

PLANNING BOARD MINUTES

April 8, 2009

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart Frank Holbrook, Assistant Town Solicitor

Audrey Rearick

Frank Forgue

Richard Adams

Gladys Lavine

Betty Jane Owen

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 March 11, 2009 regular meeting, and the March 26, 2009 special meeting. Vote: 7-0-0.

Old Business

1. Saltwood Farm Subdivision – Peter Gallipeau, Bailey Ave./Sachuest Drive - Plat 126, Lot 4 – 4-lot subdivision– Request for 1-year extension of time required to satisfy condition #3 of the original approval relating to installation of a fire hydrant or cistern.

Mr. Holbrook recused himself from discussion of this matter.

Mr. Weber described the request, noting the pending application for further subdivision of the subject property.

Motion by Mr. Forgue, seconded by Ms. Owen, to grant a one-year extension of the time required to address condition #3 of the original subdivision approval. Vote 7-0-0.

2. Renaissance Development Corp. (Burger King), 569 West Main Rd., Plat 107SE. Lot 32, Request for Development Plan Review approval of proposed exterior renovations to an existing commercial building.

Mr. Weber stated that members of the Planning Board visited a Burger King location in Franklin, MA which has a similar design as proposed for Middletown. The applicant agreed to revise the proposed stone siding to a more acceptable design.

The Board reviewed the revised plans provided prior to the meeting, as well as samples of the proposed stone siding and colors for the EIFS siding.

Mr. Weber asked the applicant to confirm that the EIFS siding would have a smooth finish.

Joe Fulford of The Jan Companies, representing the applicant, confirmed that the siding would have a smooth finish.

Mr. Wolanski discussed the waivers from the design requirements that would be needed in order to approve the plan as proposed, including for exterior materials, windows, and roof design.

Mr. Wolanski ask the applicant to confirm that the building-mounted exterior lighting would be directed to the ground only, and not up as indicated on the plan.

Mr. Fulford confirmed that the lighting would be revised.

Motion by Ms. Owen, seconded by Mr. Adams, to grant the follow waivers and approve the application subject to the modifications to the exterior finish and lighting. The follow waivers were granted:

- Section 521.2.B. – Regarding required amount and design of windows.**
- Section 521.2.C – Regarding exterior building materials to allow for non-traditional siding materials, simulated stone, and the proposed illuminated parapet band indicated on the approved plans.**
- Section 521.2.D – Regarding roof form.**

Vote: 7-0-0.

3. Review of draft proposed Zoning Ordinance amendment regarding fences.

Building/Zoning Official Jack Kane was present.

Ms. Rearick asked if the proposed regulations regarding hedges is a public safety issue.

Mr. Kane stated that the regulations are intended to provide oversight of fence installation, which currently does not exist, and to discourage encroachment on abutting public and private properties. The restriction on the height of front-yard hedges only is intended to limit encroachment on the public way, and to maintain clearance for pedestrians and motorists.

Mr. Eckhart asked about the requirements for determining property boundaries.

Mr. Kane stated that it depends on the circumstances. In some cases a survey is required. State law allows the building inspector to accept other information as well.

Mr. Adams asked if the Town would be liable for mistakes in an applicant's property line determination.

Mr. Kane stated that he believed that the town would not be liable.

There was discussion of the expected permit fees.

Mr. Kane stated that the fees have not been determined. He suggested that \$.50 per foot might be appropriate.

Some board members suggested that a flat fee per application might be more appropriate.

There was discussion of the stone wall ordinance.

Mr. Eckhart stated that he was initially concerned that the proposal would impose unnecessary, burdensome regulations. Based on the discussion he was prepared to support the proposal.

Ms. Rearick agreed.

Motion by Mr. Adams, seconded by Mr. Forgue, to recommend to the Town Council that the proposed amendment be considered for adoption, and that the Council consider implementing a flat fee for fence permits. Vote: 7-0-0.

4. Review of draft proposed Zoning Ordinance amendment creating a mixed-use/limited business overlay zoning district.

Mr. Wolanski stated that the proponent of the amendment, Allen Shers, has requested that the Board consider scheduling a workshop meeting to review the proposal. Mr. Wolanski stated that the Board and Mr. Shers must determine if there is common ground on the proposed amendments before we proceed to drafting a formal proposal.

Mr. Shers agreed that a workshop meeting would be helpful. He

requested that the meeting be scheduled to allow his business partner, Jim Clausen, to attend.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the May 13, 2009 Planning Board meeting, and that a workshop-style meeting be scheduled. Vote: 7-0-0.

5. Review of draft proposed Zoning Ordinance amendment to implement incentives to promote creation affordable housing units.

Mr. Wolanski stated that latest draft provided to the Board incorporates suggested changes. He recommended that the draft ordinance be forwarded to the Town Solicitor for review.

Motion by Mr. Forgue, seconded by Ms. Rearick, to refer the draft ordinance to the Town Solicitor for review, and continue the matter to the May 13, 2009 Planning Board meeting. Vote: 7-0-0.

6. Update - Comprehensive Community Plan 5-year update

Mr. Weber stated that the Comprehensive Plan Update committee continues its work to review and update the plan.

New Business

1. Request for release of performance bond for The Landings residential development (formerly the Anchorage), Coddington Highway, Plat 102, Lot 2.

Mr. Wolanski stated that he had discussion with the property owner. A couple of the requirements of the subdivision approval have yet to be addressed. The property owner indicated that those issues would be resolved in time for the May Planning Board meeting.

By consensus of the Board the matter was continued to the May 13, 2009 Planning Board meeting.

2. Grand Islander Center, 333 Green End Ave., Plat 114, Lot 104, Request for Development Plan Review approval of a proposed addition and parking expansion for an existing nursing facility.

The project manager for Genesis Healthcare, owner of the Grand Islander, and the project architect, James Becker of Tecton Architects, described the project.

Mr. Adams stated that he was happy to see the use of some LID stormwater best management practices in the proposed plans.

Mr. Wolanski noted that the Town Engineer had yet to complete his review of the drainage plan and calculations. Mr. Wolanski recommended that, if the board wishes to forward a positive recommendation on the application to the zoning board of review, it should be subject to approval of the drainage plans by the Town Engineer.

There was discussion of the benefit that might be gained by the applicant if the Middletown Tree Commission reviewed the landscaping plan.

Motion by Ms. Owen, seconded by Ms. Rearick, to forward a positive recommendation to the Zoning Board of Review, subject to the following recommended conditions:

- 1. Prior to final approval, the final revised storm drainage plans and calculations must be reviewed and approved by the Town Engineer.**
- 2. Prior to final approval, the applicant is advised to request a review of the proposed planting plan by the Middletown Tree Commission in order that it may provide advice on species selection.**

Vote: 7-0-0

3. Review of proposed 2009 CDBG application for consistency with the Middletown Comprehensive Community Plan.

Mr. Wolanski stated that the Town is in the process of developing its annual CDBG application. A requirement of the application is that the Planning Board review the list of projects and determine the consistency of the projects with the Comprehensive Community Plan. Board members indicated that they saw no inconsistency between the project list and the goals and policies of the Comprehensive Plan. Motion by Mr. Adams, seconded by Ms. Owen, to find that the list of CDBG application projects is not inconsistent with the Middletown Comprehensive Community Plan. Vote: 7-0-0.

4. Discuss Middletown Zoning Ordinance definitions of multifamily dwelling structure, and multifamily dwelling project.

Mr. Wolanski described issues relating to the existing definitions in the Zoning Ordinance. He suggested possible options for addressing these issues and recommended that the matter be referred to the Town Solicitor for review.

By consensus of the Board, the matter was referred to the Town Solicitor for review.

Motion by Ms. Rerarick, seconded by Mr. Forgue, to adjourn. Vote: 7-0-0

The meeting adjourned at 7:45pm