

PLANNING BOARD MINUTES

April 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

Gladys Lavine

Betty Jane Owen

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

Minutes

Motion by Ms. Rearick, seconded by Mr. Forgue, to approve the minutes of the March 12, 2008 regular meeting. Vote: 7-0-0.

Old Business

1. Request of the Town Council for an advisory recommendation on a proposal to amend the Middletown Zoning Ordinance Section 603 regarding dimensional regulations in the Office Park (OP) zoning district.

Mr. Weber stated that the Board would like to visit the site to view the area in question. A special meeting will also be scheduled to discuss the proposal.

By consensus the matter was continued to a special meeting to be held on May 7, 2008 at 6pm at Town Hall. A site visit was scheduled for April 24th at 11am.

The Board also requested that the matter be referred to the Middletown Economic Development Advisory Committee for review and comment.

2. Segerson Subdivision, Greene Lane, Plat 105, Lots 4b & 4c – Request for extension of Final subdivision approval.

There was no one present to represent the applicant.

Mr. Weber stated that he understood that the property owner was having difficulty securing the financing necessary to secure the completion of the required road and utilities. He suggested that the Board grant a 12-month extension of the subdivision approval.

Mr. Wolanski stated that the Board should consider imposing a condition that the cost estimates previously provided be updated and approved prior to recording.

Motion by Mr. Eckhart, seconded by Ms. Owen, to approve a 12-month extension of the final subdivision plan approval subject to the conditions of the original final approval as well as the following conditions:

1. The applicant's engineer must confirm, prior to recording, that the plans as approved in June 2005 comply with the current construction site runoff ordinance (Chapter 151) and storm water management ordinance (Chapter 153). If necessary, revised plans and drainage report must be submitted for review.

2. Prior to recording, current estimated costs for all proposed

subdivision improvements, including roads and storm water drainage facilities, must be provided for review and approval by the Town Engineer.

Vote: 7-0-0

3. Public Hearing (continued) – Proposed amendments to several sections of the Middletown Comprehensive Community Plan to provide for implementation of applicable recommendations of the Aquidneck Island Planning Commission’s West Side Master Plan.

Mr. Wolanski stated that he had reviewed the draft amendments and made minor alterations. The latest draft was provided to the Planning Board in their packets. The purpose of the amendments is to implement applicable sections in the West Side Master Plan in the Middletown Comprehensive Plan.

The meeting was opened to the public.

Middletown resident Art Benner stated that he supports the proposal as well as the ongoing CRMC Special Area Management Plan process.

There being no one else wishing to speak, the public hearing was closed.

Motion by Mr. Adams, seconded by Mr. Forge, to approve the amendments as presented and to forward the amendments to the Town Council for public hearing and adoption. Vote: 7-0-0.

4. Discuss process to develop zoning ordinance amendment relating to installation of wind turbines.

Mr. Wolanski stated that he is continuing to work with the Wind Turbine Committee to schedule a presentation on wind power to the

Planning Board.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the May 14, 2008 Planning Board meeting. Vote: 7-0-0.

Mr. Eckhart requested that zoning ordinances relating to wind turbines from other communities, including Portsmouth, be provided for review.

5. Discuss status of draft Inclusionary Housing ordinance

Mr. Wolanski stated that he had provided the Board with the draft ordinance previously presented. He suggested that the Board continue efforts, with input from Church Community Housing and others, to complete the draft ordinance.

By consensus the matter was continued to the May 14, 2008 Planning Board meeting. Mr. Wolanski was asked to schedule a meeting with Steve Ostiguy of Church Community Housing Corporation.

New Business

6. Duncan & Barbara Chapman, Request of the Zoning Board of Review for an advisory recommendation regarding proposed residential development within Zone 1 of the Watershed Protection District, 566 Paradise Ave., Plat 127, Lot 3-C

Attorney David Martland represented the applicant.

Mr. Weber stated that, in accordance with standard practice, the Board will conduct a site visit to view the subject property. He requested that the applicant stake the corners of the proposed building footprint.

The site visit was scheduled for April 24, 2008 at 12pm.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter

to the May 14, 2008 Planning Board meeting. Vote: 7-0-0.

7. Review of proposed 2008 CDBG application for consistency with the Middletown Comprehensive Community Plan

Mr. Wolanski stated that the Town will submit the provided list of projects with its request for CDBG funding. The Planning Board must review the list and determine whether the projects are consistent with the Comprehensive Community Plan.

The Board reviewed the list. No concerns were raised.

Motion by Ms. Owen, seconded by Mr. Forgue, to find that the CDBG list of proposed projects is consistent with goals and policies of the Middletown Comprehensive Community Plan. Vote: 7-0-0.

8. Request of the Interim Town Administrator for review of the FY09-FY13 Capital Improvement Program for consistency with the Middletown Comprehensive Plan

Mr. Wolanski stated that town policy requires that each year the Planning Board review the proposed Capital Improvement Program for consistency with the Comprehensive Plan. He had reviewed the proposed CIP projects and found no inconsistencies. Some projects of interest to the Board are included in the program, including funding for sidewalk installation and the effort to implement elements of the Atlantic Beach District Master Plan.

Motion by Ms. Owen, seconded by Mr. Adams, to find that the proposed Capital Improvement Program is consistent with the Middletown Comprehensive Community Plan. Vote: 7-0-0.

9. Request of the Town Council for an advisory recommendation on a proposal to amend the Middletown Zoning Ordinance Section 602,

Zoning District Permitted Uses, regarding two-family dwellings

Mr. Weber described the request and the recent history of zoning ordinance amendments relating to duplex development, including the most recent amendment which allows for two-family dwellings by-right in the RW, R-10, and R-20 districts, provided that lot size and other dimensional requirements are met.

There was discussion that the proposed zoning amendment, if adopted, would impact areas of town beyond an individual neighborhood.

Mr. Weber opened the discussion to the public.

Charles Saccardo, a resident of the Birchwood neighborhood who initiated the discussion with the Town Council, stated that he is concerned with the potential to develop duplexes within established single-family residential neighborhoods.

Mr. Thompson, a resident of the Birchwood neighborhood, stated that conversion of raised ranch houses to duplex would be problematic. A special use permit should be required to allow for abutter notification.

Sue Mays, a resident of Pocahontas Dr., stated that she is concerned with parking and sewer impacts resulting from duplex development. A special use permit should be required.

Judy Cook, a resident of Pocahontas Dr. stated that she is in favor of requiring a special use permit.

Art Benner, a resident of Namquid Dr. stated that it should be remembered that the proposal would have town-wide implications. He was concerned that duplexes could be allowed on smaller lots.

Mr. Wolanski stated that the current dimensional requirements for

duplex development would not change as a result of the proposed amendment.

Mr. Adams stated that he has concerns for congestion that could result from duplex development.

Mr. Forgue indicated that he supports the proposal to require a special use permit.

The Board scheduled a special meeting to further discuss the issue for April 22, 2008 at 10am.

Motion by Ms. Rearick, seconded by Mr. Eckhart, to continue the matter to the May 14, 2008 regular Planning Board meeting. Vote: 7-0-0.

10. Request of Peter Gallipeau for consideration of proposed amendments to Article 7 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land relating to performance guarantees

By consensus the matter was forwarded to the Town Solicitor for review and continued to the May 14, 2008 meeting.

11. Request of the Town Council for an advisory recommendation on a possible extension of Buck Road to connect to Forest Ave.

Mr. Weber discussed the history of the proposal to connect Buck Rd. to Forest Ave., including discussion that occurred at the time that the Bayridge condo development was under review.

John Shevlin, P.E. of Pare Corporation provided a summary of the traffic study that his firm completed at the Town's request. He described the scope of the project and the findings. The connection, if opened to the public, would have a positive impact on the

intersection of Woolsey Rd and West Main Rd. There would be an increase in delay time at the intersection of Forest Ave. and East Main Rd. Due to the problem at Woolsey and West Main Rd. the connection of a public road to Forest Ave. is recommended. Use of the roadway as a cut-through is unlikely due to the limited benefit. Regarding accident data, there were 37 accidents at the Woolsey/West Main intersection over the course of three years. Results similar to those with the Forest Ave. connection would be seen with a connection to Valley Rd. or to Enterprise Drive, though those potential connections are not readily available to the Town.

There was discussion of traffic counts.

Mr. Shevlin stated that in accordance with standard engineering practice for this type of study total daily traffic counts were not conducted. The peak hour counts at the affected intersections were done. The afternoon peak hour count was expanded in order to include school dismissal time.

Mr. Adams and Mr. Eckhart asked about level of service impacts.

Mr. Shevlin stated that wait time at Woolsey Rd. and West Main would decrease. There would be a less significant increase at Forest Ave. and East Main Rd.

Ms. Rearick stated that the study should look at a connection through the Shers Valley Rd. property.

Ms. Owen stated that there is significant development on Forest Ave. Traffic speed and pedestrian safety are major concerns. A public roadway connection to Buck Rd. would increase this problem.

Mr. Shevlin confirmed that Valley Rd. and Enterprise Dr. were

considered as part of the study.

Mr. Eckhart stated that the emergency access road already approved is needed. He stated that he is concerned about potential traffic impacts of a full public road. He suggested that the connection could be made one-way, allowing traffic to exit Buck Rd. onto Forest Ave. This would limit the amount of traffic while improving the situation for those attempting to exit the Woolsey Rd./Buck Rd. neighborhood. The road could be made a two-way road in situations when access to West Main Rd. from Woolsey Rd. is blocked due to flooding or otherwise.

The meeting was opened for public comment. Mr. Weber requested that comments alternate between those in favor of the public road and those opposed.

Mary Ann Wiebust, a resident of Sundown Lane, stated that when she purchased her home she was informed that Buck Rd. would eventually connect to Forest Ave., which is one reason that she purchased her home. She is in favor of the connection. Due to the difficulty exiting Woolsey Rd. she currently uses Forest Ave. to access East Main Rd. by turning right on West Main Rd. and right on Forest Ave.

Alice Curren, a resident of Forest Ave., stated that covenants for the Sunset Ridge subdivision indicate that the residents must use Buck Rd. to access their lots and that stone walls may not be removed. The covenants state that monetary damages may be collected for violations. She stated that these restrictions should preclude the road connection. The town's stone wall ordinance would be violated, and

may have already been violated with the ongoing work at the Bayridge condo development.

Mr. Wolanski stated that due to the town approvals granted to allow the Bayridge development, he believes that there has been no violation of the stonewall ordinance. The ordinance requires town approval to remove stone walls. Regarding the covenants for the Sunset Ridge subdivision, such restrictions would apply only to lot owners in the subdivision.

There was discussion regarding the defeasible easement at the end of Buck Rd. Mr. Wolanski stated, and Mr. Holbrook confirmed, that a defeasible easement is provided where the intent is that a road will at some point in the future be extended into an abutting property, at which time the easement is extinguished.

A resident of Sundown Lane stated that she is a long-time resident of the area and is concerned about safety at the Woolsey Rd./West Main intersection. The line for the Dunkin' Donuts drive through window often extends onto West Main Rd., blocking access to Woolsey Rd. The issue of access to the subdivision has resulted in her not being able to sell her home. She feels that cut-through traffic with a public road connection would be minimal.

Bruce Ryerson, a resident of Forest Ave., stated that the Bayridge development has resulted in increased development density in the area. The connection should not be made a public road. If the Town agrees to make it a public road, the connection should remain unpaved and restricted to emergency vehicles only, at least until the Bayridge development is complete, which will not be for many years.

He is also concerned that speeding would become an issue on Buck Rd.

Jay Bulter, a resident of Sundown Lane, asked about maintenance responsibility for the emergency road vs. the public road option.

Mr. Wolanski stated that in either case the road would be maintained by the Town.

Mr. Butler stated that he is in favor of the public road connection.

A resident of Forest Ave. stated concern for traffic volume and speed on Forest Ave. Police don't respond to complaints about traffic safety.

Bob Norbury, a resident of Buck Rd., stated that he is in favor of the public road. He and other residents of his neighborhood already use Forest Ave several times a day to access East Main Rd.

Samantha Carfora, a resident of Buck Rd. stated that she is opposed to the road connection. She enjoys the safety of a dead-end street. There should be a connection to Valley Rd.

Shelly Delaney, a resident of Sundown Lane, stated that she was told several years ago of the potential for a through road. During a flooding event she was unable to get home and her child was stranded at home alone. She is in favor of the public road connection.

Lucy Bond, a resident of Forest Ave., asked about the potential for a connection to Enterprise.

Mr. Shevlin stated that the Town does not own land needed to provide for the connection. There may also be issues with drainage control facilities in the Enterprise Center.

Carol Sherman stated that the public road connection is needed. She

already uses Forest Ave. when she needs to get to East Main Rd.

Mr. Eckhart asked the audience if those that live in the Sunset Ridge and Buck Rd. area would be willing to accept the potential for increased traffic through their neighborhood. Many responded in the affirmative.

Roberta Duffy, a resident of Forest Ave., noted the amount of development on Forest Ave., and traffic and safety concerns. Police enforcement has not been adequate. A public road connection would become a cut-through between Forest Ave. and West Main Rd.

Mr. Weber stated that it is unlikely that the public road would result in significant cut-through traffic.

Jackie Toner, a resident of Buck Rd., stated that traffic safety on Buck Rd. could be addressed if necessary, though use of speed bumps or other means.

Audrey Littlefield, a resident of Forest Ave., stated that her home is directly opposite the proposed road location, and she would be most directly affected. She stated that if the problem is flooding of Bailey Brook, the brook should be cleaned to fix the flooding problem. The connection would increase traffic and reduce safety on Buck Rd. The connection should be for emergency use only and other options for additional access should be considered.

A resident of Sundown Lane stated that she is in favor of the public road connection. Traffic safety concerns can be addressed. Flooding of Woolsey Rd. may be infrequent, but there is a daily concern regarding safety for traffic entering and exiting Woolsey Rd. Using the proposed road as cut-through would make no sense. Those who

do not live in the neighborhood do not fully understand the problem.

Fran Coulter, a resident of Buck Rd., stated that Buck Rd. residents would be adversely impacted by a public road connection. The Town should take a portion of the Shers property by eminent domain to provide a connection to Valley Rd.

There was discussion about the option provided to the Town by the Bayridge developer to purchase the land needed for the proposed roadway for one dollar.

Mary Mullberg, a resident of Buck Rd. was told in the past that the road would be connected.

Gail Greenwood, a resident of Forest Ave., stated that the Sunset Ridge subdivision covenants prohibit a second access to the development. She asked why traffic tube counts on Forest Ave. were not done. The money to be used by the town to complete the public road could be used elsewhere in town. She asked why the town is not take steps to make Forest Ave. safer. She stated that the issue is a matter of convenience for the residents of the Woolsey/Buck Rd. neighborhood.

Mr. Weber stated that this is a public safety issue.

A resident of Bristol Rd. stated that he is concerned with parking and traffic congestion in the neighborhood.

A resident of Forest Ave. stated that there are 82 mobile homes on Forest Ave that add to traffic. The traffic study should have gone to 6pm as this is the busiest time of day.

Mr. Shevlin stated that the highest traffic volumes are generally experienced prior to 6pm.

Doug Wilkenson, a resident of Forest Ave., stated that he has not taken a position on the issue, but there are many issues that the Town should address, including speeding on Forest Ave., flooding, and the blocking of Woolsey Rd. by Dunkin' Donuts customers.

Jim Delaney, a resident of Sundown Lane, stated that he uses Forest Ave. already to access East Main Rd.

Art Benner, a Middletown resident, stated that there will not be a light installed at Woolsey and West Main Rd. due to the proximity of Valley Rd. Others agreed.

There being no one else wishing to speak, the Board closed the public input portion of the meeting and discussed the recommendation that would be forwarded to the Town Council.

There was discussion of whether a recommendation in favor of the public road connection should be accompanied by conditions. Some felt that the recommendation from the board should be clear, with additional recommendations, rather than a conditional recommendation.

There was discussion of the additional recommendations that could be provided to the Town Council, such as the timing for paving the new road, consideration of a one-way road, traffic safety on Forest Ave., further investigation of possible connections to Valley Rd. and Enterprise Drive, and the need for traffic enforcement at Dunkin' Donuts.

It was decided that the Dunkin Donuts impact is a separate enforcement issue and would not be part of this recommendation.

Ms. Owen restated her concerns regarding the proposed road and

indicated that she would not support a recommendation in favor of a public roadway connection.

Motion by Mr. Adams, seconded by Mr. Forgue, to recommend to the Town Council that the proposed emergency access road connecting Buck Rd. to Forest Ave. be acquired and improved for use as a full-access public road, and that the Town Council consider the following additional recommendations:

1. Paving of the new roadway should not occur until the BayRidge development is substantially complete.
2. Consideration should be given to making the new section of roadway one-way out from Buck Rd. to Forest Ave. for public use, but available to two-way traffic in an emergency.
3. Effort should be taken to study and improve traffic safety on Forest Ave., including review of the feasibility of a stop sign at the airport entrance road, flashing lights at the school, speed bumps, and other traffic control and safety measures.
4. There should be further investigation into the potential for future connections to Valley Rd. and Enterprise Dr.

Vote: 5-2-0, with Ms. Owen, and Ms. Rearick voting in opposition.

The Board requested that the minutes of this meeting be forwarded to the Town Council with the recommendation.

Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 6-0-0

The meeting adjourned at 9:45pm