

PLANNING BOARD MINUTES

AUGUST 14, 2013

Town Council Chambers

Board members present:

Gladys Lavine, Chair Ron Wolanski, Planning Director

Betty Jane Owen Frank Holbrook, Assistant Town Solicitor

Audrey Rearick Alison Ring, Principal Planner

Charlene Rose-Cirillo

Matthew Sullivan

Pete Marnane

John Ciummo

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

1. Approval of the minutes of the July 10, 2013 regular Planning Board meeting and the July 24, 2013 special meeting.

Ms. Lavine identified a typo on page 3 of the July 10, 2013 minutes.

Motion by Ms. Owen, seconded by Ms. Rearick, to approve the July 10th regular meeting minutes, as amended. Vote: 7-0-0.

Motion by Ms. Owen, seconded by Ms. Cirillo, to approve the July 24th special planning board meeting minutes. 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.

Assistant Solicitor Holbrook recused. Mr. Wolanski stated that is applicant has yet to submit revised plans and that several parties were unavailable to attend the meeting this evening due to a conflict with the Portsmouth Planning Board meeting. The applicant submitted a letter requesting that the matter be continued to the September Planning Board meeting. Motion by Ms. Owen, seconded by Ms. Cirillo, to continue the matter to the September 11, 2013 regular Planning Board meeting at 6:30pm. Vote: 7-0-0.

3. Linda Phelan, Proposed 2-lot minor subdivision, 272 Mitchell's Lane, Plat 123, Lot 13. Request for Final Plan approval.

The applicant was not present. Mr. Wolanski stated that the recorded Zoning Board of Review decision approving the necessary zoning relief was completed and that the Planning Board could now proceed with final approval. Motion by Mr. Marnane, seconded by Ms. Rearick, to grant final plan approval. Vote: 7-0-0.

4. Request of the Zoning Board of Review for an advisory recommendation on an application by CVDDII, LLC., regarding property fronting on West Main Rd, Plat 111, Lot 8 for a special use permit pursuant to Zoning Ordinance Article 11 requesting the removal of the property from Zone 1 of the Watershed Protection District.

Mr. Wolanski explained that the town has an on call engineering services contract with Weston & Sampson. Their subcontractor

Linda Steere of Applied Bio-Systems, Inc., provided two memos to the town regarding her review of the matter concurring with the applicant that the soil should no longer be considered hydric. The applicant's soil scientist, Brandon Faneuf, presented on behalf of the applicant his review and report of the site. He conducted his review in late March and identified 5-7 feet of fill material. In his professional opinion, the current soil condition is no longer stissing soils. Mr. Sullivan asked about the location of the test pits and how deep the proposed building footings/foundation would be. Faneuf stated the review included 6 test pits in the northwest quadrant on the site and the buildings would not have a deep foundation. Mr. Faneuf argued that there are limitations to the soil survey due to the complexity of soils and limitations to classifications. The ordinance allows experts to conduct detailed analysis. Ms. Rearick asked what the determination of the Conservation Commission was at their earlier meeting regarding this matter. Mr. Martland, attorney for abutters Herb and Helen Smith, stated that the Conservation Commission voted to provide a negative recommendation to the Zoning Board of Review. Mr. Martland cautioned the town from removing a layer of regulatory oversight. He stated that it is a sensitive piece of property with contaminated fill over hydric soils and abutting Bailey Brook. Mr. Mesollela, applicant, stated he was disappointed in the Conservation Commission recommendation. He felt it was not based on the science that was presented. Mr. Sullivan expressed that he felt more test pits should have been used. Motion by Mr. Sullivan to forward the town's expert opinion (Linda Steere memos) to the

Zoning Board of Review, seconded by Ms. Owen, Vote 7-0.

5. CVDDII LLC, proposed self storage facility located at 1747 West Main Road, Plat 111 Lot 8. Request for Development Plan Review.

Mr. Wolanski explained that an ongoing procedural problem was recently brought to the town's attention. The concern was that commercial development is also according to the town's regulations subject to land development process of Article 4. In the past, the town has addressed commercial development solely under the procedures set forth in Development Plan Review, Article 10. The long-term solution is to revise our regulations. In the meantime, we will have applicants go through both processes simultaneously. This is a process issue and the town's responsibility to address. In order to accommodate the applicants that are far along in the Development Plan Review Process, Mr. Wolanski suggested that the Planning Board consider a combined review for this matter and to hold a special meeting prior to the next regularly scheduled meeting. Therefore, if any further issues arise we can address them at the September 11th regular Planning Board meeting and not subject the applicant to further delays.

Motion by Ms. Cirillo, seconded by Mr. Marnane, to continue this matter for a special meeting Wednesday, September 4, 2013. Vote 7-0.

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

Mr. Ciummo provided an update on the activities of the Aquidneck Island Planning Commission including the compilation of a new board, the bike path, and an upcoming meeting on Friday.

7. Update on BRAC Navy Surplus Land reuse planning process.

Mr. Wolanski stated that the process with the consultants to conduct analysis and develop the AIRIA economic development conveyance application is nearing completion. That will be followed by discussion with the Navy on the transfer of the property.

8. Update on process to complete Comprehensive Plan update.

Ms. Ring stated the all plan elements have been submitted to Statewide Planning for their review. Town expects to hear back from State end of September. Requested and recommended changes will be brought to the Planning Board for their consideration. Public hearing will be held by the Planning Board prior to going to the Town Council for adoption.

9. Public Hearing – Proposed town application for CDBG – DR grant funding to reimburse the town for costs related to response to Hurricane Sandy.

Mr. Wolanski stated that funding is available to address impacts of Hurricane Sandy. The first project is a 25% cash reimbursement for debris removal. The second project, is an emergency generator for the Senior Center. Still unsure whether or not generator projects will be funded. Motion by Ms. Owen, seconded by Ms. Cirillo to open the public hearing. No members of the public were present / wished to speak. Motion by Mr. Marnane, seconded by Ms. Owen to close the

public hearing.

10. Determination of grant application consistency with Comprehensive Plan, local ordinances and regulations – CDBG-DR grant funding to reimburse the town for costs related to response to Hurricane Sandy.

Motion by Mr. Marnane that the proposed projects are consistent with the town's Comprehensive Plan, seconded by Ms. Rearick, Vote: 7-0.

11. Town of Middletown, proposed renovation and additions to the Middletown Fire Station, Wyatt Rd., Plat 119, Lot 13. Application for Development Plan Review.

Motion by Ms. Cirillo, seconded by Mr. Marnane to continue the matter until the special Planning Board meeting on September 4th. Vote 7-0.

Motion to adjourn by Ms. Owen, seconded by Ms. Rearick.

Meeting adjourned at 7:45pm.

Respectfully submitted:

Alison Ring

Principal Planner