

PLANNING BOARD MINUTES

December 12, 2007

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Vice Chairman Frank Holbrook, Town Solicitor

**Audrey Rearick , Secretary J. Russell Jackson, Assistant Town
Solicitor**

Richard Adams

Frank Forgue

Gladys Lavine

Members absent:

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 November 14, 2007 regular meeting and the December 3, 2007 special meeting. Vote : 6-0-0.

Mr. Weber thanked Mr. Eckhart for chairing the November meeting and welcomed new member Gladys Lavine to the Board.

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

The applicant, Mr. Pimental, stated that his attorney and engineer had not yet arrived.

By consensus the Board tabled the matter until the applicant's representatives arrive.

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 that morning he had received a revised plan and RIDEM documentation regarding the wetlands on the property. The revised plan has yet to be reviewed.

Motion by Ms. Rearick, seconded by Mr. Adams, to continue the matter to the January 9, 2008 Planning Board meeting. Vote: 6-0-0

3. Peter Gallipeau, Saltwood Farm Subdivision, Request for extension of the timeframe to install the fire cistern required by the Planning Board for the previously approved 4-lot subdivision. Plat 126, Lot 4
Mr. Holbrook recused himself from the discussion.

Mr. Gallipeau request an additional one-year extension of the requirement to provide a fire protection cistern in light of his latest proposal to re-subdivide the subject property and provide public water.

Motion by Ms. Rearick, seconded by Mr. Forgue, to grant an additional one-year extension to February 2009 in order to complete the installation of improvements required as part of the subdivision

approval. Vote: 6-0-0.

4. 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. Holbrook recused himself from the discussion. Mr. Jackson acted as Town Solicitor.

Mr. Weber stated that the Planning Board was in receipt of a letter from Mr. Gallipeau requesting that the matter be withdrawn without prejudice.

Motion by Ms. Rearick, seconded by Mr. Adams, to allow the application to be withdrawn without prejudice. Vote: 6-0-0.

5. 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. The applicant's engineer, Audie Osgood of DiPrete Engineering, was also present. The proposal was described to the Planning Board.

Mr. Weber stated that he had two initial questions regarding the proposed location of the dumpster and the possibility of a traffic signal at the driveway exiting the site.

Mr. Osgood stated that 96 gal. Plastic garbage bins will be used, which would limit the noise impact on the abutting residential neighborhood. The possibility of relocating the bins to another area of the site will also be considered. There is proposal for a traffic signal at this time, though this could be considered in the future if necessary.

Mr. Adams asked about the proposed location of the Valley Rd. crosswalk and the possible use of LID drainage techniques.

Mr. Osgood stated that the crosswalk will allow access from the sidewalk on the opposite side of Valley Rd. There is substantial landscaped area on the property which will allow for infiltration of runoff. Rain gardens could be used as a demonstration project, but would have limited impact on the amount of runoff. Porous pavement is proposed for an area at the rear of the site, and the drainage system will provide the necessary detention.

The landscaping plan was discussed. Landscape architect John Carter described the plan, including the retention of existing vegetation along the southerly property line, and the addition of screening along the southerly and northerly property lines. He referenced the request to reduce the size of the proposed trees below the minimum 4" caliper requirement. The plan includes in excess of the required minimum number of trees. 4" caliper trees are much more expensive, and are slower to become established after planting. A 2.5-3" caliper tree will generally be 12-14' in height at planting.

Mr. Eckhart asked about the possibility of future building expansion and the impact on the landscape plan.

Mr. Carter stated that the proposed expansion area would not substantially alter the landscaping plan.

Mr. Martland described the need for waivers from some of the building design requirements, including the minimum requirement for windows.

Police Chief Pesare confirmed that the nature of the use of the building

requires the use of fewer windows in some locations.

Mr. Adams asked about the potential impact on the abutting park development. There was discussion that there would be minimal impact on the proposed park.

Mr. Eckhart asked if the building would be constructed on a slab or with a basement level. Foundation drains may be needed if a basement is proposed.

The discussion was opened to the public.

John Woodhouse of 3 Haymaker asked about maintenance of the vegetated buffer along the southerly property line and the possible impact of headlights on the residential properties. A berm would provide a more permanent solution.

Mr. Carter stated that to install a berm would require the removal of the existing vegetated buffer. Additional screening could be added.

Mr. Martland explained that the town regulations require that the buffer be maintained.

There was a suggestion that a section of decorative fencing could be added if needed to screen properties from the impact of headlights.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to approve the plan subject to the following waivers and conditions:

Waivers granted from the following design requirements (Article 5 – Rules & Regulations Regarding the Subdivision & Development of Land):

Section 521.2.A.2 – Regarding unbroken plan of a wall

Section 521.2.B.1 – Regarding minimum area of windows

Section 521.1.C – Regarding installation of overhead utilities on the

property

Conditions of approval:

1. The applicant did not provide a plan for signage. Signage must be reviewed prior to installation for consistency with appropriate requirements.

2. The landscaping plan has not been stamped by a RI Registered Landscape Architect. This certification is required by state law. Prior to the issuance of permits the plan must be stamped by a RI Registered Landscape Architect.

3. The landscaping plan should be revised to address concerns raised by the chairman of the Tree Commission in his letter of December 12, 2007, including the provision of 4" caliper trees and change in species of some trees. The size of proposed trees may be reduced below the 4" caliper requirement subject to the approval of the Tree Commission Chairman.

4. A copy of the required RIDOT Physical Alteration Permit (PAP) has yet to be provided. Prior to construction the applicant must provide a copy of the RIDOT Physical Alteration Permit as well as any necessary RIDEM permits .

5. A section of fencing to screen abutting residential properties from the impact of vehicle headlights must be provided in appropriate locations along the southerly property boundary.

Vote: 6-0-0

6. Discussion of proposed amendments to the Middletown Zoning Ordinance and subdivision regulations regarding conservation subdivision design.

Mr. Weber stated that a presentation by Scott Millar of RIDEM, as well as a public hearing has been scheduled for January 3rd at 6:30pm.

7. Consideration of possible amendments to the Middletown Comprehensive Plan, Future Land Use Map regarding the designation of U.S. Navy property.

Mr. Wolanski described the interest in reconsidering the designation of Navy land in Middletown given the anticipated release of a Navy plan for the disposition of excess properties.

The Board decided to hold a special workshop-style meeting to discuss the alternatives. Mr. Wolanski was asked to schedule a meeting to occur in January.

8. Public Hearing (continued) - Karmik, LLC, Proposed 6-lot major subdivision, Plat 120 Lot 46, Prospect Ave. & Aquidneck Ave.

Request for Preliminary Plan approval

Attorney Joseph Palumbo represented the applicant. He explained that he had received a copy of a memo from Town Engineer, Warren Hall, which states that requested changes to the plan have been made and approval is recommended. He requested that board approve the plan.

Mr. Weber stated that the Board would consider a condition that all lots be accessed as shown on the plans.

Mr. Palumbo stated that the Board should not attempt to address, explicitly or implicitly, the issue of the right-of-way on the abutting property which has been an item of contention. It is not part of the subdivision and is a private matter to be addressed by the property owners. The Board can not deprive the use of the ROW.

Mr. Weber stated, and Mr. Holbrook confirmed, that proposed access to the subdivision lots is within the preview of the Planning Board review.

Abutting property owner, Donna McHenry, stated that she is pleased with the proposed plan and the condition regarding access to the new lots. She noted that in previous discussions with the applicant, he had indicated that he would be willing to remove the ROW.

Mr. Palumbo stated that in the past representations were made that the ROW would be released. The applicant entered into discussions with the McHenry's and requested some concessions in exchange for the release. The McHenry's would not agree to the requested concessions, which included discussion of the future use of the subject area as well as monetary consideration.

Motion by Mr. Eckhart, seconded by Mr. Adams, to grant final subdivision plan approval subject to the following conditions:

1. Sewer connection plans including any necessary easements to allow for sewer connections to the proposed lots must be approved by the Director of Public Works prior to approval to connect to the town sewer system.

2. Prior to recording, easement documents for all proposed easements must be provided for review and approval by the Town Solicitor.

3. The proposed building lots shall be accessed as depicted on Sheet 3 of 4 of the approved subdivision plan set. A note to this effect must be added to the plan prior to recording to ensure that future property owners are aware of the requirement

Vote: 6-0-0

New Business

9. Public Informational Meeting - Peter Gallipeau, Proposed 9 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218, Request for Master Plan Approval.

Mr. Holbrook recused himself from the discussion. Mr. Jackson acted as Town Solicitor.

Attorney David Martland represented the applicant. He stated that, as a master plan review, issues of concern, such as stormwater drainage control will not be discussed at this stage. Such details will be provided for the preliminary plan review.

