007 Planning Board meeting, addressed the same issue.

Motion by Mr. Adams, seconded by Ms. Rearick, to withdraw the recommendation of August 8, 2007 to the Town Council regarding Zoning Ordinance section 308 - Development Plan Review, Uses Requiring a Variance or Special Use Permit. Vote: 6-0-0.

6. Discussion of draft proposed inclusionary affordable housing zoning ordinance amendment.

Mr. Wolanski stated that he had provided the draft ordinance to the Town Solicitor for review.

Mr. Weber suggested that a special meeting be held with the Town Solicitor and representatives from Church Community Housing to review the ordinance.

Mr. Wolanski will work to schedule a meeting.

7. Update – Atlantic Beach District Master Plan

Mr. Weber indicated that the consultant has provided the final plan. The Town Council has elected to hold a special meeting to accept public input prior to consideration of whether to adopt the plan. This meeting has yet to be scheduled.

8. Additional old business – Mr. Wolanski stated that the Town Solicitor has reviewed and provided comments on the proposed mixed use zoning ordinance and the proposed amendments to

implement conservation development. The assistant solicitor, Roland Chase, has identified areas of concern that will require additional discussion.

Mr. Wolanski was asked to set a meeting with the solicitor to review the concerns. Planning Board members will be notified of the meeting date.

Given the need for additional review, the public meeting that was tentatively scheduled for September 20th will be postponed.

### **New Business**

**10. Public Hearing - Symon G. & Jacquelyn Cousens, Proposed 3-lot subdivision with creation of a new road, Island Drive & East Main Rd., Plat 117, Lot 5. Preliminary Plan**

Mr. Weber and Mr. Adams recused themselves from the discussion. Mr. Eckhart presided.

Town Solicitor, Mr. Holbrook, also recused himself.

Peter Gallipeau of Newbridge Homes, the project developer, represented the applicants. He described the proposal to the Board. The applicant is requesting a waiver of the road construction standards for the proposed cul-de-sac.

Ms. Owen asked about the width of the proposed shared driveway that would be use in place of a standard road.

Mr. Gallipeau stated that the drive would be approximately sixteen feet wide.

There was discussion of the need to ensure that the Fire Dept. approves the design of the shared driveway.

Mr. Wolanski stated that if the Board grants preliminary approval, the

**driveway construction as well as the need for confirmation of water and sewer availability should be addressed as conditions of approval.**

**Mr. Eckhart asked if the applicant had considered the possibility of adding the new building lots to the Island Farm Homeowners Association. The association has expressed interest in this possibility.**

**Mr. Gallipeau stated that he has had discussions with representatives of the association. He stated that he is willing to have the new lots added to the association, but requested that this not be made a condition of the subdivision approval. He is willing to accept a requirement that the architectural design of the development on the new lots be consistent with the regulations of the association.**

**The meeting was opened to the public.**

**Patrick Sweeney of 46 Island Dr., an abutter to the proposed subdivision, stated that he is concerned with the design of new development. The new lots should be subject to the Island Farm Homeowners Association standards. He questioned whether the proposed road could be extended to access the abutting tree farm property to the north. He also asked if the new homes would be required to have water pressure boosters installed.**

**Mr. Wolanski stated that, as proposed, the road would not provide access to the property to the north.**

**Mr. Gallipeau confirmed that there would be no access to the property to the north. If water pressure is not adequate, the building code would require the installation of water pressure boosters.**

**John Kennedy, of 36 Island Dr, an abutter to the property, stated that the area proposed as an access easement to allow continued access to the existing dwelling from Island Dr. is not maintained properly. He asked if the condition of the easement area could be improved. He suggested that fewer access points to Island Drive might be better. There was some discussion of possible options for altering the proposed access to the new building lots.**

**Mr. Eckhart asked if the easement area would be part of the proposed building lot 5B.**

**Mr. Gallipeau stated that the easement would cross land that is part of lot 5B.**

**Mr. Eckhart suggested that since the easement area would be on lot 5B, it too would be subject to the Island Farm Homeowners Association standards.**

**Mr. Wolanski recommended that a condition of approval be considered to require that a note be added to the plan to require development on lots 5A & 5B be consistent with the Island Farm Homeowners Association standards.**

**Motion by Mr. Fogue, seconded by Ms. Rearick, to waive the road construction standards of Article 6 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, and to grant preliminary subdivision plan approval subject to the following conditions:**

- 1. Certification from the appropriate utilities that the proposed new building lots could be served by public water and sewer must be provided prior to final approval.**

**2. Construction standards and maintenance provisions for the proposed shared driveway must be presented by the applicant and reviewed and approved by the Fire Chief prior to final approval.**

**3. A note shall be added to the plan to require that development on lots 5a & 5B be consistent with the Island Farm Homeowners Association standards.**

**Vote: 4-0-0**

**11. Diane M. Patrella & Daniel P. Titus, 383 Paradise Ave., Request from the Zoning Board of Review for an advisory opinion on an application for a special use permit to allow residential construction in Zone 1 of the Watershed Protection District. Plat 121, Lot 7.**

**Attorney Robert Silva represented the applicant. He described the proposal to the Board. He provided a revised site plan by Narragansett Engineering, revised 9/11/07, and introduced Kamal Hingorany, the applicant's engineer.**

**Mr. Hingorany described the proposed drainage improvements related to the proposed development.**

**There was discussion of how the drainage control would function.**

**Mr. Weber stated that there are issues that should be reviewed in the field. He recommended that a site visit be scheduled.**

**The matter was continued to the October 10, 2007 Planning Board meeting. The site visit was scheduled for September 19 at 10:30am.**

**Mr. Wolanski was asked to inform the Conservation Commission of the site visit in the event that they would like to attend.**

**12. George P. Lewis, Bailey Ave., Request from the Zoning Board of Review for an advisory opinion on an application for a special use**

**permit to allow residential construction in Zone 1 of the Watershed Protection District. Plat 125, Lot 935.**

**George Lewis was present.**

**Mr. Weber asked Dr. Lewis if the property is in Zone 1 of the Watershed Protection District due to the presence of Stissing soils.**

**Dr. Lewis stated that that is the case.**

**Mr. Weber stated that the Board had been to the site on numerous occasions. He suggested that the Board could proceed with discussion of a recommendation.**

**Mr. Wolanski suggested that if a positive recommendation is proposed, the Board should consider applying conditions relating to site runoff as it has in similar cases.**

**Motion by Ms. Owen, seconded by Mr. Eckhart, to forward a positive recommendation to the Zoning Board of Review, subject to the following conditions:**

**1. At the time of development, the builder should 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).**

**2. The applicant should be required to retain storm water on the lots 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.**

**Vote: 6-0-0**

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

**The meeting adjourned at 7:30pm**