

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, August 12, 2009**

**Members Present:** John J. Mulhearn Jr. Chairman  
Michael Constantine  
Rick Robinson  
James Desmarais  
Leah Prata

**Members Absent:** Cynthia Gerlach  
Philip Slocum  
Vincent Gambardella  
Thomas Kiernan

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

Chairman Mulhearn called the meeting to order at 6:00 P.M.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to approve the June 2009 meeting minutes.

**Public Hearing**

**Major Land Development Project**

**3188 Post Road/House of Hope**

Applicant: House of Hope Community Development Corp.  
Location: 3188 Post Road  
Assessor's Plat: 245  
Lot(s): 52  
Zoning District: Office with a PUD overlay  
Land Area: 26,771 square feet  
Number of lots: 1  
Engineer: Joe Casali Engineering, Inc.  
Ward: 7

K. Joseph Shekarchi represented the applicant and was requesting combined Preliminary and Final approval of a Major Land Development Project to convert an existing dwelling to an office and establish a total of five (5) residential units on a lot with less than required frontage, lot width, and lot area, with the proposed development having less than required front and side yard setbacks, less than

required parking, driveway width, parking lot setback, less than required setback between structures and parking/driveway and structures, less than required landscape buffer and greater than allowed office gross floor area.

The Attorney introduced Ms. Jean Johnson, Executive Director for House of Hope and Mr. Joseph Casali, P.E., Casali Engineering, and made them available for any specific questions that may arise.

The attorney stated that the project had received a master plan approval from the Planning Board and a zone change from the City Council. Attorney Shekarchi also informed the Board that the project had received Kent County Water Authority (KCWA) approval, Warwick Historic District Commission (HDC) approval and HUD funding approval which is time critical.

Being no questions or public comment the Planning Board formally closed the public hearing 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.

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance having received a City Council Zone Change PCO-14-08 to Office with a Planned Unit Development Overlay (PUD) with variances for less than required frontage, lot width and lot area, with the proposed development having less than required front and side yard setbacks, less than required parking, driveway width, parking lot setback, less than required setback between structures and parking/driveway and structures, less than required landscape buffer and greater than allowed office gross floor area.
- 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 combined preliminary/final approval, with the following stipulations:

- 1) That the installation of the new water line must be coordinated with the Kent County Water Authority and the Warwick Water Division.
- 2) That the Developer will be subject to an I & I fee, prior to receiving a building permit.

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 a combined preliminary/final approval with the Planning Departments recommended stipulations.

### **Public Hearing**

### **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

Attorney K. Joseph Shekarchi represented the applicant and was requesting a combined preliminary/final 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 introduced Ms. Linda Malafronte and informed the Planning Board that the subdivision process was initiated by Ms. Malafronte's husband who has passed away before the subdivision could be finalized. Attorney Shekarchi explained that the Planning Board approval had subsequently expired and that his client would like to complete what her husband started with no changes to what was originally approved.

Being no questions or public comment the Planning Board formally closed the public hearing 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.

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance; having received Zoning Board of Review approval (Petition #9736) 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 is to grant a combined preliminary/final approval.

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 a combined preliminary/final approval.

### **Public Hearing**

### **Major Subdivision**

### **Cottages at Aldrich Farm**

Applicant:	The Grenier Group
Location:	Warwick Neck, Beacon, Warner and Narragansett Bay Avenue
Assessor's Plat:	381
Lot(s):	1,2,3,5,6,7,8, portion of 71 & 72
Zoning District:	Residential A-40
Land Area:	10+ Acres
Number of lots:	8
Engineer:	DiPrete Engineering
Ward:	5

Attorney K. Joseph Shekarchi represented the applicant and was requesting preliminary approval of a major subdivision to subdivide nine (9) record lots with an existing dwelling to create nine (9) new lots, eight (8) new lots for development and one lot with an existing dwelling in a Residential A-40 zoning district.

Attorney Shekarchi stated that the subdivision had received master plan approval earlier in the year. He further informed the Planning Board that the applicant had received required state and local approvals including authorization from the Warwick Sewer Authority to access the sewer system through an easement and private sewer line located on the Aldrich Mansion property directly across Warner Avenue.

Attorney Shekarchi explained that sewers are preferable to RIDEM and the sewers would allow the Planning Board to remove the restriction on lot 2 thereby authorizing a home being built on the lot.

Attorney Shekarchi explained that the developer agreed to upgrade a pump station and pay all costs associated with the sewer extension so there would be no cost to the Warwick Sewer Authority.

Board member Constantine asked where the sewer connection would be located and if there were provisions for other property owners to also tie in to the sewer.

Attorney Shekarchi responded that the actual connection would be on the Aldrich property and that there were no provisions for others to access the sewers.

Mr. Carlo Pisaturo Jr. of 181 Narragansett Bay Avenue stated that he had no objection to the development and that he was pleased that the new homes would be connected to sewers. Mr. Pisaturo asked if the sewers would be gravity or grinder pumps.

Mr. Kevin Morin, PE from DiPrete Engineers responded that the homes would have pumps but it was not determined if there would be one large pump to service all of the homes or eight individual pumps.

