



Town of Middletown
Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

August 8, 2012
Town Council Chambers

Board members present:

Jan Eckhart, Chairman
Richard Adams, Vice Chairman
Audrey Rearick
Gladys Lavine
Pete Marnane
Charlene Rose-Cirillo
Betty Jane Owen

Ron Wolanski, Town Planner
Frank Holbrook, Assistant Town Solicitor

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

1. Approval of the minutes of the July 11, 2012 regular Planning Board meeting.

Motion by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the July 11, 2012 regular Planning Board meeting. **Vote:** 7-0-0.

2. Correspondence

- Memo of the Planning Director, dated July 18, 2012 regarding approval of administrative subdivision, CVDDII, LLC (Omni), Plat 111, Lots 8, 9, 9a, 10. **Motion** by Ms. Cirillo, seconded by Ms. Owen to receive the correspondence. **Vote:** 7-0-0.
- Memo of the Planning Director, dated July 12, 2012 regarding approval of administrative subdivision, Sulky Rhode, LLC (Newport Vineyards), Plat 118, Lots 25B & 132. **Motion** by Ms. Owen, seconded by Ms. Rearick to receive the correspondence. **Vote:** 7-0-0.

3. 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.

Mr. Eckhart stated that the applicant has agreed to a continuance in order to allow time for review of recently submitted materials.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the September 12, 2012 Planning Board meeting at 6:30pm. **Vote:** 7-0-0.

4. Fred T. Kirby Trust (Alan Kirby, Trustee), 2-lot subdivision, Request for Final Plan approval, 305 Turner Rd., Plat 113, Lot 227.

Mr. Adams stated that both his church and his homeowners association does business with Mr. Kirby's landscaping business, but this would not impact his ability to conduct an impartial review of the application.

Mr. Wolanski noted that the applicant, Alan Kirby, was present in the audience. He stated that the applicant had been granted the necessary relief by the Zoning Board of Review to allow the subdivision to proceed. A copy of the recorded ZBR decision was provided to Planning Board members.

Motion by Ms. Owen, seconded by Ms. Cirillo, to grant final subdivision plan approval. **Vote:** 7-0-0.

5. 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 described the process that the application has gone through. He stated his understanding that the Town Engineer had to complete review of the latest plans and that Planning Board's recommendation would include that condition.

There was discussion of the waiver requests. The applicant requested waiver of the requirement for development impact review. The applicant also sought waivers from the screen requirements of subdivision and land development regulations sections 521.3.C & D.

Dan Richardson of rTerra, the company that will install and maintain the installation, described some the technical aspects of the installation.

Mr. Eckhart asked about the wind and snow loading capacity of the panels.

Alan Benevides, the applicant's engineer, stated that the panels and supports are rated to wind speeds of 119 mph. Snow loading is factored into the design.

Mr. Adams asked if the electric lines to connect to National Grid would be buried.

Mr. Richardson stated that National Grid would approve only an above ground connection.

Mr. Marnane asked about the rate that the operator would be paid for the electricity generated by the facility.

Mr. Richardson stated that National Grid would pay \$0.316 per kwh.

Mr. Marnane asked the applicant to explain the need for waivers from the screening requirements.

Mr. Benevides stated that two abutting lots are in common ownership and that screening was unnecessary along that property line. The other property lines will retain screening in the form of existing natural vegetation, rather than removing that vegetation to install landscaping.

Mr. Eckhart asked if an approval could be conditioned to require the future installation of landscaping should one of the two lots in common ownership is sold.

Mr. Wolanski stated that such a condition would likely not be enforceable.

Ms. Lavine asked of state public utilities commission approval is needed for the project.

The applicant responded that the only state permitting would be for the storm water drainage system.

Mr. Adams suggested that the board take action on the request for a waiver from the development impact review requirement. The consensus of the Board was that such review would not be needed.

Motion by Ms. Cirillo, seconded by Ms. Rearick, to waive the impact review requirement of zoning ordinance section 310(A). **Vote:** 7-0-0.

Regarding the requests to waive design requirements of the subdivision and land development regulations, Mr. Eckhart stated that the requests must be evaluated in relation to the standard provided in section 908(c) of the regulations.

Mr. Martland stated that the waivers would be consistent with good planning practice in that natural vegetation would be retained and that the topography the site in relation to the abutting residential neighborhood would provide adequate protection.

Motion by Mr. Adams, seconded by Ms. Rearick, to grant the requested waivers from sections 521.3.C & D, and to recommend to the Zoning Board of Review approval of the application subject to the condition that the Town Engineer review and approve the storm water drainage plans and calculations prior to permitting. **Vote:** 7-0-0.

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

Mr. Eckhart stated that work will continue on the effort to draft revisions to the process. Planning staff will work with the Solicitor's office.

By consensus this matter was continued to the September 12, 2012 Planning Board meeting.

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

Mr. Adams stated that work on the draft updates continues.

Mr. Eckhart stated that the Comprehensive Plan Update Committee will be looking to options for implementing mixed use development.

8. Update on activities of the Aquidneck Island Planning Commission.

Mr. Adams updated the Board on the ongoing efforts of the AIPC.

9. Melbro, Inc, Request for Administrative Subdivision approval, Coddington Highway, Plat 103, lot 103 & Plat 107SW, Lot 2.

The applicant was not represented.

Mr. Wolanski explained that the plan as proposed would result on the need to seek zoning relief from the Zoning Board of Review do to dimensional issues created by the proposed relocation of the property line. No change to the use of either subject lot is proposed.

There was discussion of the current use of the property to stockpile construction materials, and the impact that the use is having on the surrounding neighborhood. The Board recognized that the concern was not relevant to the request to move the property line as that change would not impact the current use.

Motion by Ms. Rearick, seconded by Ms. Cirillo, to approve the administrative subdivision plan subject to the applicant being granted the necessary zoning relief prior to recording. **Vote:** 7-0-0.

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

The meeting adjourned at 7:15 pm

Respectfully submitted:
Ronald M. Wolanski
Town Planner