

PLANNING BOARD MINUTES

September 8, 2010

Board members present:

Arthur Weber, Chairman Ron Wolanski, Town Planner

**Jan Eckhart, Vice Chairman Frank Holbrook, Assistant Town
Solicitor**

Audrey Rearick

Richard Adams

Betty Jane Owen

Charlene Rose-Cirillo

Gladys Lavine

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

• Approval of the minutes of the August 17, 2010 regular Planning Board meeting and August 27, special meeting minutes – Motion by Ms. Owen, seconded by Ms. Rearick, to approve the August 17, 2010 regular Planning Board meeting minutes and August 27, 2010, special meeting minutes. Vote: 7-0-0.

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.

The applicant was not present.

Mr. Weber stated that the applicant had submitted a letter agreeing to an additional continuance to October 13, 2010. The required special use permit applications to allow development in Zone 1 of the Watershed Protection District are under review before the Zoning Board of Review.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the October 13, 2010 regular Planning Board meeting. Vote: 7-0-0.

2. Seguin Realty, LLC. (Toyota of Newport), Request for Development Plan Review approval to alter the exterior façade of an existing commercial building. 285 East Main Rd., Plat 113, Lot 20-A.

The applicant, Paul Mika, and his attorney, Robert Silva, addressed the Board. Mr. Silva stated that he had reviewed the written opinion issued by the Town Solicitor's office, dated September 3, 2010, which indicates that the approval of the subject project granted under the provisions of the former Town Center Overlay District is no longer valid. Mr. Silva stated that his client will not contest this opinion. Since it appears that his client will not be in a position to actually construct the proposed project in the near term, Mr. Silva requested that the Board agree to a request to withdraw the application without prejudice. At the appropriate time in the future, when his client is prepared to proceed with the project, an application will be submitted for the Planning Board's consideration.

Motion by Ms. Rearick, seconded by Ms. Cirillo, to approve the request to withdraw the application without prejudice. Vote: 7-0-0.

3. Request of the Zoning Board of Review for an advisory opinion on a Special Use Permit Application for a Wind Turbine – Luise Strauss,

485 Paradise Ave., Plat 121, Lots 14, 17B, 23.

Mr. Weber stated that the Zoning Board of Review had yet to formerly act to refer the matter to the Planning Board and authorize the hiring of an outside consultant to assist with review of the application. The matter should be continued until the ZBR has taken such action.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the October 13, 2010 regular Planning Board meeting. Vote: 7-0-0.

4. Discuss proposed revisions to the subdivision regulations regarding the completion of infrastructure prior to issuance of building permits.

Town Engineer Warren Hall stated that, as previously requested by the Board, he had contacted several communities to determine use of a checklist in inspecting subdivisions and other development infrastructure to confirm completion prior to allowing the issuance of building permits. None of the communities he contacted uses such a form, however he indicated that the proposed checklist would be useful to ensure completion of required infrastructure.

Ms. Owen stated that she believes that the Town of Coventry uses such a checklist.

Mr. Adams asked if such a checklist would be useful.

Mr. Hall stated that having a checklist adopted in the regulations would ensure that there would be no confusion over the extent of work that must be completed prior to the issuance of building permits.

Mr. Eckhart, noting the number of items that must be completed, asked if work can be done simultaneously and checked off at the

same time.

Mr. Hall stated that that scenario is expected.

Mr. Adams asked if this represents additional expense for the developer.

Mr. Hall stated that it would not, since all of the items on the checklist are currently required.

Mr. Wolanski explained that to complete the proposed amendments to the town's subdivision regulations the Planning Board must first hold an advertised public hearing. Following adoption by the board, the amendments must be forwarded to the Town Council for approval.

Motion by Ms. Owen, seconded by Ms. Rearick, to schedule a public hearing for October 13, 2010 for the purpose of considering the proposed amendments to the Middletown Rules & Regulations Regarding the Subdivision and Development of Land. Vote: 7-0-0.

5. Update on Comprehensive Community Plan 5-year update process

Mr. Weber stated that the Comprehensive Plan Update Committee continues its review of the Land Use Element. The next meeting will be held on September 9, 2010 .

New Business

6. Public Hearing – Carol Cummings, Proposed 3-lot subdivision with creation of a new street, Vaucluse Ave., Plat 129, Lot 154, Request for combined preliminary & final approval.

The applicant, Carol Cummings, stated that she wished to withdraw the application.

Mr. Wolanski stated that he had discussed the applicant's purpose for

the subdivision with the applicant and the Town Solicitor. The applicant's goal is to demonstrate the development potential of the subject parcel for purposes of a possible real estate transaction. It was agreed that Planning Board action on the proposed plan was not necessary at this time.

Motion by Ms. Rearick, seconded by Mr. Eckhart, to approve the request to withdraw the application without prejudice. Vote: 7-0-0.

7. Carol Cummings, Request for extension of subdivision approval for a proposed 2-lot subdivision, Indian Ave., Plat 129, Lot 154.

The applicant, Carol Cummings, was present.

Mr. Wolanski stated that as a result of a state law passed in November 2009, all subdivision approvals are "tolled" and remain valid until at least June 30, 2011. The Board could consider an extension to be consistent with that date.

Motion by Ms. Rearick, seconded by Mr. Eckhart, grant an extension of the subdivision approval until June 30, 2011. Vote: 7-0-0.

8. Raymond & Beverly Segerson – Request for extension of final subdivision approval, 5-lot subdivision Greene Lane - Plat 105, Lot 4B & 4C

Attorney Robert Silva represented the applicant. He stated that his client is continuing to have trouble securing a buyer for the property given the state of the economy and the housing market. He requested that the board grant an extension of the subdivision approval that would be consistent with the tolling period, which ends on June 30, 2011, plus the additional days that remained on the subdivision approval at the time the tolling legislation was passed. He estimated

that, if approved by the Board, the extended approval would remain valid until early May 2012. He would confirm the exact date with the Town Planner.

Motion by Ms. Rearick, seconded by Mr. Eckhart, to approve the extension of the subdivision approval, which will remain valid until the end of the statutory tolling period, June 30, 2011, plus the additional time allotted to the approval by the statute, to be confirmed by the Town Planner. Vote: 7-0-0.

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

The meeting adjourned at 7:00 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner