

PLANNING BOARD MINUTES

January 9, 2008

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Vice Chairman Frank Holbrook, Town Solicitor

Audrey Rearick , Secretary

Richard Adams

Frank Forgue

Betty Jane Owen

Gladys Lavine

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

Minutes

Motion by Mr. Forgue, seconded by Ms. Rearick, to approve the minutes of the December 12, 2007 regular meeting and the January 3, 2008 special meeting. Vote: 6-0-0. (Ms. Lavine had not yet arrived.)

Old Business

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

Attorney Joseph Palumbo, Jr., Esq. represented the applicant. He discussed the need for some minor changes to the final plan as identified by Mr. Wolanski in his memo to the board. RIDEM approval of the wetland delineation has been secured. He requested that the

Board consider granting final approval subject to the remaining items being resolved prior to recording.

Mr. Wolanski read five recommended conditions of approval.

There was discussion of the proposed driveway serving the proposed dwelling. The wetland delineation plan and the subdivision plan show the drive in different locations.

Mr. Wolanski stated that any encroachment into the wetland buffer would require RIDEM approval.

Mr. Eckhart asked about the possibility of a shared driveway given sight distance limits.

Mr. Palumbo indicated that a shared driveway has been considered, and would be addressed at the time of development.

Motion by Mr. Adams, seconded by Ms. Owen, to grant Preliminary and Final subdivision approval subject to the following conditions:

- 1. The subdivision plan must be revised to eliminate the term "preliminary" prior to recording.**
- 2. The subdivision plan must be stamped by a registered professional engineer to certify the soils and other information provided thereon. Any development within Watershed Protection District Zone 1 would require the granting of a special use permit by the Zoning Board of Review.**
- 3. The plan entitled "Verification of Wetland Edge" (rev. 11/15/07) by John R. Mello, Jr. PE must be recorded with the subdivision plan.**
- 4. Prior to recording the final plan, permanent markers must be placed along the designated wetland buffer areas approved by RIDEM to provide notice to future property owners. The markers shall be of**

granite extending to at least 24 inches above grade and permanently labeled "RIDEM Buffer Zone"

5. The following notes must be added to the plan prior to recording:

"All development must comply with provisions of Town Code Chapter 151, Construction Site Runoff Control, and Chapter 153, Storm Water Control Ordinance."

"The Town has implemented development impact fees which apply to any new commercial and residential development in town. Impact fees as specified in Town Code Chapter 150 will be assessed at the time of development of proposed parcel A."

Vote: 6-0-0

2. George P. Lewis, Proposed 4-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Request for Final Plan approval.

Mr. Wolanski stated that there are items required by the preliminary approval that have yet to be satisfied. He discussed this with the applicant's attorney, who requested that the meter be continued to the February Planning Board meeting.

Motion by Mr. Adams, seconded by Mr. Eckhart, to continue this matter to the February 13, 2008 Planning Board meeting. Vote: 6-0-0.

3. Public Hearing (continued) - Discuss and consider adoption of proposed amendments to the Town of Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations). The amendments, if adopted, would amend various sections of Articles 1, 2, 3, 4, 5, 6, and Appendix A & C of the Regulations in order to implement proposed procedures and standards regarding Conservation Subdivision Development.

4. Discuss and consider a recommendation to the Town Council regarding proposed Zoning Ordinance amendments to implement proposed Conservation Subdivision Development procedures and standards.

The Planning Board combined the discussion of both the proposed amendments to the subdivision regulations and the Zoning Ordinance amendments.

Mr. Weber reviewed the ongoing process for consideration of the amendments.

The continued public hearing was opened.

Sam Howell of Sachuest Drive requested that the revised drafts of the amendments, once they are produced, be presented within the full Zoning Ordinance and subdivision regulation documents.

Mr. Wolanski stated that he would post the full documents including the revised amendments on the town web page.

Mr. Howell stated that, as a member of the Aquidneck Land Trust Board of Trustees, he is supportive of the Board's effort to provide for preservation of open space, and the conservation development concept. He provided comments on the current draft amendments:

„X The yield plan must be developed using the highest standards to ensure that the number of potential development lots in a conservation plan is accurate, and does not exceed the number of lots that could be developed in a conventional development.

„X Based on a review of other ordinances, the Town should consider increasing the open space requirement to 50%.

„X The Board should reconsider the application of the proposed

density bonus. Open space is more valuable in large pieces. The value of open space preserved as part of a small development should be considered in the review process, and determining whether a conservation plan or conventional plan would be more appropriate.

„X Consider a credit system to encourage property owners to reduce the number of units from what would be allowed by conventional zoning.

„X Consider applying a sliding scale to allow for more units/per acre of land as the property size increases.

„X In reviewing a subdivision application, the Board should compare the benefits and impacts of a conservation plan the conventional plan option. The Board take into consideration who will benefit form the conservation plan and the open space it will preserve. Is preservation of open space for its own sake sufficient?

„X The proposal should require that the length of roadway and infrastructure will be reduced as a result of the conservation plan.

Mr. Weber stated that, based on information received by the Board, it appears that in other towns the density bonus is not used. There may be a need to reconsider the requirement of conservation subdivision in some circumstances. This issues will be considered as the board develops revisions to the draft amendments.

Mr. Howell suggested that the „§Purpose” section of the regulations be revised to include language regarding potential impact on abutting neighborhoods.

Mr. Eckhart asked if the town should go beyond simply using the yield plan to determine the number of units.

Mr. Howell stated that the goal should be to reduce the number of units below the zoning allowance.

There was discussion of the merits of private open space vs. public open space.

Mr. Howell suggested that the dwellings constructed in a conservation development should be smaller than allowed in a conventional development due to the reduced lot size.

Peter Gallipeau, a resident of Sachuest Way, requested that the Board consider the following comments:

„X Consider the use of a formula to determine the number of lots allowed in a conservation development. The Town of Tiverton might use a formula. This would eliminated that need for permitting to prove the yield plan. A formula might cut both ways, with some projects to getting more lots, and some less than allowed by conventional development.

„X In response to the suggestion that density be reduced, housing is not a negative.

„X Conservation development can work for all size properties.

„X A sliding scale for the number of units not needed to address development of small properties.

„X Concerns relating to the siting of house lots would be addressed through the planning process with the Planning Board.

„X The construction of smaller homes on conservation development lots should not be required.

„X The town must determine partial units resulting from the density bonus would be rounded up or down.

Mr. Weber asked Mr. Gallipeau if he has experience with conservation development through his developments in Massachusetts.

Mr. Gallipeau stated that he had not used this process in his developments.

Mr. Weber stated that residential development is generally a loss for the town in terms of tax revenue generated, primarily due to the cost of public schools.

Mr. Gallipeau stated that the town needs to have a mix of residents, including families.

Mr. Howell reiterated his concern that the goal to preserve open space not override the concern for impact on the neighborhood.

Gail Greenwood of 308 Forest Ave stated that she is in favor of conservation development. She asked questions regarding the yield plan requirement and the preservation of natural features.

Mr. Adams and Mr. Weber responded that the process will allow for identification of natural features that should be preserved early in the process.

There was no additional public input.

It was decided that a workshop style meeting of the Planning Board would be held on February 11th at 9am to review the revised draft amendments.

Motion by Mr. Adams, seconded by Mr. Eckhart, to continue the matter, leaving the public hearing open, to the regular Planning Board meeting of February 13, 2008 at 6:30 pm. Vote: 7-0-0.

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

of U.S. Navy property.

Mr. Weber described the purpose of the proposed amendments, including the anticipated Navy action to excess some its land on the west side of the Island. It is important that the Town have a say in how that land will be used in the future. A special Planning Board meeting was held on January 8th to consider the potential for future land use plan designations. At that meeting the consensus was that the majority of the property in Middletown likely to be considered for release, excluding the Greene Lane housing area, be designated for recreation and open space use. The Greene Lane housing could be considered for a high-density residential designation.

By consensus the Board agreed to advertise a public hearing to be held at 6pm on February 13, 2008.

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

Mr. Wolanski stated that he had received a request from the applicant to continue the matter to the Board's February 13 meeting.

Motion by Ms. Rearick, seconded by Mr. Adams, to continue the matter to the February 13, 2008 meeting. Vote: 7-0-0.

New Business

5. Review DRAFT proposed zoning ordinance amendment relating to installation of wind turbines.

Mr. Wolanski stated that he hoped to have a draft ordinance available for review at the February Planning Board meeting.

Mr. Echhart suggested that the town's Wind Turbine Committee, if

still active, be asked to participate.

Mr. Adams asked that outside examples of ordinances be used.

By concensus the matter was continued to the February 13, 2008 meeting.

**Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote:
7-0-0**

The meeting adjourned at 7:40pm