Mr. Dennis Vohlander of 1026 Warwick Neck Avenue asked if the sewer line would be extended along Warwick Neck Avenue.

Attorney Shekarchi responded that the Sewer Authority would not allow the sewer to be run along Warwick Neck Avenue to allow additional tie-in because the area was not included in the Sewer Facilities Plan. Mr. Shekarchi mentioned that he thought the Sewer Authority would be updating its plan in the next two years.

Mr. and Mrs. Montairo of 946 Warwick Neck Avenue asked if the homes could be build without sewers.

Attorney Shekarchi responded that seven homes were already approved to build without sewers.

Being no further public comment or questions the Planning Board formally closed the public hearing and heard the Planning Departments 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:

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 the following stipulations:

1. That the applicant shall receive a revised Certificate of Appropriateness from the Warwick Historic District Commission for the alteration of the stone walls within the proposed development as required in Warwick Zoning Ordinance Section 311.10 "Stone Walls."
2. That the elevation of the lowest floor (including basement) for all proposed dwellings shall be at least three (3') feet above the maximum high groundwater elevation.
3. That a water service meter pit shall be required at the curb at lot 7 for the proposed easement servicing lot 8.
4. That a Class 1 Survey in compliance with Section 3.02C of the RI Procedural & Technical Standards for the Practice of Land Surveying shall be approved, prior to final approval.
5. That deed restrictions for the use of pervious driveways and the operation and maintenance of the drywells rooftop runoff shall be approved by the City Solicitor, prior to final approval.
6. That the sewer connection plan and layout shall be approved by the Warwick Sewer Authority prior to final approval in accordance with the Warwick Sewer Authority memorandum dated July 24, 2009.
7. That a new fire hydrant will be shall be installed along Beacon Avenue opposite lots 3 & 4.
8. That the typical proposed 26' wide wall opening at each driveway will provide a minimum 20' driveway surface to accommodate fire and rescue apparatus as outlined in RIUFC Chapter 18.
9. That the developer shall dedicate a "fee-in-lieu of open space" equal to seven lots to the City of Warwick for Recreational District 3 as presented in the Warwick Comprehensive Plan Recreation Element, prior to recording the Final Plan.

Attorney Shekarchi asked the Planning Board to allow final approval to be through the Administrative Officer.

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 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 Amendment to the City's Zoning Ordinance**

**1161 Main Avenue**

Applicant: MSS Realty Inc.  
Location: 1161 Main Avenue  
Assessor's Plat: 270  
Lot: 357  
Zoning District: Office to General Business (Restricted)  
Land Area: 31,128 square feet  
Number of lots: NA  
Engineer: Flynn Surveys, Inc.  
Ward: 8

Attorney Richard Johnston represented the applicant and was requesting a recommendation for a zone change to rezone 31,128 square foot lot from Office to General Business with less than the required side setback, setback for parking spaces and less than the required landscaping in order to make the zoning consistent with other commercial properties located in the general area.

Attorney Johnston explained that the property was developed in the 1960's and therefore did not conform to the current zoning regulations for landscaping and setbacks. He further explained that the Office zoning designation was making it difficult to rent space; he told the board that five of the eight units in the building were vacant. Attorney Johnston told the Board that he had no objections to the Planning Department's stipulations.

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

The Planning Department found the proposal 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 Economic Development Element. The Planning Department also finds 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 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects 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.

- (E) The availability and capacity of existing and planned public and private services and facilities
- (F) The need to shape the urban and suburban development

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

103.13 Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

103.14 Provide for procedures for the administration of the zoning ordinance

The Planning Department's recommendation was for a favorable recommendation to the Warwick City Council for the requested zoning amendment with the stipulation that the following uses shall be expressly prohibited:

306 "Bank, trust company or similar financial institution with a drive-in window."

407 "Veterinary establishment and kennel."

419 "Vehicle rental agency."

420 "Car Wash."

421 "Gas station (no repairs) may include convenience and/or grocery store."

422 "Service station (with repairs)."

422.1 "Auto body repair shop."

423 "Boat repairs, painting or storage."

424.1 Landscaping and tree service."

425 Cesspool company."

501.1 "Nightclub."

503 "Fast food restaurant."

505 "New or used vehicle sales, with service or outdoor display (excluding boars)."

507 "New or used boat sales with service or outdoor display."

602 "Bus or railroad passenger station."

603 "Automobile parking lot or parking garage for private passenger cars (as a principal use)."

604 "Truck, bus, taxi or other commercial vehicle terminal yard or building for storage and servicing of such."

804 "Distribution center, parcel delivery center, delivery warehouse."

805 "Landry, dry cleaning plant."

807 "Ministorage and mini-warehouse facility."

On the motion of Mr. Deamarais, seconded by Ms. Prata, the Planning Board voted four in favor with Mr. Robinson abstaining to formally adopt the Planning Department's findings and to forward a favorable recommendation to the City Council with the Planning Department's recommended stipulations.

### **Administrative Subdivision**

The following administrative subdivisions were included for informational purposes.

Kingston Street Plat  
Cook Plat  
Pontiac Free Library

Plat 302 Lt. 450  
Plat 360 Lt. 333  
Plat 273 Lt. 242

Being no further business the meeting was adjourned at 6:35 PM.