

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, April 11, 2007

Members Present: Carter Thomas, Vice-Chairman
Rick Robinson
Jeanne Foster
George Arnold
Michael Constantine

Members Absent: John J. Mulhearn Jr.
Attilio Iacobucci
Philip Slocum
Vincent Gambardella

Also in attendance: Peter Ruggiero, Solicitor
Eric Hindinger, Assistant City Engineer

Vice-Chairman Thomas called the meeting to order at 6:05 P.M.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to accept the March 2007 meeting minutes.

Vice-Chairman Thomas announced a change to the meeting order and called the Tollgate Office Park as the first item of business.

Administrative Officer Report

Administrative Plan Review Update

Tollgate Office Park

Applicant: TOP Partners, LLC.
Location: 271 Toll Gate Road
Assessor's Plat: 247
Lot(s): 20
Zoning District: Office
Land Area: 10.207 acres
Number of lots: NA
Engineer: Thalmann Engineering Inc.
Ward: 8

The Administrative Officer presented an informational update for the Planning Board regarding the status of the Tollgate Office development, formally referred to as Woodfield Farm. The Woodfield Farm Development had been the focus of

three previous Planning Board applications for residential condominiums as well as the subject of a Superior Court Appeal. At the February 2007 regular meeting, the Assistant City Solicitor updated the Planning Board as to the status of the appeal and informed the members that future action may be required.

The Administrative Officer explained that the applicant has since submitted a revised development proposal to construct two office buildings on the site in conformance with the City of Warwick Zoning Regulations. As a result, the project no longer requires Planning Board approval and has been reviewed as an Administrative Development Plan Review (DPR).

The Administrative Officer informed the Planning Board that the appropriate city department's had reviewed the plans and submitted their comments to the Planning Department. The Administrative Officer explained that he would formally read the Planning Department's findings and recommendation into the record following a brief presentation by the applicant. Mr. John Paglorini, attorney for the applicant then provided a brief presentation.

Mr. Paglorini explained that the new development would consist of two office buildings totaling 135,860 square feet with associated parking on a 10.207 acre parcel in an Office Zoning District. Mr. Paglorini explained that the development would consist of approximately 60% medical office and 40% general office use, that the development requires 585 parking spaces and that the applicant was proposing 595 parking spaces. He concluded his presentation by informing the board that the project was in full compliance with the City's zoning regulations.

The Planning Board then asked if there was no public comment.

Mr. Derek Anderson of 2 Gilbert Street stated that he was not opposed to the project and thanked the applicant for proposing an office development in place of a multi-family residential development. Mr. Anderson asked about dumpster locations and lighting on the property.

Project engineer, Mr. Brian Thalmann, P.E., showed the dumpster locations on the plan and explained that they were located away from any residential development and placed adjacent to Route 95. Mr. Thalmann also explained that the lighting would be box type lighting that is designed not to shed light onto abutting properties.

Being no further comment the Administrative Officer then read the Planning Department findings, decision and stipulations.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 3) That there will be no significant negative environmental impact from the proposed development.

- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Therefore, the Administrative Officer will issue an Administrative DPR approval of the proposed development subject to the following conditions:

- 1) That the development shall consist of only two office buildings not to exceed 136,680 square feet gross floor area (GFA).
- 2) That the office ratio shall not exceed 82,116 square feet or 60% medical office to be determined through issuance of a Certificate of Occupancy (CO).
- 3) That a revised development plan shall be submitted which shall include:
 - a) Location of all existing utilities within the Toll Gate Road right-of-way.
 - b) Trench drains shall be installed across the access driveways.
 - c) Relocate "Catch Basin #9" into parking area.
 - d) A note stating that the design engineer shall provide "As Built" plans and a certification that the construction is in compliance with the approved plans.
 - e) A note stating contractor shall obtain a "Soil Erosion Permit" prior to initiating any site work.
 - f) An adequate number of hydrants spaced 300 feet apart providing a minimum 1000 GPM also a hydrant within 100 feet of the FDC to be approved by the Fire Marshall prior to the issuance of a building permit.
 - g) A final landscape plan designed and stamped by a Rhode Island Registered Landscape Architect (RLA) to be approved by the City's Landscape Project Coordinator prior to the issuance of a building permit which shall provide a six foot (6') fence or hedge to be located along the northeasterly corner of the development abutting Warwick Tax Assessor's Plat 246, Lot's 2, 21, and 23 as required in accordance with Warwick Zoning Ordinance Section 505.1 B and C.
- 4) That all State of Rhode Island permits including a Rhode Island Department of Environmental Management (RIDEM) Underground Injection Control (UIC) permit shall be obtained prior to the issuance of a building permit.

- 5) That prior to issuance of a building permit for the second building, the applicant shall provide to the Planning Director for approval proposed traffic mitigation improvements to be implemented consistent with the traffic study prepared by RAB Associates and dated February 2007.

No Planning Board action was required for this agenda item.

Public Meeting

Minor Subdivision

“Re-plat of Greenwood Highlands”

Applicant:	164 Properties Limited
Location:	27 Vaughn Avenue
Assessor’s Plat:	267
Lot:	134
Zoning District:	Residential A-7
Land Area:	20,350 square feet
Number of lots:	2
Surveyor:	Ocean State Planners, Inc.
Ward:	7

Robert Lamoureux represented 164 Properties Limited and was requesting preliminary approval to subdivide one lot with an existing dwelling to create two new lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District. Mr. Lamoureux explained that he intended to keep the existing pool as an amenity to the new home. He also explained that the roof gutter downspouts would be deposited into underground drains.

Being no Planning Board or public comment, the Planning Department presented its findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the existing and proposed dwellings shall be connected to the Warwick Sewer System.
- 2) That the bottom (basement) floor of the proposed dwelling shall be at least 3 feet above the seasonal high ground water.
- 3) That the setback for the existing pool shed shall be shown on the final plan and that the shed shall maintain the required minimum 10 foot rear yard accessory setback for the Residential A-7 Zoning District.
- 4) That a note shall be added to the final plan indicating that the contractor shall receive a Physical Alteration Permit (PAP) from the City of Warwick DPW prior to performing any work within the City right-of-way.

On the motion of Mr. Constantine, seconded by Mr. Arnold, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department's recommended stipulations.

Public Meeting

Minor Subdivision

Look Plat

Applicant:	Wing Wah & Shuk Fong Look
Location:	60 Dawson Avenue
Assessor's Plat:	302
Lot(s):	56, 58 & 59
Zoning District:	Residential A-7
Land Area:	17,000 square feet
Number of lots:	2
Surveyor:	Alpha Associates, LTD.
Ward:	7

Mr. Harry Miller of Alpha Associates represented the applicant and was requesting preliminary approval to subdivide three lots with an existing dwelling to create two new lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District.

Mr. Miller explained that the proposed subdivision would conform to all of the city's zoning

requirements and that the dwellings would be connected to the Warwick Sewer System. Mr. Miller closed by addressing Planning Department stipulation #5 and informed the Planning Board that the encroachments had been removed.

Being no Planning Board or public comment, the Planning Department presented its findings and recommendation.

The Planning Department found this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the existing and proposed dwellings shall be connected to the Warwick Sewer System.
- 2) That the bottom (basement) floor of the proposed dwelling shall be at least 3 feet above the seasonal high ground water.
- 3) That the applicant shall provide a final development plan to be approved by the City Engineer prior to final approval which shall include the proposed structure, driveway, utilities and grading which must be designed in such a manner that no additional storm-water runoff is directed toward Dawson Avenue or abutting properties.

- 4) That the final plan shall include a notation that the two weeping spruce trees located in the front yard of “Parcel A” shall be protected with drip-line tree protection during construction.
- 5) That the existing stockade fence and encroachment indicated on proposed “Parcel A” shall be removed prior to recording the subdivision subject to field verification.
- 6) That a note shall be added to the final plan indicating that the contractor shall receive a Physical Alteration Permit (PAP) from the City of Warwick DPW prior to performing any work within the City right-of-way.

On the motion of Mr. Robinson, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department’s recommended stipulations.

Public Meeting

Minor Subdivision

“The Fostmere Court Re-plat”

Applicant:	John R. Bianco
Location:	48 Leroy Avenue
Assessor’s Plat:	377
Lot(s):	337
Zoning District:	Residential A-10
Land Area:	25,403 square feet
Number of lots:	2
Surveyor:	Flynn Surveys Inc.
Ward:	5

Attorney K. Joseph Shekarchi represented the applicant and was requesting preliminary approval to subdivide one lot with an existing dwelling to create two new lots, one lot with an existing dwelling and one new lot for development in a Residential A-10 Zoning District. Attorney Shekarchi informed the Board that the subdivision was in compliance with the city’s zoning regulations.

Being no Planning Board or public comment, the Planning Department presented its findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.

- 2) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the existing and proposed dwellings shall be connected to the Warwick Sewer System.
- 2) That the bottom (basement) floor of the proposed dwelling shall be at least 3 feet above the seasonal high ground water.
- 3) That the applicant shall provide a final development plan to be approved by the City Engineer prior to final approval which shall include all existing and proposed utilities to the existing dwelling, the proposed new structure, driveway, utilities and grading which must be designed in such a manner that no additional storm-water runoff is directed toward Fostmere Court or abutting properties.
- 4) That the final plan shall include a notation that the City's street trees located along proposed new "Parcel B" within the City right-of-way shall be protected with drip-line tree protection during construction and that driveways and utilities shall be located to minimize impact. Should tree removal be required, authorization shall be first obtained from the City's Landscape Project Coordinator.
- 5) That a note shall be added to the final plan indicating that the contractor shall receive a Physical Alteration Permit (PAP) from the City of Warwick DPW prior to performing any work within the City right-of-way.

On the motion of Mr. Constantine, seconded by Mr. Arnold, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department's recommended stipulations.

