

PLANNING BOARD MINUTES

July 11, 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

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 June 13, 2012 regular Planning Board meeting and the June 20, 2012 special meeting.

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the minutes of the June 13, 2012 regular Planning Board meeting. Vote: 7-0-0.

Mr. Adams and Mr. Eckhart each requested a change to draft minutes for the June 20, 2012 meeting.

Motion by Ms. Cirillo, seconded by Ms. Rearick, to approve the minutes of the June 20, 2012 special meeting as amended. Vote:

7-0-0.

2. 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 discussion of this item.

Attorney David Martland represented the applicant. He stated that his client agrees to a continuance to allow for further review of the latest plans.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the August 8, 2012 Planning Board meeting at 6:30pm. Vote: 7-0-0.

3. ACP Land, LLC, Request for Development Plan Review for proposed ground-mounted solar photovoltaic installation, Silva Lane, Plat 115, Lot 672.

Attorney David Martland represented the applicant. He stated that his client understands the need for a continuance to allow for the matter to be referred to the Technical Review Committee for review.

David Dittman, an abutter to the subject property, requested clarification of the review process. He stated that he and his neighbors are supportive of the project.

Motion by Mr. Adams, seconded by Ms. Owen, to refer the matter to the Technical Review Committee and to continue discussion to the August 8, 2012 Planning Board meeting. Vote: 7-0-0.

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

Mr. Adams stated that work on the draft updates continues. The next meeting, scheduled for August 1st, will continue review of the land use element.

5. Update on activities of the Aquidneck Island Planning Commission. Mr. Adams updated the Board on the ongoing efforts of the AIPC. The next board meeting is scheduled for July 20th. The board continues to discuss the possibility of expanding the membership of the board.

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

Mr. Wolanski reviewed the latest modifications to the draft amendments.

Mr. Adams asked about the possibility of glare impacting abutters.

Mr. Wolanski stated that in response to that question during discussion of the recently adopted amendments for business districts, the proponent stated that the panels are designed to minimize glare.

Mr. Marnane asked about the need to consider consistency with the Comprehensive Plan. Would the lack of reference to this type of development in the Comprehensive Plan result in a finding of inconsistency?

Mr. Eckhart suggested that in a situation where the Comprehensive Plan is silent on a particular topic, the proper finding would be that the proposal is not inconsistent with the plan.

Mr. Wolanski agreed with this approach.

There was discussion of the proposed installation size limits. The draft includes a limit of 25% lot coverage for an installation, and a maximum size of 40,000 sq.ft. per lot. There was consensus that the 40,000 sq.ft. limit might be overly restrictive, particularly on larger parcels. The 25% coverage limit was preferred, as it would serve to

apply an appropriate restriction relative to lot size. Mr. Wolanski was asked to revise the draft accordingly.

Motion by Mr. Marnane, seconded by Ms. Owen, to find that the proposed amendments as revised are not inconsistent with the Middletown Comprehensive Plan and are consistent with the purposes of zoning as defined in RIGL § 45-24-30, and to forward a positive recommendation to the Town Council. Vote: 7-0-0.

7. 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. Wolanski described the proposed revisions to the current DPR process. The changes result from the need to clarify the proper application submission and review resulting from recent advice from the Town Solicitor's office relative to the requirements of state law. There is also a desire to streamline the review process and ensure that applicants are not unduly burdened, particularly in the case of minor projects.

Board members expressed a desire for discussion with the Town Solicitor to better understand the need for the changes. There was concern that the review process including the steps that simply involve referral from one board to another, be streamlined as much as possible.

Mr. Eckhart suggested, and the board agreed, that a special Planning Board meeting with the solicitor be scheduled for August 1st at 4pm. By consensus the matter was continued to that time.

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

The meeting adjourned at 7:35 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner