

PLANNING BOARD MINUTES

December 9, 2009

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Audrey Rearick Frank Holbrook, Assistant Town Solicitor

Richard Adams

Jan Eckhart

Frank Forgue

Gladys Lavine

Member absent:

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 November 12, 2009 regular Planning Board meeting.

Vote: 6-0-0.

Old Business

1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Holbrook recused himself from the discussion of this matter.

Mr. Wolanski stated that the applicant continues to work to revise plans to address concerns from town staff. Once the revised plans are provided they will be forwarded to the TRC and PARE Corporation for review and comment. As discussed previously, the Board may wish to delay opening the public hearing until the revised plans have been provided.

Mr. Wolanski referenced a letter submitted by Mr. Gallipeau, dated December 2, 2009, which indicates his approval of an extension of the statutory time limit for Planning Board action until the February regular Planning Board meeting.

Mr. Adams requested that the Board be provided a status report once the review is ready to proceed.

Motion by Mr. Adams, seconded by Ms. Rearick, to continue the matter to the January 13, 2009 regular Planning Board meeting. Vote: 6-0-0.

2. Update on status of Overlea Farm (Gosset's Turn Dr.) Subdivision

Mr. Wolanski stated that based on his discussions with the Town Engineer, and Public Works Director, it appears that the last remaining items needed for completion of the subdivision have been addressed. The Town Engineer must certify that the work is complete, at which point the matter would be place on the Planning Board agenda for consideration of the release of the performance security and recommendation to the Town Council for acceptance of the road as a town road.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to continue this matter to the Planning Board's January 13, 2009 regular meeting.

Vote 6-0-0.

3. 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. The next meeting of the committee is scheduled for December 17th, 5pm.

4. Other old business

• Mr. Weber stated that the Bureau of Indian Affairs has withdrawn its request for a federal-federal transfer of Navy land proposed to be surplus on the west side of the island. It appears that the process to plan for the reuse of that land by the Aquidneck Island Reuse Planning Authority will commence shortly.

New Business

5. Karmic, LLC - Subdivision (Plat 120, Lot 46), 6-lot subdivision, Request for 1-year extension of final approval.

Attorney Joe Palumbo, representing the applicant, requested an extension of the Planning Board approval. Due to several factors, including the pending court appeal of one of the conditions of approval, the slow economy, and a family member's health problems, that applicant is not able to proceed with recording the plan at this time. He requested that a one-year extension be granted.

Motion by Ms. Rearick, seconded by Mr. Forgue, to grant a one-extension of the final plan approval for the subdivision. Vote: 6-0-0.

6. Peter Gallipeau, Saltwood Farm Subdivision - Request for extension of time required satisfy condition #3 of the Saltwood Farm Subdivision approval (4-lot subdivision approved 2002), Sachuest

Drive - Plat 126, Lots 4, 216, 217, 218.

Mr. Holbrook recused himself from the discussion of this matter.

Mr. Wolanski stated that the subject condition was imposed in order to provide for water for fire protection, either by installation of a cistern, or public water main. Given the ongoing Planning Board review of a 14-lot subdivision of the same property, which may include extension of a public water main to the property, the applicant is requesting an extension of the time needed to satisfy the condition. Motion by Ms. Rearick, seconded by Mr. Forgue, to approve a one-year extension of the time required to satisfy the subject condition. Vote: 6-0-0.

7. Benjamin Brayton, Indian Farm Subdivision (Summerfield Lane) – Request for modification to the approved subdivision plan eliminating proposed streetlights.

Mr. Wolanski stated that the Board has received comments on the proposal from the Fire Department, Police Department, and Public Works Department.

Mr. Brayton, developer of the subject subdivision was present. He explained his request to have the proposed street lights eliminated from the approved subdivision plan. There are few street lights in that part of town. All property owners in the subdivision and one abutter have signed a petition in support of the request.

Ms. Lavine stated that that area of town is used for stargazing. New street lights would add to light pollution.

Motion by Mr. Forgue, seconded by Ms. Rearick, to approve a modification to the approved subdivision plan that results in the

elimination of the proposed streetlights. Vote: 6-0-0.

8. Vincent Mesolella, Request for conceptual discussion of possible development scenario, and potential Comprehensive Plan and Zoning Ordinance amendments for property located at 1747 West Main Rd., Plat 111, Lots 8, 9, 9A, 10.

Mr. Weber stated that he and Mr. Wolanski met with Mr. Mesolella on an informal basis to review the proposal for development of the subject property. At that time Mr. Mesolella was advised to provide a conceptual presentation of the proposed development to the Planning Board in order to determine if he should proceed with a request for the necessary Comprehensive Plan and Zoning Ordinance amendments.

Mr. Mesolella introduced the project, including his history of involvement. He introduced his architect, Duncan Pendlebury.

Mr. Pendlebury described the proposal, including approximately 220,000 square feet of building footprint, including a 125,000 sq.ft. big box store at the rear of the property, and mixed retail and office uses located in smaller scale buildings at the front of the site. The existing steel building on the property would be refurbished and converted into a marketplace for use by independent food vendors and a farmers market. Conceptual site plans and renderings of the proposed development were provided. The development would be environmentally sensitive, include the use of a green roof on the big box store, and other low impact development storm water management techniques. The wetlands on the site would be avoided. Traffic impacts would be addressed by the installation of a traffic

signal and turn lanes at the entrance to the site.

Derrick Mesoella described the marketplace component of the project, which is based on a market in Spain. It would include local vendors selling produce, meat and fish, and would include a food service component. A farmer's market could also be included on the site. The unique marketplace could provided a draw for tourists and others to visit Middletown. The retail component of the project is needed to draw foot traffic to support the marketplace. He discussed national and state trends toward locally supported agriculture included increased numbers of farmers markets.

Mr. Weber stated that the town has previously resisted the expansion of retail development north of Oliphant Lane. Commercial development design standards are in place which would address some concerns over such development. He stated that protection of residential abutters is his primary concern. He asked if retail would have less impact, and be more viable than light industrial development of the site.

Mr. Adams stated that he is concerned about the proposed big box store, which would exceed the 35,000 sq.ft. building footprint limit recently adopted by the town. The proposed development should be more pedestrian and transit oriented. The development should incorporated LEED and LID features. He stated that the marketplace would likely not draw customers beyond island residents.

Mr. Eckhart stated that he is inclined to look favorably on the farmers market component, but this and other retail might not be the highest and best use of the property. He noted the previous discussions

about possible retail development of the site, and the determination that maintaining the potential for light industrial development was preferred. Retail development of this site would not be in the town's best interests. The town should maintain the option for the site to provide higher quality jobs.

Ms. Rearick stated that she concurs with Mr. Eckhart's statements. Also, retail is suffering in the current economy. There is existing vacant retail space in Middletown.

Mr. Forgue stated that he does not favor the big box component of the project. He stated that he likes the proposed design of the smaller scale retail component but is concerned about impacts on abutting property owners.

Ms. Lavine stated that she likes the proposed design of the small scale buildings, but questioned the viability of such retail. She stated that an urban setting, with more dense development and pedestrian traffic, would be more conducive to the marketplace component. She questioned the proposed mix of business types.

Mr. Weber stated that, based on the comments from Board members, the Board generally does not favor the conceptual proposal as presented. Maintaining the light industrial development potential may be better for the town in the long run.

Mr. Adams reiterated his concern over the potential adverse impacts of big box retail development.

Mr. Mesolella stated that the town's vision for light industrial development of the site may not materialize given the development costs vs. the market price for light industrial land. The market for

retail development sites could support the development costs, which include land and infrastructure costs. If the land remains zoned for light industrial use, it may remain undeveloped for a long time. While retail business is currently struggling, the economy will recover. Construction is not anticipated to occur for a couple of years. He stated that all abutter's concerns would be addressed through the development permitting process. He indicated that he may reconsider the big box component of the project. He requested that the Board keep the discussion open.

Mr. Weber stated that the Board would be willing to review revised concepts for development, but the big box store is a problem. He suggested that Mr. Mesolella may wish to discuss development options with the Middletown Economic Development Advisory Committee.

Mr. Mesolella stated that the big box would be at the rear of the property, away from West Main Rd. and abutting undeveloped land at the rear. The big box component is important to the success of the project. The land is overpriced for light industrial development.

Mr. Weber stated that Mr. Mesolella should attempt to quantify the limitations on possible light industrial development of the site if he wishes to pursue a change to retail.

Mr. Eckhart stated that light industrial development may be viable. The fact that the land may be overpriced is not the Planning Board's concern. He stated retail development has been considered previously, and is not favored for this site.

Enrico DiGregorio, a contractor and associate of Mr. Mesolella, stated

that the approved subdivision for the site, if developed, would likely require a price of \$250,000 per acre. This price would not be viable for light industrial development, but would work for retail development.

Mr. Weber again stated that the suggested problems related to a light industrial development of the site must be quantified in the Board is going to consider rezoning to allow retail development. The board would be willing to review and comment on any revised plans in the future.

9. Discuss required revisions to the Town's floodplain management regulations, Zoning Ordinance, Article 10.

Mr. Wolanski stated that in conjunction with the adoption by FEMA of revised flood insurance rate maps, the town is required to revise its floodplain management ordinance, which is part of the zoning ordinance. Complying with this requirement will allow the town to continue to participate in the federal flood insurance program. He suggested that he would work with the solicitor's office to draft proposed amendments, and would provide those amendments to the board for consideration at its January meeting.

Motion by Mr. Eckhart, seconded by Mr. Adams, to forward the matter to the Town Solicitor for drafting of proposed amendments. Vote: 6-0-0.

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

The meeting adjourned at 8:15pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner