

PLANNING BOARD MINUTES

OCTOBER 10, 2007

Board members present:

Art Weber, Chairman Sam Hogan, Assistant 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 6:35 pm.

Minutes

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the minutes of the September 12, 2007 regular meeting. Vote : 6-0-0.

Mr. Weber stated that there was now a vacancy for the position of Vice Chair of the Planning Board.

Motion by Ms. Forgue, seconded by Ms. Owen, to appoint Mr. Eckart as Vice Chair. Vote: 6-0-0.

Mr. Weber stated that there was now a vacancy for the position of Secretary.

Motion by Ms. Owen, seconded by Mr. Forgue, to appoint Ms. Rearick

as Secretary. 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 combined Preliminary & Final Plan approval.

There was no one present to represent the applicant.

Mr. Weber stated that Mr. Joseph Palumbo had replaced Mr. Robert Silva as the applicant's attorney, and that he had submitted a letter requesting a continuance to the November 14, 2007 Planning Board Meeting.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue this matter, keeping the public hearing open, to the November 14, 2007 Planning Board meeting. Vote: 6-0-0.

2. James S. Holmes, Proposed 2-lot Minor Subdivision, Mitchell's Lane Plat 123, Lot 6, Request for combined Preliminary & Final Plan approval.

There was no one present to represent the applicant.

Mr. Weber stated that the applicant's attorney had submitted a letter requesting a continuance to the November 14, 2007 Planning Board Meeting.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue this matter, keeping the public hearing open, to the November 14, 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.

Ms. Hogan stated that at the September 12, 2007 meeting the Planning Board had granted a 30-day extension on plan approval, and had requested that the applicant return to discuss her plans for recording the approved subdivision. However, the applicant was not present to do so.

As the applicant was not present, the Planning Board discussed granting a 30-day extension and requesting the applicant to attend the November 14, 2007 meeting to discuss the matter.

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

4. Brushett, Proposed 2-lot subdivision, Plat 111 Lot 6B, Oliphant lane, Request for extension of subdivision approval.

Kim Bruchett, the applicant's daughter, was present to discuss the matter. She stated that the applicant was requesting a 60-day extension in order to meet the conditions of final approval for the subdivision.

Mr. Weber explained that the applicant needed to meet the conditions, submit a mylar to be signed, and have the mylar recorded in land evidence in order to officially create the new lots.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to grant a 60-day extension of the subdivision approval. Vote: 6-0-0.

5. Baker, Proposed 2-lot subdivision, Plat 108SW Lot 163, Request for extension of subdivision approval

Mr. David Martland represented the applicant. He stated that certification of water and sewer availability had been received, and

that the demolition of one of the building units was underway and would be completed soon. He requested a 30 day extension to complete this work..

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

New Business

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

Mr. Weber recused himself from this matter as he is an abutter to the proposed subdivision.

Mr. Adams recused himself from this matter as he is an abutter to the proposed subdivision.

Mr. Peter Gallipeau spoke on behalf of the applicant. He stated that the three conditions of preliminary approval had been met: certification of water and sewer availability had been submitted, construction and maintenance standards for the shared driveway had been approved by the Fire Chief, and a note had been added to the plan regarding architectural standards and restrictive covenants.

He stated that the final plan still needs to be tied to state plane coordinates and an AutoCAD disk of the plan needs to be submitted, which could both be conditions of approval.

Discussion ensued about a condition to either have the two new lots become part of the Island Farm Homeowners Association (HOA), or to have them subject to architectural standards and covenants of their

own.

Mr. Gallipeau stated that an agreement to join the Island Farm HOA was in place.

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

1. Prior to recording the survey must be tied to the RI State Plane Coordinates System.
2. Prior to recording the plan must be submitted electronically (AutoCAD format) if available.
3. A driveway maintenance agreement, in a form acceptable to the Town Solicitor, shall be recorded along with the plan.
4. Prior to recording either the applicant provides confirmation that an agreement is in place for inclusion of the new units in the Island Farm Homeowners Association OR that architectural standards and covenants for the new lots, similar to those of the Island Farm Homeowners Association, are reviewed by the town solicitor and recorded along with the plan.

2. 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.

Mr. Weber discussed improvements to drainage on the property that would be made by this project.

Ms. Hogan explained that it appeared that the project would only be exempt from RI Freshwater Wetlands Regulations if all construction

activity takes place more than 50' from the Maidford River; and the plans did not indicate whether this was the case. She suggested that a condition requiring that a limit of disturbance indicating all construction activity would take place at least 50' from the river or that the applicant obtain a wetlands permit prior to receiving a building permit should be added to the advisory opinion.

Mr. Weber stated that the easiest way to comply with the condition would be to comply with the limit of disturbance requirement.

Mr. Robert Silva, representing the applicant, stated the applicant would be amenable to this condition, although it was technically in the Building Official's purview as to whether or not to issue the building permit. He also stated that the project engineer foresaw no difficulty in obtaining the appropriate wetlands permit if necessary.

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

1. All roof runoff, to the extent possible, shall be directed to landscaped areas to encourage infiltration.
2. 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). To the extent possible storm water runoff should be infiltrated on the property.
3. A limit of disturbance indicating that all construction activity will take place at least 50' from the Maidford River should be added to the plan, or the applicant must obtain a wetlands permit prior to issuance

of the building permit.

3. Discuss process for completing the next 5-year update of the Middletown Comprehensive Community Plan.

Mr. Weber explained that the Comprehensive Plan needs to be updated by 2009. He asked which Planning Board members would be willing to be involved in the process, explaining that it would be a big responsibility.

Discussion ensued on the process, with all Planning Board members indicating their willingness to be involved.

4. Additional new business.

Mr. Weber explained that a meeting had taken place with the town solicitor regarding Mixed Use and Conservation development. He stated Ms. Hogan would incorporate the solicitor's comments into the ordinance and provide new drafts for review.

Mr. Weber stated that there some questions had arisen regarding the Town Charter and term limits, and whether if a board member was serving a term when the limits went into place that term counted towards the limit.

Mr. Holbrook stated that it was his understanding those terms did not count toward the limit, but the language in the Town Charter might need to be revised for clarity.