

PLANNING BOARD MINUTES

November 14, 2007

Board members present:

Jan Eckhart, Vice Chairman Ron Wolanski, Town Planner

Audrey Rearick , Secretary Frank Holbrook, Town Solicitor

Richard Adams

Frank Forgue

Gladys Lavine

Members absent:

Art Weber

Betty Jane Owen

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

Minutes

Motion by Ms. Rearick, seconded by Mr. Adams, to approve the minutes of the October 10, 2007 regular meeting. Vote : 5-0-0.

Mr. Eckhart welcomed new member Gladys Lavine to the Board.

New Business

1. Public Informational Meeting - Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218, Request for Master Plan Approval

Mr. Eckhart explained that the board's standard practice is to visit a property subject to a subdivision application prior to beginning the review. The public is welcome to attend the site visit as it is a public meeting, however the primary purpose of the site visit to allow the board an opportunity to view the property. There will be no deliberations or formal public input session as part of the site visit.

The Board scheduled the site visit to be held on Monday, November 26, 2007 at 10am. The Board will meet the end of Sachuest Drive.

Motion by Mr. Forgue, seconded by Ms. Rearick, to continue the public informational meeting to the December 12, 2007 regular Planning Board meeting. Vote: 5-0-0.

Old Business

**2. 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. Palumbo, had submitted a letter on his client's behalf requesting a continuance to the December 12, 2007 Planning Board meeting.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue this matter, keeping the public hearing open, to the December 12, 2007 Planning Board meeting. Vote: 5-0-0.

3. 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 letter 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, He requested a continuance to the December Planning Board meeting.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the matter to the December 12, 2007 Planning Board meeting. Vote: 5-0-0

4. 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. Eckhart suggested that the Board consider granting a 6-month extension. He asked Mr Wolanski if he had any concerns with the proposal.

Mr. Wolanski stated that the Board has granted similar extension in other cases. There are no particular concerns with this application regarding the proposed extension.

Motion by Ms. Rearick, seconded by Mr. Adams, to grant a six-month extension of the subdivision approval. Vote: 5-0-0.

5. Reed Development, Request for modification to approved façade design - Development Plan Review, Aquidneck Ave., Plat 114, Lots 117, 137, 138, 758, Proposed 67,000 sq.ft. self-storage facility.

Attorney David Martland represented the applicant. He described the request to revise the previously approved façade design for the proposed building. A rendering of the proposal was presented. Mr. Martland explained that in order to construct the building with the approved façade design, significant floor area on the second floor of the building would be lost. The revised design would allow for two full floors as previously proposed.

There was discussion of the revised design. In response to a question from the Board, the applicant confirmed that the materials for the revised façade would be consistent with the previously approved design.

Mr. Wolanski recommended that, if the Board approved the revised based on the rendering provided, the applicant should be required to provide revised building elevations that indicate the proposed materials. The elevations should be consistent with the design depicted on the rendering. This could be a condition of approval.

Mr. Eckhart stated that a board member who was not able to attend the meeting had questiond whether the building could be med to be symmetrical, with a taller section of façade on the northern end of the building to match the southern end.

The applicant responded that such a change to the plan would be more significant in terms of impact on the building footprint and site design.

Other members of the Board indicated that they are comfortable with the revised design as proposed.

Motion by Mr. Forgue, seconded by Ms. Rearick, to approve the revised design and forward the revised plan and recommendation to the Zoning Board of Review, subject to the following condition:

1. Prior to the granting of building permits, building elevations consistent with the rendering provided to the Planning Board, and indicating dimensions and proposed façade materials, must be provided to the Town Planner for review and a determination of consistency with the approved rendering.

Vote: 5-0-0.

6. Review Draft Zoning Ordinance and Subdivision Regulations amendments regarding Conservation Subdivision Development

Mr. Wolanski stated that he provided the Board with revised drafts of the Zoning Ordinance amendments and the proposed amendments to the development regulations. Revisions were made based on the recommendations of the Town Solicitor.

There was discussion of the next step. Mr. Wolanski stated that the Board must hold a public hearing on the proposed amendments to the regulations before forwarding them to the Town Council.

The Board, by consensus, decided to schedule a special meeting for December 3, 2007 at 11am to review the revised drafts, following which a public hearing will be scheduled.

New Business

7. David P. Leys, Jr., Proposed 2-lot Minor Subdivision, Tuckerman Ave. & Wolcott Ave., Plat 116SE, Lot 109, Request for Preliminary Plan Approval

Mr. Leys was present. He explained the proposal, which would include a new building lot. The plan would result in the existing dwelling on the property not meeting setback requirements. He requested conditional preliminary approval to allow the plan to proceed to the Zoning Board of Review to seek the necessary zoning relief.

Mr. Eckhart stated that the plan would result in two lots that meet the requirements for lot area and frontage. The applicant should be given the opportunity to seek the setback relief needed.

Other members of the board agreed.

