

PLANNING BOARD MINUTES

October 13, 2010

Board members present:

Arthur Weber, Chairman Ron Wolanski, Town Planner

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

Audrey Rearick Wyatt Brochu, Special Solicitor

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 September 8, 2010 regular Planning Board meeting and July 27, 2010 special meeting minutes – Motion by Ms. Owen, seconded by Ms. Rearick, to approve the September 8, 2010 regular Planning Board meeting minutes and July 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 November 10, 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 November 10, 2010 regular Planning Board meeting. Vote: 7-0-0.

2. 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. Holbrook recused himself from discussion of this matter. Mr. Brochu served as solicitor.

Mr. Weber read a statement (attached) regarding comments he made regarding the application during a recent Town Council candidates' forum.

Mr. Weber stated that the Planning Board will hold a special meeting for the purpose of reviewing this application. During that meeting, in addition to discussions with the town's consulting engineer, the Board will accept a 10-15 minute presentation of the application by the applicant. Testimony from the public, with some restrictions, will be accepted during the meeting. Cross-examination of the town's consultant or the applicant's experts will not be permitted. He requested that the applicant provide one additional view representation from Paradise Park.

Attorney Richard Sherman, representing the applicant, indicated that

the Board's proposed course of action is acceptable, and that he will provide the requested view representation from Paradise Park.

Attorney Peter Regan, appearing on behalf of certain property owners on Toni Lynn Terrace and Reservoir Rd., asked if the Board would accept expert testimony on behalf of his clients during the special meeting.

Mr. Weber stated that such testimony would be permitted.

Mr. Sherman requested that any expert testimony or reports to be submitted and discussed during the special Planning Board meeting be provided to him in advance of the meeting.

Mr. Regan stated that such information will be provided prior to the meeting if possible, but the short timeframe for review may limit his ability to do so.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to a special Planning Board meeting to be held on November 3, 2010 at 5pm. Vote: 7-0-0.

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

Mr. Weber stated that the Comprehensive Plan Update Committee continues its review of language relating to wind turbines. The next meeting will be held on October 21, 2010 .

New Business

4. Luise Strauss, Proposed administrative subdivision, Paradise Ave./Reservoir Rd. Plat 121, Lots 14, 17B, 23.

Mr. Holbrook recused himself from discussion of this matter. Mr. Brochu served as solicitor.

Attorney Richard Sherman, on behalf of the applicant, described the

subdivision plan. The plan is required in order to create a lot that will accommodate the required fall zone for a proposed wind turbine.

Mr. Eckhart questioned the location of a new property line which would bisect an existing building.

Mr. Sherman described the fall zone requirement, which is reason for the proposed location of the property line.

There was discussion of the location of the proposed turbine. Mr. Sherman referenced the site plan page D1 contained in the special use permit application package that was provided to the board separately. That plan indicates the location of the proposed turbine.

Mr. Wolanski discussed the required findings of fact and the recommended conditions of approval. One condition would address the required finding that all lots are provided with adequate access from a public street.

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the subdivision plan subject to the following conditions and the required findings contained in section 404 of the subdivision regulations:

1. Prior to recording, a note must be added to the plan stating that development of any one of the subject lots (AP 121, Lots 14, 17B & 23) shall not be permitted until adequate permanent access from a public street is provided. Provision of such access shall be confirmed by the Building Official prior to the issuance of any permits.

2. The Administrative Subdivision plan indicates that an existing structure would straddle a proposed new property line. This structure must be removed and this removal certified by the Building Official prior to recording of the final plan, or necessary zoning relief must be

granted by the Zoning Board of Review to allow the structure to remain.

Vote: 6-1-0, with Ms. Rose-Cirillo voting in opposition.

5. Recommendation to the Town Council for consultant assistance contract: Engineering Services – Development Plan Review

Mr. Weber stated that he would like to concur with the staff recommendation to select Weston & Sampson to provide development plan review assistance. The consultant will assist with the review of the Strauss wind turbine application.

Motion by Ms. Owen, seconded by Ms. Rearick, to recommend to the Town Council that Weston & Sampson be retained by the town to provide development plan review services. Vote: 7-0-0.

6. Request of the Zoning Board of Review for development plan review for a Special Use Permit application for a 26 unit mobile home park – Karmic, LLC, 265 Prospect Ave. Plat 120, Lot 46.

Mr. Weber stated that he would like to ask the Technical Review Committee to review the application and provide comments to the Planning Board.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to refer the matter to the Technical Review Committee and continue to the November 10, 2010 Planning Board meeting. Vote: 7-0-0.

7. Middletown School Department, Request for Development Plan Review approval for proposed alterations to parking and other site work at Aquidneck Elementary School, Plat 115, Lot 6A.

The applicant was represented by Middletown Schools facilities director Ed Collins.

Mr. Weber stated that his preference would be for the applicant to comply with the regulations rather than requesting a waiver.

Ms. Rearick concurred.

Mr. Collins stated that in order to comply with the requirement regarding separation of parking lots with 50 spaces, up to 14 of the proposed spaces would be eliminated to accommodate the required 10 foot landscape buffer requirements.

The applicant's engineer Tom Payne of the Luis Berger Group stated that if the buffer is reduced to 5 feet, 6 to 8 spaces would be lost.

Members of the board discussed the need to screen the parking lot from Aquidneck Ave. while maintaining necessary visual clearance and safety.

There was discussion that the landscaping plan should be review by the Tree Commission for recommendations on screening options.

Mr. Adams asked for a description of the storm water treatment plan.

Mr. Payne stated that the storm water plan exceeds town requirements in that the system will detain and reduce storm water flow rates for all design storm events. The additional detention also results in additional treatment.

Motion by Ms. Rearick, seconded by Ms. Owen, to waive the requirement limiting the parking lot to 50 spaces (Section 521.1.B.2), and to approve the plan subject to the following conditions:

1. Prior to construction, a landscaping plan meeting all town requirements, and stamped by a Rhode Island registered landscape architect must be submitted to the Middletown Tree Commission review and comment, and approved by the Planning Director and

Zoning Official.

2. Prior to construction, the storm water drainage plan and calculations must be approved by the Town Engineer as being consistent with Town Code Chapter 153 - Stormwater Management.

Vote: 7-0-0.

8. Additional New Business

o Ms. Owen distributed copies of a photo of a proposed memorial bench in honor of Art Benner to be placed a Paradise Valley Park.

o Ms. Owen requested clarification of the action taken by the Zoning Board of Review in approving a special use permit for installation of a propane dispensing facility on the site of a West Main Rd. business (Rocky's Ace Hardware). Mr. Wolanski confirmed that the Zoning Board decision requires that the proposed tank be installed underground.

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

The meeting adjourned at 7:20 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner