

PLANNING BOARD MINUTES

February 18, 2010

Board members present:

Jan Eckhart, Vice Chairman Ron Wolanski, Town Planner

Audrey Rearick Frank Holbrook, Assistant Town Solicitor

Richard Adams

Gladys Lavine

Charlene Rose-Cirillo

Members absent:

Betty Jane Owen

Art Weber

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

• Minutes:

Mr. Wolanski stated that the posted agenda incorrectly listed the minutes to be considered.

Motion by Mr. Adams, seconded by Ms. Rearick, to continue the consideration of minutes to the March 10, 2010 meeting. Vote: 5-0-0.

• Mr. Eckhart recognized the newest member of the Planning Board, Charlene Rose-Cirillo, and expressed gratitude for the service of former member Frank Forgue. The rest of the board concurred.

- **Mr. Eckhart stated that the election of Planning Board officers for 2010 will be postponed to the March Planning Board meeting.**

Old Buisness

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 has provided a revised plan set for the preliminary application. Those plans and other documentation have been forwarded to the Town’s consulting engineer, Pare Corporation, the Technical Review Committee, and the Roads & Utilities Advisory Committee for review and comment.

Motion by Ms. Rearick, seconded by Mr. Adams, to continue the matter to the March 10, 2010 regular Planning Board meeting. Vote: 6-0-0.

2. Consider recommendation to the Town Council on proposed revisions to the Town’s floodplain management regulations, Middletown Zoning Ordinance, Article 10.

Mr. Wolanski stated that he has provided copies of the draft of the proposed ordinance amendment prepared by the solicitor’s office. He explained minor revisions that were made to the draft at the request of the Rhode Island Emergency Management Agency. It appears that the draft addresses all requirements outlined by FEMA and RIEMA.

Mr. Adams asked about flood proofing requirements for existing structures that are altered.

Mr. Wolanski stated that the regulations require that an existing

structure be flood proofed if it is substantially altered, which constitutes 50% or more of the value of the existing structure.

Motion by Mr. Adams, seconded by Ms. Rearick, to find that the proposed amendments are consistent with the Middletown Comprehensive Community Plan, and the purposes of zoning as identified in Section 45-24-30 RIGL. Vote: 5-0-0.

3. Update - Comprehensive Community Plan 5-year update

Mr. Adams 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 February 25th, 5pm.

New Business

4. Estate of Aram Dermanouelian (Omni Land Company). – Subdivision, Plat 111, Lots 8, 9, 9A, 10, West Main Rd., 9-lot subdivision, Request for extension of Planning Board Final Plan approval.

Mr. Wolanski explained that as a result of state legislation passed in November 2009, all valid subdivision approvals are “tolled” until June 30, 2011, which stops the clock on the expiration of approvals. The time remaining on the application approval as of November 9, 2009 is then applied upon the expiration of the tolling period, and start of the clock. Therefore, no action on the part of the Planning Board is needed on this extension request as the approval remains valid until at least June 30, 2011. The applicant has been notified.

Motion by Ms. Rearick, seconded by Mr. Adams to request that the town planner notify all applicants impacted by this state legislation.

Vote: 5-0-0.

Motion by Ms. Rearick, seconded by Ms. Rose-Cirillo, to table discussion of this request. Vote: 5-0-0.

5. Bancroft Partners, LLC , Proposed Administrative Subdivision, Tuckerman Ave. (Plat 122, Lots 123, 124 & 127), Request for 90-day extension of conditional approval.

Mr. Wolanski stated that he has notified the applicant of the legislation, which tolls the subject plan approval period until June 30, 2011. Mr. Silva, the applicant's attorney, has requested that the matter be continued to the March 10, 2010 Planning Board meeting.

Motion by Ms. Rearick, seconded by Ms. Rose-Cirillo, to continue this matter to the March 10, 2010 Planning Board meeting. Vote: 5-0-0.

6. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for a approval for residential development within Zone 1 of the Watershed Protection District. Peter Gallipeau, Proposed 14-lot Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219.

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

Mr. Gallipeau stated that he is seeking the granting of a special use permit for the watershed protection district as was required by the subdivision master plan approval. The plan was granted a wetlands permit by RIDEM, however a request for modification has been filed as a result of changes to the plan resulting from input from town staff.

The applicant's engineer, Ms. Small, identified the locations and the proposed lots impacted by watershed protection district Zone 1. She

described the proposed sewer configuration and the proposed stormwater drainage facilities, including the use low-impact development techniques.

Attorney Vernon Gorton, offices at 91 Chase Rd., Portsmouth, was recognized by the chairman. Mr. Gorton stated that he represents some owners of property that is in the vicinity of the subject project. The group is known as the Paradise Valley Association. Mr. Gorton stated that the Board should not proceed with a recommendation at this time because the application is incomplete and storm water drainage plans were recently submitted. The Board should wait until the drainage plans have been reviewed by town staff and engineers. Several items identified as submission requirements were not provided.

Mr. Wolanski stated that the application before the board is to evaluate the proposed residential development on the subject lots for potential impacts on water quality in the watershed. The applicant is required to comply with the Town's storm water management ordinance as part of the subdivision development, which will include review of the storm water management plans. This special use permit application review does not require the review of the proposed plan. A recommended condition of the special use permit should be that the development comply with the storm water and construction site runoff ordinances. Other recommended conditions include limiting use of lawn chemicals and requiring connection of the subject homes to the public sewer.

Mr. Gallipeau stated that he could have sought the watershed

protection special use permit at the Master Plan review stage, prior to completion of the drainage plans, if he desired. There is no requirement for completion of stormwater drainage plans. Regarding the completeness of the application, Mr. Gallipeau stated that the ordinance requires that items be submitted if applicable. The zoning officer must determine if such items are applicable. The application is not premature.

Mr. Adams stated that regardless of the this request, the stormwater management plans must be reviewed for compliance with regulations prior to development.

Mr. Gorton stated that the Board should have complete information before considering the special use permit application. The applicant could use an approved special use permit to argue that the subdivision should be approved.

Ms. Lavine asked of a positive recommendation on the special use permit application results in an implicit approval of the subdivision.

There was discussion amongst board members, and Mr. Wolanski confirmed, that the board is not considering the subdivision plan for approval, but should focus on the potential impact of the residential use on the watershed. The special use permit application, if approved, does not bind the board to approve the subdivision.

David Dill, a resident of Middletown, stated that it is important the processes of the town be clear to residents.

Motion by Mr. Adams, seconded by Ms. Lavine, to forward a positive recommendation on the application to the Zoning Board of Review, subject to the following recommended conditions:

- 1. The applicant shall be required to connect to the public sewer.**
 - 2. At the time of development of the subdivision, the builder will be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.**
 - 3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.**
- Vote: 4-1-0, with Ms. Rearick voting in opposition.**

**Motion by Ms. Rearick seconded by Mr. Adams, to adjourn. Vote:
5-0-0**

The meeting adjourned at 7:40pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner