

# **PLANNING BOARD MINUTES**

**February 13, 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.**

**Election of officers for 2008**

**Mr. Weber requested nominations for the positions of chairman, vice chairman, and secretary.**

**Motion by Ms. Owen, seconded by Mr. Forgue, to nominate Mr. Weber to serve as chairman, Mr. Eckhart to serve as vice chairman, and Ms. Rearick to serve as secretary. Vote: 7-0-0.**

**Minutes**

**Motion by Mr. Forgue, seconded by Ms. Rearick, to approve the minutes of the January 9, 2008 regular meeting and the January 8, 2008 special meeting. Vote: 7-0-0.**

## **Old Business**

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

**Mr. Weber stated that the applicant is seeking final approval.**

**Attorney Brian Bardorf represented the applicant. He stated that the remaining items required to allow for final approval have been addressed, including the RIDEM review of the wetland delineation, the cost estimates for the required security, and the easement documents.**

**Mr. Bardorf referenced a letter from Attorney David Martland, on behalf of Peter Gallipeau, dated 2/12/08, submitted to the Planning Board. The letter requests that the Board consider opportunities to provide a public water main through the Lewis property to Bailey Ave. Mr. Bardorf discussed the history of the subdivision process and discussions with Mr. Gallipeau. He indicated that his client is willing to discuss the possibility of providing water to Bailey.**

**Mr. Weber stated that the Lewis subdivision has been granted preliminary approval. Any efforts to bring public water to Bailey Ave. would be a matter for the property owners to resolve along with the Newport Water Department.**

**Attorney Robert Silva addressed that Board on behalf of his client, Mr. Gallipeau. He stated that his client is willing to pay the cost of the installation of the water main from Trout Drive to Bailey Ave.**

**Mr. Wolanski stated that the Board has the security amount approved by the Town Engineer. The Town Solicitor has yet to review the easement documents. This item could be made a condition of**

approval.

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

1. Prior to recording the approved plan, easement documents for all proposed easements must be approved by the Town Solicitor. Drainage easements for facilities to be owned by the subdivision property owners should include a provision to allow, but not require, Town access to perform maintenance in the event the owners do not perform the required maintenance. Maintenance of these facilities will be the responsibility of the property owners. The language for the easement granted to the Town for drainage along Bailey Ave. must also be reviewed and approved by the Town Solicitor.

2. Prior to recording the approved plan, performance security in an amount equaling at least \$211,234.37, and in a form acceptable to the Finance Director must be provided and approved.

Vote: 7-0-0.

2. 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.

3. 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 stated that the Board had a special meeting on February 12th where several remaining issues were discussed. He asked Mr. Wolanski to explain the proposed actions.**

**Mr. Wolanski described the issues to be resolved and the proposed changes to the draft documents. Including allowing for Planning Board discretion in determining the plan that will proceed, conservation or conventional. Revised drafts will be provided for discussion at the March 12, 2008 regular Planning Board meeting. At that it is anticipated that the proposed amendments could be forwarded to the Town Council for consideration.**

**The continued public hearing was opened.**

**Mary Sheppard, a Middletown Resident, stated that she had written a letter to the editor of the Newport Daily News in support of the proposal. She expressed concern that conservation development not be made optional.**

**Mr. Wolanski clarified that conservation development would be the preferred option, except in limited circumstances where the conventional plan is determined to be a better option.**

**Mr. Adams stated that the language in the regulations should make it clear that conservation development is the “default” position of the town.**

**Mr. Weber stated that he would like to allow the Planning Board some**

discretion in determining the preferred plan. Without allowing some discretion, the abutters would not be allowed input into the approval process.

Peter Gallipeau, a Middletown resident, requested that the Board consider focusing on the proposed Zoning Ordinance amendments first in order to provide the those to the Town Council as soon as possible in order that the Council hearing process on the those amendments can proceed as final details of the amendments to the Regulations can be resolved.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to continue the matter, leaving the public hearing open, to the regular Planning Board meeting of March 12, 2008 at 6:30 pm. Vote: 7-0-0.

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

Attorney Robert Silva represent the applicant. He distributed a revised plan which indicates the proposed exterior materials for the requested addition. He indicated that the addition, which is proposed to be used as a breakfast room, with match the appearance of the existing building. The material would be cedar shingles, with trim using a synthetic material with the appearance of wood trim.

Mr. Wolanski explained that, with the exception of the need to identify the exterior materials, there were no other issues of concern identified by the Technical Review Committee.

Motion by Ms. Owen, seconded by Ms. Rearick, to grant approval of the proposed addition, including the use of synthetic materials for

**the exterior trim. Vote: 7-0-0.**

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

**Mr. Wolanski stated that he had provided the Board with a rough draft of an ordinance addressing wind turbines. It is drafted as a comprehensive ordinance that would address residential scale turbines as well as commercial and industrial scale turbines.**

**Mr. Eckhart stated that he had concerns with the proposed definition of commercial turbines, which requires that at least 51% of the energy generated be used on site.**

**There was discussion of the need for a presentation on wind power, in order to educate the Board and the public before the ordinance is considered.**

**Mr. Wolanski stated that he would work with the town's wind committee to provide a presentation to the Board as soon as possible.**

**By consensus the matter was continued to the March 12, 2008 meeting.**

**6. Consider possible recommendation to the Town Council regarding procedure for appointing board/committee members.**

**Mr. Weber reference materials provided to the Board regarding procedures used by other towns for appointment of board and committee members. He suggested that the Planning Board may wish to provide a recommendation to the Town Council that might improve upon the current appointment procedure. With the current procedure there is little opportunity for Council members to learn about the**

applicants. For example, requiring interviews of applicants might allow for more informed decisions.

Mr. Rearick agreed that the process could be improved.

Ms. Owen stated that interviews would be valuable.

Mr. Holbrook stated that the Town Council had recently addressed this question. At that time research was done, which resulted in the information now provided to the Planning Board. At that time the Town Council elected to not make changes to the current practice. He suggested that this would be an issue more appropriately addressed by the Charter Review Commission.

After some additional discussion of what, if any role the Planning Board should play in this issue, Mr. Holbrook was asked to research and recommend the most appropriate course of action.

Motion by Mr. Forgue, seconded by Ms. Rearick to continue this discussion to the March 12, 2008 Planning Board meeting. Vote: 7-0-0

#### **New Business**

7. Judith A. Kelley, Proposed 2-lot subdivision, Wyatt Rd., Plat 113, Lot 189, Request for combined Preliminary and Final plan approval.

Ms. Kelly was present.

Mr. Wolanski described the application. The proposal meets all zoning and subdivision regulations.

The Board determined that a site visit would not be necessary given that the Board had visited that site recently for a similar request.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to grant preliminary and final plan approval, subject to the following condition:

1. Prior to recording, the applicant must provide an electronic file

**(AutoCAD) of the subdivision plan if available.**

**Vote: 7-0-0**

**8. Request on behalf on Newport Animal Hospital, 333 Valley Rd., for consideration of possible Zoning Ordinance amendment regarding kennels and boarding of animals.**

**Attorney Robert Silva represented the proponent. He described the request, which if adopted would allow his client to have an indoor boarding operation in conjunction with the animal hospital use.**

**Mr. Silva was asked if the boarding would be strictly for animals receiving medical care.**

**Mr. Silva indicated that his client wished to offer boarding as a service to his customers, but necessarily in relation to medical care.**

**There was discussion of kennel operations in comparison to the proposed boarding operation, which was seen as being less of an impact.**

**Mr. Eckhart and others asked if the boarded animals would walked. There was concern that the animals would be kept indoors exclusively for extended periods of time.**

**Mr. Silva stated that his client was not present, and that he was unable to answer that question.**

**Following additional discussion, Mr. Silave requested that the matter be continued to the Board's March meeting in order that he could have his client available to answer questions.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the March 12, 2008 regular Planning Board meeting. Vote 7-0-0**

**9. Recommendation to the Town Council for Middletown Planning**

**Board representative to the Middletown Tree Commission for 2008**  
**Motion by Mr. Adams, seconded by Mr. Weber, to recommend to the**  
**Town Council, that Ms. Owen serve as the Planning Board**  
**representative to the Middletown Tree Commission. Vote: 7-0-0.**

**10. Recommendation to the Town Council for Middletown Planning**  
**Board representatives to the Aquidneck Island Planning Commission**  
**for 2008.**

**Motion by Ms. Rearick, seconded by Mr. Forgue, to recommend to the**  
**Town Council, that Mr. Weber, Mr. Eckhart, and Mr. Adams continue**  
**to represent to Town on the Aquidneck Island Planning Commission.**  
**Vote: 7-0-0.**

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

**The meeting adjourned at 7:45pm**