

**City of Warwick Planning Board
Meeting Minutes
Wednesday, April 8, 2009**

Members Present: John J. Mulhearn Jr. Chairman
Michael Constantine
Cynthia Gerlach
Rick Robinson
Thomas Kiernan
Vincent Gambardella
James Desmarais
Leah Prata

Members Absent: Philip Slocum

Also in attendance: Peter Ruggiero, Solicitor
Trish Reynolds, Business Development Planner
Eric Hindinger, Assistant City Engineer

Chairman Mulhearn called the meeting to order at 6:05 P.M.

On the motion of Mr. Robinson, seconded by Mr. Constantine the Planning Board voted seven in favor with Mr. Desmarais abstaining to approve the March 2009 meeting minutes.

Public Informational Meeting

Major Land Development Project

Blue Ridge Road Plat

Applicant: Linda Malafronte
Location: Cowesett Road and Blue Ridge Road
Assessor's Plat: 239 Lot: 23 & Assessor's Plat: 240 Lot: 3
Zoning District: Residential A-15
Land Area: 2.5 acres
Number of lots: 3
Engineer: Caito Corporation
Ward: 8

Prior to the presentation the City Solicitor, Mr. Ruggiero, stated that he would be recusing himself from this agenda item and left the meeting.

Attorney K. Joseph Shekarchi represented the applicant and was requesting master plan approval to subdivide two lots with existing dwellings to create three lots;

two conforming lots with existing dwellings and one new 32,730 square foot lot for development with less than the required frontage and lot width in a Residential A-15 zoning district. Attorney Shekarchi explained that the Planning Board had approved the subdivision approximately one year ago and that the applicant had passed away prior to completing the process. The applicants spouse did not realize that the approval had expired and now she must start the approval process from the beginning.

Being no public comment or questions from the members the Planning Board formally closed the public informational 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 Zoning Board of Review approval to create a lot with less than the required frontage and 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, and:
- 5) That the proposed subdivision possesses adequate and permanent access to a public street.

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

- 1) That the applicant shall receive Zoning Board of Review approval to create a lot with less than the required frontage and lot width.

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 master plan approval with the Planning Department's recommended stipulation.

Public Meeting

Minor Subdivision

Wampanoag Plat Re-plat

Applicant: Robert Lamoureux
Location: 120 Wampanoag Road
Assessor's Plat: 205
Lot(s): 69
Zoning District: Residential A-40
Land Area: 3.61 acres
Number of lots: 2
Engineer: Ocean State Planners, Inc.
Ward: 9

Mr. Robert Lamoureux represented himself and was requesting preliminary approval of a minor subdivision to subdivide one conforming 3.61 acre lot with an existing dwelling to create two lots; one conforming lot with an existing dwelling and one new conforming lot for development in a Residential A-40 zoning district.

Mr. Lamoureux introduced Mr. Richard Bzdyra, PLS, from Ocean State Planners to explain the details of the subdivision. Mr. Bzdyra informed the board that the proposal was to subdivide the existing lot into two lots and raze the existing barn in order to build a home on the property. Mr. Bzdyra told the board that the property had an approved RIDEM ISDS and that public water was available.

Being no questions or comments the Planning Board then 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. 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 Sycamore tree located on City property shall be preserved and protected during construction.
2. That any new construction shall receive CRMC approval.

On the motion of Mr. Gambardella, seconded by Mr. Constantine, the Planning Board voted seven in favor with Mr. Mulhearn abstaining 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

Request for an Extension

Bayside Condominiums

Applicant:	Centerville Builders, Inc.
Location:	Post Road
Assessor's Plat:	366
Lot(s):	5, 6 & 66
Zoning District:	PDR A-10
Land Area:	9.6 Acres
Number of lots:	3
Engineer:	Garafalo & Associates Inc.
Ward:	7

Mr. Robert Lamoureux represented himself and was requesting a third extension of a master plan approval to subdivide three lots to create two new lots, one lot "not for development" to be zoned Open Space and one lot to be zoned Planned District Residential (PDR) A-10 to allow for a 10-unit multi-family development with less than required side-yard setback heard by the Planning Board on March 22, 2006 with two extensions in March 2007 and March 2008.

Mr. Lamoureux explained that he currently has an application pending before the RI CRMC and cannot proceed to preliminary approval without CRMC approval.

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

The Planning Department found the following:

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 is to grant a final extension to expire on March 22, 2010.

On the motion of Mr. Kiernan, seconded by Mr. Robinson, the Planning Board voted seven in favor with Mr. Mulhearn abstaining to formally adopt the Planning Department's findings and to grant a final extension to expire on March 22, 2010.

Public Meeting

Request for a Zone Change

Applicant:	Kathleen Melbourne
Location:	50 Morris Street
Assessor's Plat:	332
Assessor's Lot(s):	312
Zoning District:	Open Space
Proposed Zoning:	Residential A-7
Ward	4

Ms. Kathleen Melbourne represented herself and was requesting a recommendation for a zone change to rezone approximately 2,852 square feet of lot 312 from Open Space to Residential A-7 in order to construct an addition to an existing dwelling. The Assessor's Lot 332 consists of three record lots that were merged into one lot for development by a previous owner. The current owner was unaware that a portion of the lot was zoned Open Space when the property was purchased.

Ms. Melbourn explained that she had applied for a building permit to build a garage addition to her home and that the permit was rejected because part of her property is zoned Open Space. She told the board that she was not aware of the zoning when she purchased the property several years ago.

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

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Housing Element.

The Planning Department also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

- (A) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.
- (B) The natural characteristics of the land, including its suitability for use based on the soil characteristics and topography.
- (E) The availability and capacity of existing and planned public and/or private services and facilities.
- (F) The need to shape and balance urban and suburban development.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommendation was for a favorable recommendation to the Warwick City Council for the requested zone change.

On the motion of Mr. Kiernan, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to make a favorable recommendation to the Warwick City Council for the requested zone change.

Public Meeting

Request for an Extension

Overbrook Avenue

Applicant: Cecilio Gonzalez
Location: 32 Overbrook Avenue
Assessor's Plat: 331
Assessor's Lot(s): 118
Zoning District: Residential A-7
Land Area: 16,840 square feet
Number of lots: 2
Engineer: MJF Engineering Associates
Ward: 4

Mr. Cecilio Gonzalez represented himself and was requesting an extension of the master plan approval for the Overbrook Avenue subdivision to subdivide one 16,840 square foot to create two conforming lots, one lot having an existing dwelling and one new lot for development in a Residential A-7 zoning district, approved by the Planning Board on March 27, 2008.

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

The Planning Department found the following:

- 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 March 27, 2010.

On the motion of Mr. Desmarais, 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 March 27, 2010.

Public Meeting

Request for a Zone Change

Applicant:	Warwick Sewer Authority
Location:	Kristen Court
Assessor's Plat:	314
Assessor's Lot(s):	69
Zoning District:	Open Space
Proposed Zoning:	Residential A-10
Ward	1

Attorney Steven Zubiago represented the Sewer Authority and was requesting a recommendation for a zone change to rezone a 12,516 square foot City owned lot with an existing drainage easement from Open Space to Residential A-10 in order to construct a sewer pump station for the Governor Francis Farms Phase II Sewer Project.

Mr. Felix Calderone, developer of the plat, opposed the zone change. Mr. Calderone stated that he dedicated the property to the City as open space 30 years ago as part of a subdivision that he recorded. Mr. Calderone explained that he had also imposed deed restrictions on the property in the plan that would prohibit the pump station but he conceded that the restriction did not apply to the subject lot because he had deeded the lot to the City prior to imposing restrictions on the plat therefore excluding the lot.

Mr. Calderone then told the board that he had researched a RI Supreme Court case that would prohibit the City from rezoning the property to allow a sewer pump station. Mr. Calderone then offered to have the City deed the lot to him so that he could impose and then remove restrictions for a fee so that the city could build the pump station.