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

1. Prior to final plan approval the applicant must seek and be granted the necessary relief by the Zoning Board of Review to allow for the existing dwelling to be approximately 10.4 feet from the new rear lot line where 30 feet is required.

Vote: 4-0-1, with Ms. Lavine abstaining.

8. Development Plan Review – Proposed Middletown Police Station, Valley Rd., Plat 108, Lot 554, Request to schedule Planning Board site visit.

Attorney David Martland represented the applicant. He explained that the review by the Technical Review Committee is currently underway, and it is expected that the plans and TRC review will be complete before the Planning Board's December 12th meeting. He requested that the Board proceed to schedule a site visit, if one is necessary, to take place prior to the December 12 meeting. This would avoid a delay in the review.

Mr. Eckhart questioned the need for a site visit given the familiarity of the property and the fact that the lot is heavily treed.

Mr. Adams suggested that a site visit could be useful for those who have not been on the property.

By consensus the board decided to schedule a site visit for November 26, 2007 at 11:30am.

9. Consideration of possible amendments to the Middletown Comprehensive Plan, Future Land Use Map regarding the designation

of U.S. Navy property

Mr. Wolanski stated that the issue of zoning and future land use designation of Navy land was raised during a recent discussion by the Town Council of the Greene Lane Park proposed for Navy land, should it be excessed. Although the proposed park parcel and other Navy land is currently zoned Public, and therefore could not be developed for private use without being rezoned, it might be appropriate to review the future land use designation in order to display the Town's intentions regarding the property.

There was discussion of the West Side Master Plan. Mr. Wolanski stated that the plan did not address specific future use for Navy properties in Middletown, as these were seen to be less likely to be excessed in the near future. There is a Navy review of land currently underway which is expected to be released early next year. Pending the results of that report, the Town should consider the designation property north of NUWC.

The Board agreed that it is important to appropriately designate Navy lands. This could be accomplished as part of the ongoing work to integrate provisions of the West Side Master Plan into the Comprehensive Plan.

Mr. Wolanski stated that he will provide the draft Comprehensive Plan amendments, including the future land use map for discuss at the December 12th Planning Board meeting.

10. Request of the Town Council for a recommendation on proposed Zoning Ordinance amendments regarding group homes, community residences & family day care homes.

Mr. Holbrook explained the proposed ordinance. It is not intended to exclude uses, but rather to provide for local notification and review. Several communities in Rhode Island have similar ordinances, which require special use permits for community residences. While state law limits the ability to regulate homes for people with retardation, the statute does not require that the other uses included in the definition of community residences be allowed “by-right”.

Mr. Eckhart asked if there are similar ordinances in other towns.

Mr. Holbrook stated that the Town Administrator’s office had identified 4 to 5 towns in Rhode Island with similar ordinances.

Mr. Adams asked if a review was done to consider potential impacts on other parts of the Zoning Ordinance.

Mr. Holbrook stated that the proposed ordinance section would stand alone and not adversely impact other sections of the Zoning Ordinance.

Attorney Brian Bardorf, representing Child & Family Services, stated that he agreed that there may be room for interpretation in current statute regarding local authority to regulate community residences. He requested that the Board consider the ramifications of the proposed ordinance and the possibility that the proposed process could lead to discrimination. He stated that the current notification process employed when a residence is proposed should be improved to better inform the community, since there are different types of community residences. But there is a notification process and review by state and local health and fire officials.

Mr. Adams stated that the intent of the ordinance is to provide for

local oversight and adequate notification to abutters.

Mr. Eckhart asked how many residents could be in a home.

Mr. Bardorf state that a maximum of 8 residents could be allowed.

Mr. Eckhart stated the there should be some local oversight to assess the potential neighborhood impacts, such as safety, parking and traffic.

Mr. Bardorf stated that proposed ordinance tries to exclude impacts on property values as a primary consideration for denial, but the top requirement in the current zoning ordinance in considering special use permits is impact on property values.

There was discussion of the Planning Board's options in considering its recommendation to the Town Council.

Mr. Wolanski stated that the Board could choose to comment on the legal and policy implications of the proposal, or it may wish to address only the implementation of the ordinance and how it would function within the current regulatory processes.

After addition discussion, the consensus of the Board was that it would defer to the Town Solicitor with regard to the legal authority for creating the ordinance. It found that the ordinance would function properly within the context of existing regulations, and that it is not out of the ordinary in terms of the oversight it would provide through the existing special use permit process. The Town Council should address the policy implications of the proposal.

Motion by Ms. Lavine, seconded by Mr. Forgue, to forward a recommendation to the Town Council that finds that, as drafted, and subject to the correction identified below, the proposed amendments

would function properly within the context of the current Zoning Ordinance's special use permit process:

Proposed Section 17A01.E. references section 903 of the Zoning Ordinance for standards to be used in reviewing special use permit applications. The ordinance should be revised to instead reference section 902

Vote: 5-0-0.

Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 5-0-0

The meeting adjourned at 8:00pm