



**Town of Middletown**  
Planning Department

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

**PLANNING BOARD MINUTES**

**November 14, 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 October 16, 2012 regular Planning Board meeting.**

**Motion** by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the October 16, 2012 regular Planning Board meeting. **Vote:** 7-0-0.

**2. Correspondence**

A. Memo from Ronald Wolanski, Planning Director, dated October 16, 2012, regarding approval of administrative subdivision – Philip J. Rondina, David & Mary Rodrigues, Cordeiro Ter., Plat 126, Lots 60, 61, 62. **Motion** by Ms. Cirillo, seconded by Ms. Rearick, to receive communication. **Vote** 7-0-0.

**Old Business**

**3. Public Hearing – Peter Gallepeau, 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 requested a continuance and has submitted a letter agreeing to the extension of the review period.

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

**4. Lewis Family Partnership III, 4-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935 – Request for extension of time to complete subdivision improvements.**

Mr. Wolanski stated that the applicant has requested a one-year extension, but due to the state tolling statute the expiration of the period to complete improvements for this subdivision is actually October 27, 2014.

**Motion** by Ms. Cirillo, seconded by Ms. Rearick, to extend the period to complete the subdivision improvements to October 27, 2014. **Vote:** 7-0-0.

**5. Benjamin Brayton, Indian Farm Subdivision (Summerfield Lane) – Request for release of maintenance security.**

Mr. Wolanski stated that the one-year maintenance period for the subdivision has expired. The Town Engineer has provided a memo certifying the completion and proper functioning of the subdivision improvements.

**Motion** by Ms. Owen, seconded by Ms. Cirillo, to release the maintenance security. **Vote:** 7-0-0.

**6. CVDDII, LLC, Request of the Town Council for a recommendation on a petition to amend the Middletown Zoning Ordinance, to change the zoning designation for property at 1747 West Main Rd., and identified as Plat 111, Lot 9A, from light industrial, traffic sensitive (LIA) to Residential, R-10.**

**Motion** by Ms. Owen, seconded by Ms. Rearick, to continue this matter to the December 12, 2012 regular planning board meeting. **Vote:** 7-0-0.

**7. Premier Toyota of Newport, Request for Development Plan Review for proposed new commercial building and alterations to an existing commercial building, 285 East Main Rd., Plat 113, Lot 20A.**

Mr. Holbrook recused himself from discussion of this item.

Mr. Wolanski reviewed the results of the TRC review of the application, including the review of the storm water management plan and calculations. The Town Engineer has confirmed that the project would result in a reduction in peak runoff rates for the 1-year through 100-year storm events. Review of the situation on the abutting property found that the most likely cause of the flooding event during a storm in July 2012 was likely the regrading done on that property. A review of aerial photography and site investigation by the applicant's engineer indicates that the installation of a playground structure on the site adjacent to the building resulted in elimination of a low area that previously served to direct excess runoff around the building. The applicant has offered to assist with reestablishing a swale on the abutters property.

The applicant's engineer, Lyn Small, stated her opinion that reestablishing the swale on the abutters property would resolve the existing situation. The applicant's proposed project would also improve the situation by reducing runoff rates, including a 58% reduction in peak runoff rate for the 2-year storm. Ms. Small stated that the swale proposed for the abutter's property would accommodate the 100-year storm. She stated that her client has offer to assist with establishing the swale if the abutter agrees to relocate the playground.

There was discussion of how the runoff enters the abutting property by passing through a stone wall on the property line.

Mr. Eckhart stated that any agreement between the applicant and the abutter would be a private affair, not involving the Planning Board. The Board must confirm that the applicant is complying with Town regulations.

The abutter, Ms. Wright, stated that she is concerned with the timing of the proposed work, and the condition that the property will be left in. Would there be ponding of water and a saturated muddy area?

Ms. Small stated that due to the slope of the land and the proposed swale, storm water would readily drain from the area.

Mr. Voute, the abutter's father, addressed the board, repeating concern over the resulting condition of the site and the impact on the use of the property by the children at the school. He stated that changes on the applicant's property have contributed to the problem.

Mr. Eckhart stated that there has been no increase in the impervious area on the applicant's property in many years, and that the changes on the abutting property appears to be the cause of the current problem.

Ms. Wright stated that until recently there was a forest on the applicant's property, which was cleared.

There was discussion of various alternatives for grading of the swale.

Representing the applicant, Mr. Laham stated that he is willing to assist in the solution on the abutting property, but he cannot be held responsible for fixing a problem that was created by the abutter.

There was discussion of the Planning Board's purview relative to the applicant's offer to assist the abutter. Mr. Wolanski stated that the engineers that have reviewed the situation, including the Town Engineer, have concluded that the recent drainage issues on the abutting property are likely the result of grading done on that property. The applicant has demonstrated that the proposed project would reduce peak runoff flows, improving the current situation for the abutter. In addition he has also offered to assist the abutter with the recommended grading work. In this situation the Town should not require the applicant to perform work to correct the problem on the abutting property. Had it been found that the applicant was responsible for the downstream flooding, or if it was shown that the proposed project would exacerbate an existing situation, the applicant could be required to mitigate.

Mr. Eckhart asked the applicant to summarize the requested waivers.

Ms. Small reviewed the waivers that are being requested, including those relative to the proposed buildings, and site work. She explained that the waivers from landscaping and other site requirements are due to the nature of the auto dealership use.

**Motion** by Mr. Adams, seconded by Ms. Owen, to waive the requirement for submission of an impact statement, and to recommend waivers for the following commercial development design standards:

- 521.1.B. 1&2 – Regarding amount of front-yard parking and size of parking lots (exceeds 50 spaces)
- 521.2.B – Amount/style of windows on sides visible from the public way
- 521.2.C. – Proposed exterior building materials
- 521.2.D. – Proposed roof design.
- 521.3.B. – Minimum 25% landscaped area (pre-existing condition)
- 521.3.D. – Regarding landscaped buffer between the parking area and the building.
- 521.3.F. – Regarding parking lot trees.

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

**8. 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.**

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

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

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

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

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

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

The meeting adjourned at 7:30 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner