

**City of Warwick Planning Board
Meeting Minutes
Wednesday, April 11, 2012**

Members Present: Philip Slocum, Chairman
Vincent Gambardella, Vice-Chairman
John J. Mulhearn Jr
James Desmarais
Laura Pisaturo
Cynthia Gerlach
Thomas Kiernan

Members Absent: Sue Stenhouse

Also in attendance: William J. DePasquale, Jr., Administrative Officer
Patricia Reynolds, Business Development Coordinator
Lidia Cruz-Abreu, Planning Specialist
Eric Hindinger, Engineer Project Manager
Peter Ruggiero, City Solicitor

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

The February 2012 meeting minutes were presented for review and approval. A motion was made by Mr. Mulhearn to approve the February meeting minutes, as presented. The motion was seconded by Mr. Kiernan. All voted in favor, none opposed.

Public Meeting

Minor Subdivision

Stone Castle Lot

Location: West Shore Road (rear of Bishop Hendricken High School)
Applicant(s): Diocese of Providence (Bishop Hendricken High School)
Assessor's Plat: 352
Assessor's Lot(s): 43
Zoning District: A-10-Residential
Land Area: 32.439 acre
Surveyor: Insite Engineering Services, LLC
Ward: 5

Mr. James Sloan, ESQ, and Mr. Paul Carlson, Insite Engineering represented the project for the Diocese of Providence and Hendricken High School. Mr. Paul Carlson, Project Engineer explained that the overall parcel was 32.3+/- acres of land located within the A-10 Zoning District. Mr. Carlson testified that the property had frontage on West Shore Road, Warwick Avenue and Oakland Beach Avenue. Mr. Carlson explained that the proposed "Lot B" had over five (5) acres of land and exceeds the frontage requirements in the A-10 Zoning District; that the Greene Cemetery was within the boundaries of the proposed subdivision and that as part of the subdivision a 10' access easement was being proposed. The project received the required RIDEM Wetlands' Approval.

Mr. Mulhearn asked how many total lots would eventually be developed on the parcel. Mr. Carlson explained that he was not working with the future owner and that he did not know how many lots a future owner would present. Mr. Mulhearn asked how many feet of frontage were being proposed on “Lot B” and Mr. Carlson responded that “Lot B” would have in excess of approximately 593 feet.

Mr. Slocum asked if there were any historic walls on the property. Mr. Carlson responded that there were historic walls within the eastern edge.

Being no further questions, Mr. Slocum asked to have the Planning Department’s findings and recommendation read into the record.

Planning Department Findings

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

1. That the subject property is located at 2615 Warwick Avenue & West Shore Road and is identified as Assessor’s Plat: 352, Assessor’s Lot: 43.
2. That the subject property consists of one (1) tax assessor’s lot totaling 32.439 acres and is currently zoned Residential A-10.
3. That the Applicant proposes to create two (2) lots; one (1) 27.160 acre lot with an existing high school and related facilities and one (1) new 5.279 acre lot for development.
4. That the Residential A-10 Zoning District requires a minimum of 100 feet of frontage and lot width and a minimum area of 10,000 square feet per individual lot.
5. That the proposed development is in compliance with the standards and provisions of the City’s Zoning Ordinance.
6. That all lots as proposed will conform to the requirements of the Residential A-10 Zoning District.
7. That the Applicant has received RIDEM Wetlands Determination No. 11-0234.
8. That the proposed development is generally consistent with the Comprehensive Community Plan.
9. That there will be no significant negative environmental impact from the proposed development.
10. 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.

11. That the proposed development possesses adequate access to a public street.
12. That the property will have access to public sewer and water.

Planning Department Recommendation

The Planning Department's recommendation is to grant Preliminary Approval, with Final Approval to be by the Administrative Officer, with the following stipulations:

1. That the Final Plan shall show all Zoning Boundary Lines, as required per *Development Review Regulation, Appendix B, Checklist Item #5*.
2. That the Final Plan shall show Station and Off-Sets to all highway bounds and to the property corners of the subject lot along West Shore Road.
3. That the Final Plan shall correct Note # 6, to read "Assessor's Lot 43."
4. That the Applicant shall receive all necessary State and Local approvals, prior to the issuance a building permit.
5. That prior the issuance of a building permit, the Applicant shall receive approval from the Historic Cemetery Commission and record an access easement to Historic Cemetery No. 28, also known as Assessor's Plat 352, Assessor's Lot 42.
6. That prior to any alteration to historic stone walls, the Applicant shall receive approval from the Historic District Commission.
7. That prior to receiving a soil erosion permit, the Applicant shall coordinate with the City's Landscape Project Coordinator for the preservation of existing mature evergreen and deciduous trees.
8. That the Applicant shall coordinate with the Water Department for the water service connection.

On the motion of Ms. Pisaturo, seconded by Mr. Gambardella, the Planning Board voted five in favor, with Mr. Desmarais and Ms. Gerlach abstaining, to formally adopt the Planning Department's findings and recommendation and to grant Preliminary Approval, with Final Approval to be through the Administrative Officer, upon compliance with the Planning Department's recommended stipulations.

Street Abandonment

Portion of Tillinghast Avenue (2' strip)

Petitioner: New England Investment Properties, Inc.

Location: 775-787 Bald Hill Road
Assessors Plat: 262, Assessor's Lot 279

Ward: 8

Reason: The premises is of no use to the public as a highway or driftway. A recent survey revealed that two existing buildings located at 775-787 Bald Hill Road that have existed there for over 50 years, encroach on a 2' strip of the Right-of-Way. The Applicant is proposing to abandon a 2' strip of land and merge the strip of land with the remaining lot to ensure that the buildings are within the constraints of their property line.

Appraisal: The Applicant hired United Appraisal Group to do a Summary Appraisal of the aforementioned land and it was determined that the market value of the land is \$2000.

Mr. Christopher Colardo, ESQ, President, New Investment represented the project and explained that he owned a small piece of commercial property located at Assessor's Plat 262; Assessor's Lot 279 (775-787 Bald Hill Road). The property also abuts Tillinghast Avenue. The property owners recently procured a Class 1 survey and discovered that the buildings encroach on Tillinghast Ave. The Applicant had the property appraised and the appraiser found that the value of the property was \$2000. Mr. Colardo then introduced Mr. Joe Casali, Project Engineer, Casali Engineering. Mr. Casali indicated that he had reviewed the Planning Department's comments and recommendation and had no objections and that he requested a favorable recommendation to the City Council.

Being no further questions, Mr. Slocum asked to have the Planning Department's stipulations and recommendation read into the record.

1. That the Applicant will become responsible and liable for the portions of the sewer service line located within the abandonment.
2. That the petitioner shall grant an easement to the City so as to maintain the perpetual right to use any or all of the abandonment for the installation of utilities, as needed in the future.
3. Any proposed improvements will require all applicable local or state permits.
4. An Administrative Subdivision meeting the standards as set forth in the "*Development Review Regulations governing Subdivisions Land Development Projects Development Plan Review*" must be completed and recorded, if the abandonment is approved by the City Council.

The Planning Department recommends the Planning Board forward a favorable recommendation to the City Council for the requested 2' strip of Tillinghast Avenue with the recommended stipulations.

On a motion of Ms. Pisaturo, seconded by Mr. Kiernan, the Planning Board voted unanimously to forward a favorable recommendation to the City Council with the Planning Department stipulations.

Public Informational Meeting
Major Land Development Project

4573-4575 Post Road
Damocles Realty, LLC

Applicant:	Damocles Realty LLC
Location:	4573-4575 Post Road
Assessor's Plat:	220
Lot:	55
Zoning District:	Residential, A-15
Proposed Zone:	Residential, A-15 with Planning Unit Development (PUD) overlay
Land Area:	1.27 acres
Number of Lots:	1
Engineer:	Gordon Archibald, Inc, Alpha Associates
Ward:	9

Mr. John Revens, ESQ represented the applicant who was requesting Master Plan review of Major Land Development and a Recommendation to City Council to rezone the property to PUD. Mr. Revens gave a brief history of the property concluding with the current use of the property which is a dental office and five residential apartments.

Mr. Revens testified that the current application was to bring the business into the 20th Century. That the current configuration of the business is detrimental, in that there are operatories in the basement of the building, making it difficult for clients to access the lower level. The applicant is proposing an addition and parking improvements without increasing any additional treatment areas.

Mr. Revens presented a reduced plan that showed the proposed addition and how it related to the abutting properties. He noted that the improvements to the parking will be 70' feet from the rear property line. Mr. Revens introduced Drs. Kirk, Harris, & Dumont and also introduced a petition to the Planning Board signed by supporters of the proposed expansion, and asked to have it accepted as Exhibit A.

Mr. Slocum asked what the intended use of the vacated space would be and Dr. Kirk indicated that it would be for a staff lounge and office space.

Mr. Gambardella asked if the number of proposed parking spaces was based on the zoning code. Mr. Revens indicated that the application proposed 30 spaces and the zoning code required 29.