The applicant's engineer, Matt Vianna, described the plan. Waivers are requested from the standard road right-of-way width requirements and pavement width requirement. The proposed road would match the existing roads in the area in terms of ROW and constructed width. A waiver is also sought for the application fee given the withdrawal of the previous application.

The meeting was opened for public input.

Attorney Jeremiah Lynch, representing abutters to the subject property in the Sachuest Drive area stated that according to the Middletown subdivision regulations the new subdivision roads must project to allow connection to the remainder of the applicant's land.

Mr. Wolanski stated that he agreed that the regulations require such road connections, but the intent was to provide access and continuation of roads into larger developable properties. In this case

the remainder parcel is relatively small, contains wetlands, and has other options for access. The Planning Board should consider the specifics of the individual situation when considering the referenced requirement and the need for additional roadway.

Mr. Jackson stated that he agreed that the Board could use its discretion regarding the subject requirement.

Greg Shultz, a resident of Sachuest Drive, stated that he was concerned with the proposed connection of Bailey Ave. to Sachuest Drive. Traffic impacts, particularly impacts on Bailey Ave. should be considered.

Elizabeth Rowe, an abutting property owner and resident of Bailey Ave, stated that her primary concern is storm water runoff. Her property receives stormwater from the subject property. In order to not create additional problems she suggested the runoff be directed to the southern end of the subject property.

Earl Trickey, a resident of Sachuest Drive, stated that he had no objections to the plan, or the connection of the Sachuest to Bailey Ave. He stated that the provision of public water and sewer must be carefully reviewed.

Jay Peckham, an abutter to the property, stated that careful review of the storm water drainage system is required to limit impacts on abutting properties.

Mr. Weber stated that given the existing conditions in the area, the proposed development may result in some benefits to surrounding properties.

Martha Koziera, a resident of Miller St., stated that it appears that the

residents of the Bailey Ave. neighborhood would get the bulk of the impacts. She stated that there are concerns related to traffic, storm water runoff and impacts on well water quality. Properties in the area would see values impacted by the proposed changes.

Sam Howell, a resident of Sachuest Way, stated that, as a former of the Board of the Aquidneck Land Trust, he applauds the Planning Board's efforts to promote conservation development. He requests that the Board also take into consideration the concerns of the residents in the area as the review proceeds.

Mr. Weber stated that there is not the ability to purchase all properties that might be available. Conservation development offers an opportunity to preserve some openspace.

Mr. Martland addressed the concerns raised about the road connection. The proposed plan is designed to address town policies and the concerns raised by various town departments regarding road connections.

Mr. Wolanski reviewed the requested waivers and recommended conditions of approval.

Mr. Eckhart asked about the possibility that the applicant would resubmit the conservation plan for the property.

Mr. Martland stated that it was something that could be considered once the proposed regulations are adopted.

Mr. Adams stated that it is important for the Town to get the new regulations adopted for the benefit of the town, and to not lose sight of the values of conservation development regardless of this particular development proposal.

Kevin Brown, a resident of Sachuest Drive, stated that it has been difficult to react the proposed development proposals for the subject property given that several plans have been proposed. Residents need to know which plans are being considered.

Motion by Mr. Adams, seconded by Mr. Eckhart, to grant master plan approval subject to the following waivers and conditions:

Waivers granted from the following requirements of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land:

Section 406. C.1.a – Waiver of Master Plan application fee

Section 501.B. – Regarding projection of proposed streets to the property line

Section 603 – Regarding right-of-way width and pavement width

Conditions of Approval:

- 1. The applicant proposes serving the development lots with public water and sewer service. The availability and capacity of these public utilities must be confirmed prior to consideration of the preliminary plan, or alternative measures for providing potable water and sewage disposal to the development lots must be proposed.**
- 2. The preliminary plan must include provision of sidewalks and street trees unless waived by the Planning Board.**
- 3. The applicant must provide the development impact statement and review fee required by section 310 of the Zoning Ordinance. A third-party engineering review of the preliminary plans and impact statement will be required at the applicant's expense.**

Vote: 6-0-0.

10. Development Plan Review – Atlantic Beach Suites, LLC, Proposed addition to an existing hotel building, 28 Aquidneck Ave., Plat 116NW, Lot 59

Mr. Martland represented the applicant. He requested that the matter be continued to the January 9, 2008 Planning Board meeting.

Motion by Ms. Rearick, seconded by Mr. Adams, to continue the matter to the January 8, 2008 meeting. Vote: 6-0-0.

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

The meeting adjourned at 8:40pm