Chairman Mulhearn explained that the Planning Board does not have the authority to approve zone changes. The Planning Board simply makes recommendation to the City Council and the City Council had the authority to enact zone changes.

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

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element, the Services and Facilities Element and the Natural Resources Element.

The Planning Department also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

- (A) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.
- (B) The natural characteristics of the land, including its suitability for use based on the soil characteristics and topography and susceptibility to surface water or groundwater pollution.
- (C) The values and dynamic nature of coastal and freshwater ponds, the shoreline and freshwater and coastal wetlands.
- (E) The availability and capacity of existing and planned public and/or private services and facilities.
- (F) The need to shape and balance urban and suburban development.

103.4 Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

103.7 Provide for the protection of public investment in storm water management systems sewage treatment and disposal and other public requirements.

103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zone change.

On the motion of Mr. Constantine, seconded by Mr. Gambardella and Mr. Robinson, the Planning Board voted seven in favor with Mr. Mulhearn opposed to formally adopt the Planning Department's findings and to make a favorable recommendation to the Warwick City Council for the requested zone change.

Public Meeting

Request for a Zone Change

Applicant: Apponaug Area Improvement Association (AAIA)
Location: Apponaug Village
Assessor's Plats: 244, 245 & 246
Assessor's Lot: See to Exhibit A
Zoning Districts: General Business, Light Industrial, Office, Waterfront Business with a Historic Overlay
Proposed Zone: Village District Zone

Applicant: Conimicut Village Association
Location: Conimicut Village
Assessor's Plats: 317, 332 & 333
Assessor's Lot: See to Exhibit B
Zoning Districts: General Business and Office
Proposed Zone: Village District Zone

Chairman Mulhearn announced that the proposed the Conimicut Village Zoning District was not being considered at the request of Councilman Solomon who indicated that he wanted to have a public meeting in the village to discuss the proposal.

Mr. Jeff Gofton, President of the Apponaug Area Improvement Association (AAIA) was requesting a zone change for Apponaug Village. The proposed zone change includes both a zoning map amendment and text amendment. The effected areas currently range in zoning from Light Industrial, Waterfront Business, General Business, Office and Residential A-7 with Apponaug also having a Historic Overlay designation.

Mr. Gofton explained that the AAIA worked closely with the Cecil Group a consultant hired by the AAIA with funding from the City's Community Development Office and the city to develop a new zoning district intended to improve economic development opportunity and preserve the village atmosphere within Apponaug Village.

Mr. Gofton explained that the Apponaug Circulator roadway project would reduce traffic substantially from 25,000 VPD to 4,000 VPD within the heart of the district allowing for a pedestrian friendly atmosphere and revitalization of the commercial area.

Ms. Gerlach asked why parking lot as principal uses would be allowed within the district.

Ms. Reynolds, Business Development Planner, responded that there is a shortage of parking in the area and this would community lots which would could provide shared parking for multiple businesses.

Ms. Gerlach asked of automobile sales and/or service would be allowed.

Planning Staff responded that automotive uses would be prohibited under the proposed zoning.

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

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element the Economic Development Element and the Housing Element.

The Planning Department also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

A.) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.

E.) The availability and capacity of existing and planned public and/or private services and facilities.

F.) The need to shape and balance urban and suburban development.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.10 Promote a high level of quality in design in the development of private and public facilities.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zoning amendment with the following stipulations:

1. That the Historic Overlay District in Apponaug Village be removed with the exception of the properties indicated on Exhibit A.
2. That the proposed use table be modified to correlate with the existing use table in both sequence and description.

On the motion of Mr. Kiernan, seconded by Ms. Prata, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to make a favorable recommendation to the Warwick City Council for the requested zone change with the Planning Department's recommended stipulations.

Bond Reduction

**Miga Carona Plat
Miga Way**

Current bond total	\$60,669.00
<u>Amount to be released</u>	<u>\$17,998.00</u>
Retain	\$42,671.00

On the motion of Mr. Desmarais, seconded by Mr. Gambardella, the Planning Board voted unanimously to grant the requested bond reduction.

Being no further business the meeting was adjourned at 6:45 PM.