Ms. Gerlach questioned if the existing curb cut would remain the same. Mr. Revens responded affirmatively. Ms. Gerlach questioned why there was a recommendation to increase the access width of the driveway. Ms Reynolds responded that the existing driveway width is less than what is required and for life safety reasons the City's Fire Department has asked to increase the width in order to get emergency vehicles to the rear of the property.

Mr. Slocum asked if the primary access could be from the front of the building and if the proposal could put the primary parking from the front. Mr. Revens indicated that the Planning recommendations required additional landscaping in the front of the building and since the plan had not been engineered in that manner he could not confirm that it would be feasible.

Mr. Kiernan asked if the proposal was for only 13 additional parking spots. Mr. Revens indicated that he was only added what was necessary by zoning code.

Mr. Slocum asked about the proposed use of the existing garage. Dr. Kirk indicated that was storage for lawn equipment, and was not used for parking.

A motion was made by Mr. Gambardella, seconded by Ms. Pisaturo to open the Public Hearing. All in favor; none opposed.

Mr. Henry Cruciani, 81 Edmond Drive, spoke in support to the project. He testified that he has been a patient for 30+ years and that it is getting more difficult for him to access the lower level of the building and that, to his recollection, he has never needed to park in the rear of the building.

Mr. Hugh Fisher, 1 Angel Court, spoke in favor of the project. He is a patient and a developer and he encourages this type of good development that will improve the business.

Mr. Richard Barkin, 230 Spencer Ave, is the owner of the property that abuts the westerly edge of the proposed project. Mr. Barkin inquired how many operatories were currently in the dental office. Dr. Kirk indicated that currently there are the (3) three in the lower level and (5) five in the upper level. Mr. Barkin asked how many were being proposed. Dr. Kirk indicated that (5) five are proposed.

Mr. Barkin stated that therefore there would be an increase from eight to ten operatories and that the testimony had been to the contrary. Mr. Barkin asked how many total parking spaces were on-site. Mr. Revens indicated that there was no striping on site and that his guess would be approximately 18-20 parking spaces. To meet the requirement of the zoning code, the applicant is proposing 30.

Mr. Slocum indicated that he had visited the site and it appeared that there were approximately

(8) eight parking spaces in the front of the building.

Mr. Barkin expressed concern that the current access was primarily in the front but that with the proposed addition the primary parking would be from the rear. Mr. Revens stated that access would be both from the front and the back of the property. The handicap accessible parking would be located to the rear of the property.

Dr. Kirk testified that currently the parking in the rear is used primarily by the tenants, staff, and for handicapped patients.

Mr. Barkin testified that his property is located immediately to the rear of the proposed expansion and that since his property is elevated it creates an “amphitheater” effect. Mr. Barkin was concerned that with the intensification of the use from (8) eight to (10) ten operatories, there would be a significant increase in the noise level.

Mr. Kiernan stated that it appears to be more of a shifting of parking, than an intensification. Mr. Barkin stated that the intensification was from (8) eight to (10) ten operatories and that having all operatories on one level, will lead to efficiency, which will lead to more patients.

Mr. Barkin presented a list of requests that he had prepared and asked to have this accepted as Exhibit B, and incorporated into the project.

Mrs. Barkin introduced herself, also an abutting property owner, 230 Spencer Avenue and indicated that she has had to put up the fence and the vegetative buffer to prevent the sound level from traveling to their property. She is concerned that by moving the primary parking to the rear the noise levels will escalate.

Mr. Kiernan asked Dr. Kirk the hours of operation. Dr. Kirk indicated that they are open Monday-Friday 8:00 am-5:00 pm, and Saturday 8:00 am-1:00 pm.

Mr. Mulhearn asked if there would be a change in the access for the residential tenants. Mr. Revens indicated that there was the possibility that one of the doors may need to change.

Mr. Mulhearn suggested that the landscape plan consider berming first and then planting to address Mr. Barkin’s concerns. Mr. Revens indicated that the applicant wanted to be a good neighbor and that they would do what is necessary, within reason, to address any concerns.

Ms. Pisaturo asked what was currently located in the area where the expansion is proposed. Mr. Revens indicated that it is currently staff, handicap, and tenant parking.

Mr. Slocum reiterated that the applicant and the applicants’ attorney testified that they are willing to address Mr. Barkin’s concerns, within reason, relative to landscaping.

Ms. Lister, 57 Cory Avenue, abutting property owner, testified that the only noise that they hear is from the trash collection.

Mr. Lister 57 Cory Avenue, abutting property owner, testified that his property is located on the corner of Cory Avenue and Chase Avenue and directly abuts the development parcel and he does not hear noise from the patients.

Being no further testimony, Mr. Mulhearn, seconded by Mr. Kiernan, made a motion to close the public hearing,

Being no further questions, Mr. Slocum asked to have the Planning Department's findings and recommendation read into the record.

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 City Council approval for a zone change from Residential A-15 to Residential A-15, with a Planned Unit Development overlay, with relief for minimum lot area, frontage, and width, and greater than allowed total office area, less than required building side yard setback, driveway width, setback for parking spaces and landscape buffers.
3. That the relief requested for less than required setback for parking spaces is from the northerly property line only.
4. That the subject property is located on the westerly side of Post Road and is identified as Assessor's Plat: 220, Assessor's Lot: 055, and consists of approximately 1.27 acres.
5. That surrounding properties fronting on Post Road consist primarily of commercial uses including office and multifamily dwellings.
6. That the parcel abuts residentially zoned property to the north, south and west.
7. That the subject property is located within close proximity to the commercial center of East Greenwich.
8. That in October 1984, the subject property received approval from the Zoning Board of Review, Petition #5283, authorizing the conversion of the existing dwelling and dental office, to five (5) dwelling units and a professional office and that the property has continued to operate in that capacity for the past 28 years.
9. That there will be no significant negative environmental impacts from the proposed development.

10. 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.
11. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

Planning Department recommendation is to grant Master Plan approval, with the following stipulations, as amended:

1. That the Applicant shall receive approval from the City Council for a zone change from Residential, A-15, to include a Planning Unit Development overlay, with the necessary relief.
2. That a Stormwater Management Plan shall be designed in accordance with Rhode Island Stormwater Design and Installation Standards Manual, dated December 2010, to demonstrate a zero-net runoff from the development.
3. That the project engineer shall note the following items on the Preliminary Plan:
 - a. Property line dimensions along the north, south and west property lines.
 - b. Total lot area.
 - c. Elevation datum.
 - d. Dimension from the proposed parking area to the westerly property line.
 - e. Dimension from the existing building to the northerly property line.
 - f. A table showing current and proposed zoning requirements.
4. That the applicant shall improve the existing driveway to an increased width of 20', and provide adequate turning capabilities for fire apparatus.
5. That the applicant shall submit a landscape plan for review and approval by the Warwick Landscape Project Coordinator. This plan shall indicate and detail the proposed vegetative buffer along the westerly property line.
6. That the applicant shall receive approval from Kent County Water Authority, prior to obtaining a building permit.
7. That the site-plan sent to the abutters shall be rectified with the land development plan filed with the City of Warwick Planning Department by Harry Miller, Alpha Associates dated February 2012.

On the motion of Mr. Desmarais, seconded by Mr. Gambardella and Mr. Mulhearn, the Planning Board voted six in favor, with Mr. Kiernan abstaining to grant Master Plan Approval to formally adopt the Planning Department's findings and revised recommendations.

Request for a Zone Change
Recommendation

Applicant: Damocles Realty, LLC
Location: 4573 /4575 Post Road
Assessor's Plat: 220
Assessor's Lot: 55
Zoning District: Residential A-15
Proposed Zoning: Residential A-15, Planned Unit Development (PUD) Overlay

Being no further questions, Mr. Slocum asked to have the Planning Department's findings and recommendation read into the record.

Planning Department Findings

The Planning Department finds the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program and the Housing Element, and the Economic Development Element, including, but not limited to the followings:

- *Encourage commercial and industrial development in Warwick that emphasizes business retention and expansion.*
- *Ensure the retention and expansion of existing businesses in Warwick.*

The Planning Department also finds the proposed zone change 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.

103.15 Provide for reasonable accommodations in order to comply with the RI Fair Housing Practices Act, the US Fair Housing Amendments Act of 1988 (FHAA), the RI Civil Rights for Individuals with Handicaps Act, and the Americans with Disabilities Act of 1990 (ADA).

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zone change from Residential A-15 to Residential A-15, with a Planned Unit Development Overly (PUD), with relief for minimum lot area, frontage, and width and greater than allowed total office area, on a lot with a building having less than required side yard setback, driveway width, setback for parking spaces and landscape buffers.

- 1) That any additional development on the property shall require a Development Plan Review (DPR) to be approved by the Warwick Planning Board in compliance with City of Warwick Development Review Regulations.

On a motion of Mr. Mulhearn, seconded by Mr. Gambardella, with Mr. Kiernan abstaining, the Planning Board voted to forward a favorable recommendation to the City Council with the Planning Department stipulations.

A motion to close the meeting was made by Ms. Pisaturo; seconded by Mr. Kiernan at 7:35 p.m.