

# **PLANNING BOARD MINUTES**

**June 13, 2012**

**Town Council Chambers**

**Board members present:**

**Jan Eckhart, Chairman    Ron Wolanski, Town Planner**

**Richard Adams, Vice Chairman    Frank Holbrook, Assistant Town  
Solicitor**

**Audrey Rearick    Russ Jackson, Assistant Town Solicitor**

**Gladys Lavine**

**Pete Marnane**

**Charlene Rose-Cirillo**

**Betty Jane Owen**

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

**1. Approval of the minutes of the May 9, 2012 regular Planning Board meeting.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the May 9, 2012 regular Planning Board meeting. Vote: 7-0-0.**

**2. Correspondence –**

**• Memo of the Planning Director, dated May 24, 2012, regarding administrative subdivision approval: B&L Hogan Associates, LLC, Administrative Subdivision, 65 West Main Rd. Plat 108SW, Lots 101 &**

**103. Motion by Ms. Owen, seconded by Ms. Cirillo, to receive the communication. Vote: 7-0-0.**

**3. Fred T. Kirby Trust (Alan W. Kirby, Trustee), Proposed 2-lot minor subdivision, 305 Turner Rd., Plat 113, Lot 227. Request for Preliminary Plan approval.**

**Attorney William Harvey represented the applicant. He discussed the purpose of the proposed subdivision, and described the zoning relief needed due to the existing non-conforming use.**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to grant preliminary subdivision plan approval, subject to the following condition:**

- Prior to final subdivision approval a copy of the recorded Zoning Board of Review decision approving the required zoning relief must be provided to the Planning Department.**

**Vote: 7-0-0.**

**4. Benjamin Contessa, Proposed administrative subdivision, property located at 183 Wolcott Ave., Plat 115SE, Lots 282 & 283.**

**Mr. Contessa described the purpose of the proposed plan, including relocation of an existing property line that bisects the dwelling on the property.**

**Mr. Wolanski stated that the plan had been forwarded to the Planning Board due to the need for zoning relief. Both lots as proposed would have less than the required frontage. Side setback relief may also be needed.**

**Mr. Adams asked about the use of the existing driveway to serve the existing dwelling. As proposed the driveway would be on a separate lot.**

**Mr. Contessa stated that he plans provide a new driveway to serve the existing dwelling, on the same lot.**

**Motion by Mr. Adams, seconded by Mr. Marnane, to approve the administrative subdivision plan, subject to the granting of required zoning relief prior to recording. Vote: 7-0-0.**

**5. Peter Gallipeau – Request for one-year extension of Master Plan approval, including extension of time limit to meet conditions of master plan approval - Proposed 14 lot Major Subdivision (conservation subdivision plan), Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218.**

**Mr. Holbrook recused himself from discussion of this item.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to grant a one year extension of the Master Plan approval. Vote: 7-0-0.**

**6. Peter Gallipeau, Request for one-year extension of Master Plan approval - Proposed 9 lot Major Subdivision (conventional subdivision plan), Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218.**

**Mr. Holbrook recused himself from discussion of this item.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to grant a one year extension of the Master Plan approval. Vote: 7-0-0.**

**7. Review and discussion of draft zoning ordinance amendment regarding solar photovoltaic installations in residential districts.**

**8. Request of the Town Council for an advisory recommendation on proposed amendments to Zoning Ordinance Article 25A – Wind Turbines.**

**9. Discussion of proposed amendments to Article 3 of the Zoning**

**Ordinance, and Article 10 of the Rules and Regulations Regarding the Subdivision and Development of Land relative to the Development Plan Review process**

**Mr. Eckhart recommended that a special meeting be scheduled to discuss the three zoning ordinance amendment items listed above.**

**By consensus the Board agreed to continue the three items regarding zoning ordinance amendments to a special meeting, to be held on June 28, 2012, at 10am.**

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

**Mr. Adams stated that work on the draft updates continues. The next meeting will continue review of the economic development element.**

**11. Update on activities of the Aquidneck Island Planning Commission.**

**Mr. Adams updated the Board on the ongoing efforts of the AIPC, including possible assistance relative to future use of the Glenn property in Portsmouth, and efforts to implement the proposed West Side Bike Path.**

**12. Public Hearing – Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for Preliminary Plan Approval.**

**Mr. Holbrook recused himself from the discussion. Mr. Jackson served as solicitor for this item.**

**Mr. Eckhart stated that as the public hearing resumes, the discussion should focus on items left to be resolved, rather than revisiting prior discussion. He specifically asked that discussion be directed to**

engineering issues and the waiver requests. He asked the applicant to update the board.

Attorney David Martland represented the applicant. He stated that the plan had been previously approved for an insignificant alteration by RIDEM Wetlands. The applicant had requested special use permits to allow for development in Watershed Protection District Zone 1 for two of the proposed lots. The denial of that application by the Zoning Board has resulted in the reduction in the number of requested lots from 14 to 12. The 12-lot plan is currently under consideration.

Mr. Wolanski, with assistance of John Shevlin of PARE Corp., reviewed his memo to the Board dated June 6, 2012, highlighting the status of engineering issues. Mr. Shevlin confirmed that the capacity of the proposed culvert under Cross Country Drive is the only remaining area of concern regarding drainage and engineering items. All other items have been addressed with the latest revised plan set (dated May 2012).

Attorney Vernon Gorton, representing abutters to the proposed subdivision, stated that in addition to the culvert item, there are also questions regarding the calculation of the area of drainage facilities in the open space.

Mr. Martland stated that the calculations used to size the proposed culvert under Cross Country Drive would be provided for review.

Mr. Shevlin stated that he would provide a plan showing the delineation of drainage facilities used in his calculation of land area dedicated to that use in the open space.

Mr. Gorton asked if the wetland buffers had been excluded from

**buildable area for the purposes of calculations.**

**Mr. Shevlin stated that he believed that the buffers were not excluded.**

**Mr. Gorton stated that no more than 20% of the “required” open space may be used for drainage facilities. Wetland buffers should not be included in the total developable portion of the open space. The RIDEM definition of wetlands includes the 50 foot buffer area. Mr. Gorton also questioned the current validity of the RIDEM insignificant alteration permit, which was issued based on a prior set of plans.**

**Mr. Martland stated that the question of whether to include the buffers in the calculation of developable area was previously addressed. The town’s definition of developable land area in the zoning ordinance states that the wetlands setbacks shall not be included in the calculation of wetland area.**

**Mr. Wolanski stated that per the zoning officer’s interpretation of the definition, the town does not exclude wetland buffer areas when determining developable land area.**

**Mr. Eckhart stated that prior to the July Planning Board meeting, the remaining engineering items should be addressed.**

**Mr. Eckhart reviewed the waivers from the subdivision regulations requested by the applicant previously, as outline in Mr. Wolanski’s June 6th memo, and the latest waivers requested in the applicant’s letter of June 12, 2012. He suggested that the waiver requests could be addressed by the board during their July meeting. He stated that the applicant’s request for a waiver from Section 514.1.A as it relates to inclusion of hydric soils in the open space is not necessary since the location of the open space was determined during the master plan**

**stage of review.**

**There was discussion of a possible meeting of the engineers involved in the project to resolve remaining issues prior to the July Planning Board meeting.**

**Mr. Eckhart opened the meeting for public input.**

**Mr. Sam Howell, a resident of 110 Sachuest Way, stated that he supports efforts to conserve open space. He questioned the quality of the land included in the open space parcel. He stated that the town's conservation development ordinance is not the right tool to protect land. He questioned the town's effort to amend the zoning ordinance regarding the watershed protection district.**

**Mr. Gorton questioned some of the waivers that are requested. He stated that the building locations on abutting properties should be shown on the plans as is required. He requested that an itemized list of the waivers relative to road construction standards be provided. He stated that the waiver regarding section 608 of the subdivision regulations, relative to dewatering of the soil in the location of proposed road creation should not be granted. He questioned the long-term durability of the road if the waiver is granted.**

**Mr. Martland stated that an itemized list of the waivers regarding road construction standards would be provided. Regarding the requirements of section 608, Mr. Martland stated that town officials and PARE have reviewed and approved the proposed solution to address high water table on the area of the proposed road.**

**There being no one else wishing to speak, Mr. Eckhart called for a motion to continue.**

**Motion by Ms. Owen, seconded by Ms. Rearick, to continue the matter, keeping the public hearing open, to the July 11, 2012 regular Planning Board meeting, 6:30pm. Vote: 7-0-0.**

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

**The meeting adjourned at 8:00 pm**

**Respectfully submitted:**

**Ronald M. Wolanski**

**Town Planner**