Public Informational Meeting

Major Subdivision

Faria Viewesta Road

Applicant: Alberto Faria
Location: 257 Nausauket Road and Viewesta Road
Assessor's Plat: 367
Lot(s): 550
Zoning District: Residential A-7
Land Area: 39,618 square feet
Number of lots: 3
Engineer: NRC Associates
Ward: 7

Attorney K. Joseph Shekarchi represented the applicant and was requesting master plan approval to subdivide one lot to create three lots, one conforming lot with an existing dwelling and two new lots for development with less than the required lot width on a new street in a Residential A-7 Zoning District. Attorney Shekarchi reminded the Planning Board this application had been continued from the March 2007 meeting because of a defect in notice.

The attorney explained that the applicant intended to improve a paper street and construct a cul-de-sac and install a drainage system in order to create two new house lots. He also explained that the proposed lots would not have the required lot width. He told the board that the lots were 50' wide and not 56' feet as required, but that the lots would conform to all other zoning requirements.

Board member Robinson asked what the lot area would be.

The attorney stated that each lot would be in excess of 7,000 square feet.

Being no further questions the Planning Board then opened the public informational meeting.

Mr. James Lanzi of 62 Tiernan Avenue lives next door to the development. He stated that the paper street adjacent to his property has a leach field that is supposed to handle drainage for the area but it does not handle the runoff. Mr. Lanzi presented pictures (Exhibit 1) of flood conditions on his property and told the board that his house was surrounded by 14" of water. He concluded by saying that he was not opposed to new homes but wanted the drainage problem resolved.

Shekarchi responded by informing the board that the applicant was aware of the situation and was proposing to install a \$30,000 drainage system.

Mr. Shekarchi then introduced Mr. Nabil Rashied, P.E. who explained that he had talked to Mr. Lanzi, was aware of the drainage problem and that he would be designing the drainage for the development. Mr. Rashied described the proposed system which would include abandoning the undersized system and replacing it with a new Underground Injection System tied into catch basins with an over flow which would divert storm water away from the property and towards a local wetland area.

Board member Robinson asked if the system would be designed to handle the 14” of water mentioned by Mr. Lanzi.

Mr. Rashied explained that he would be responsible for performing the appropriate calculations for preliminary approval and size the system accordingly. Mr. Rashied explained that the system may not be able to handle 14” of water but that the system would be a great improvement over the existing condition.

Assistant City Engineer Eric Hindinger explained that the drainage would be designed to redirect the water around the properties as opposed to flooding the yards as it does today.

Kenneth and Jennifer Cater of 243 Nausauket asked to have the dead trees adjacent to their property removed as part of the development. Ms. Carter presented photographs (Exhibit 2) of the trees along lot 399 for approximately 71 feet.

Attorney Shekarchi agreed that the applicant would remove the trees.

Mr. Tom Sabetta of 70 Tiernan was concerned about drainage and was concerned that the proposed new system would not handle the amount of water that builds up in the area.

Being no further public comment the Planning Board closed the public information meeting and heard the Planning Department’s findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City’s Zoning Ordinance; therefore requiring a variance from the Zoning Board of Review to have two lots with less than the required lot width.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

- 5) That the proposed development possesses adequate access to a public street.

The Planning Department recommendation was to grant master plan approval with the following stipulations:

- 1) That the applicant shall receive a variance from the Zoning Board of Review to have two lots with less than the required lot width.
- 2) That the existing dwelling and the proposed new dwellings shall be connected to the Warwick Sewer System.
- 3) That the preliminary plan shall include all existing and proposed utilities, that the proposed roadway shall maintain a minimum 26' travel width and include concrete curbing, sidewalks and street trees in accordance with the City's Development Review Regulations.
- 4) That the project engineer shall provide a stormwater management plan designed in accordance with the RI Stormwater Design and Installations Standards Manual to be approved by the City Engineer prior to preliminary approval.
- 5) That the developer shall remove all dead trees located along the common boundary with abutting lot 399 for a distance of approximately 71 feet.

On the motion of Mr. Robinson, seconded by Mr. Arnold, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant master plan approval with the Planning Department's recommended stipulations.

Public Meeting

Request for an Extension

Little Rhody Beagle Club

Applicant: Cowesett Farm, LLC.
Location: Cowesett Road and Blue Ridge Road
Assessor's Plat: 239 Lot(s): 20
Assessor's Lot(s): 8 & 11
Zoning District: Residential A-15
Land Area: 94.91 acres
Number of lots: 37
Engineer: DiPrete Engineers.
Ward: 8

The Administrative Officer spoke for the applicant requesting an extension of the preliminary approval for the "Little Rhody Beagle Club" subdivision to allow for the creation of 36 single family house lots in an A-15 Zoning District, recorded on April 19, 2006.

Being no questions or comment the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.
- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation was to grant the requested extension to expire on April 19, 2008.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on April 19, 2008.

Administrative Subdivisions

The Planning Department presented the following Administrative Subdivisions for informational purposes.

Homeland Pinnery Avenue Plat: 342 Lots: 258 & 259

Swedish Lutheran Church
Lambert Lind Hwy. Plat: 271 Lots: 167 & 169

Scott Estates
Tidewater Drive, Plat: 355 Lots: 440 & 648

Being no further business, the meeting was adjourned at 7:05 P.M.