

**City of Warwick Planning Board
Meeting Minutes**

Wednesday December 13, 2006

Members Present: John J. Mulhearn Jr.
Attilio Iacobucci
Vincent Gambardella
Philip Slocum
Michael Constantine

Members Absent: Jeanne Foster
George Arnold
Rick Robinson
Carter Thomas

Also in attendance: Peter Ruggiero, Solicitor

The meeting was called to order at 6:05 P.M.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to accept the October 2006 meeting minutes.

The Chairman announced that the Planning Board was changing the order of the agenda due to time constraints. The Chairman informed the audience that there were only five members present, the minimum number required to conduct business, and cautioned the applicants that one dissenting vote on an application would result in a denial of a project. The Chairman explained that his time was limited and that he would attempt to hear as many petitions as possible, he asked the applicants to be as concise as possible. The Chairman also informed the audience that any application not heard would be continued to the next regularly scheduled Planning Board meeting in January.

Public Hearing

Major Land Development Project for Reconsideration

Inskip/Mini Cooper Car Dealership

Applicant:	Inskip Management Co.
Location:	1515 Bald Hill Road
Assessor's Plat:	249
Lot(s):	3
Zoning District:	GB, General Business
Land Area:	889,189 square feet
Number of lots:	1
Engineer:	Pare Engineering
Ward:	8

Attorney David Revens represented the applicant and requesting preliminary approval of a Major Land Development Project to construct a new 8,830 square foot auto dealership within the existing auto dealership complex and to increase the size of an existing car wash facility on a lot with less than required off-street parking, less than required landscaping and relief from the required loading spaces.

The Chairman asked if anyone in the audience was in attendance for the Inskip application and no one identified themselves.

Attorney Revens explained that Inskip had previously appeared before the Planning Board on August 9, 2006 requesting Preliminary approval and failed to receive the requisite number of votes for an approval. He further explained that the Planning Board's decision was appealed to the Warwick Zoning Board of Appeal and that the Zoning Board voted unanimously to sustain the appeal and referred the application back to the Warwick Planning Board for reconsideration.

Being no further testimony, comments or questions the Planning Board formally closed the Public Hearing and then heard the Planning Department 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 having received a Zoning Board of Review approval (Petition #9262) to have a lot with less than required parking, loading spaces, landscaping, and landscape buffer.
- 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 Final plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
2. That striping shall be installed along Inskip Way at the Bald Hill Road intersection prior to issuance of Certificate of Occupancy, as recommended in the traffic impact statement prepared by Pare Engineering Corporation, dated February 24, 2006, to improve vehicle flow.
3. That all previous stipulations, restrictions, and conditions imposed by the Planning Board and Zoning Board of Review shall remain in effect on the property including:
 - a. That the developer shall contribute a fee-in-lieu of landscaping to be determined by the City's Landscape Project Coordinator for the City of Warwick Tree Planting Program to remediate the elimination of trees on the interior of the parking lot, prior to the issuance of a Certificate of Occupancy.
 - b. That the developer shall locate overhead doors and direct lighting away from the western most property line.
 - c. That the owner or its agents shall be prohibited from utilizing an outdoor loud speaker system.
 - d. That the owner or its agents shall be prohibited from repairing and/or detailing vehicles outside.
 - e. That there shall be no unloading of vehicles to the westerly side of the so called Infinity building.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, 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

Carrs Lane

Applicant: Jennifer Hagopian and M.P.D.R. Construction, Inc.
Location: 20 Carrs Lane
Assessor's Plat: 261
Lot(s): 71
Zoning District: Residential A-7
Land Area: 16,005 square feet
Number of lots: 2
Engineer: Boyer Associates, Inc.
Ward: 8

Attorney Americo Scuncio represented the applicant and was requesting preliminary approval to subdivide one lot with an existing dwelling to create two lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District.

The attorney explained that the applicant was proposing to create two conforming lots from one 16,000 square foot lot.

Being no further testimony 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, and:
- 5) That the proposed development possesses adequate and permanent 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 applicant shall provide a final development plan which shall include a footprint and location of the proposed dwelling and driveway, all existing and proposed utilities within the city right-of-way and servicing both the existing and proposed dwellings, provisions for containing storm-water runoff on site, location of existing trees along the westerly and southerly property line of proposed lot "B" and a tree protection detail for those trees that are to be preserved during construction.

- 2) Final approval from the Warwick and West Warwick Sewer Authorities.

On the motion of Mr. Iacobucci, seconded by Mr. Slocum, 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 Hearing

Major Subdivision

100 Meadow Street

Applicant:	Michael C. Kent Irrevocable Trust and John Allen & Sons, Inc.
Location:	100 Meadow St
Assessor's Plat:	244
Lot(s):	230 & 232
Zoning District:	Light Industrial
Land Area:	86,467 square feet
Number of lots:	2
Engineer:	Waterman Engineering Co.
Ward:	7

Attorney David Revens represented the applicant and was requesting Preliminary approval to subdivide two lots and create one lot with two buildings having less than the required side and rear setbacks, less than the required parking and landscaping and one lot with one building having less than the required rear setbacks, parking and landscaping in a Light Industrial Zoning District.

The attorney explained that the project had received master plan approval by the Planning Board and a variance from the Zoning Board of Review.

Being no further testimony, comments or questions the Planning Board formally closed the

Public Hearing and then heard the Planning Department 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; having received Zoning Board of Review approval (Petition #9342) to create two lots, one lot with two buildings having less than the required side and rear setbacks, less than the required parking and landscaping and one lot with one building having less than the required rear setbacks, parking and landscaping.
- 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 Preliminary approval with Final approval to be through the Administrative Officer upon compliance with the following stipulation:

- 1) That the Final plan shall depict all existing and proposed utilities including, but not limited to, sewer, water, electric, gas, and storm sewer (drainage) within the City right of way along Meadow Street and upon and across the subject lots in order to insure that no easements shall be required as a result of the subdivision.

On the motion of Mr. Slocum, seconded by Mr. Iacobucci, 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 stipulation.

Public Informational Meeting

Major Subdivision

Lorden Plat

Applicant:	Daniel & Anne Lorden and Frank Miale
Location:	80 Balsam Street
Assessor's Plat:	307
Lot(s):	76 & 77
Zoning District:	Residential A-10
Land Area:	10,000 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	1

Attorney John Harrington represented the applicants and was requesting Master Plan approval of a Major Subdivision to subdivide two merged lots to create two non-conforming lots with less than the required frontage, lot width and area, one lot having an existing dwelling with less than the required front and side yard setback and one new lot for development in a Residential A-10 zoning district.

The attorney provided the Planning Board with a history of the property from 1931 to the present explaining that the current owners purchased their individual lots from the same owner who was responsible for creating an illegal subdivision. Attorney Harrington explained that his clients were not aware that they were purchasing illegally divided lots when they purchased the property in 1990.

Harrington further explained that Mr. Miale, the owner of lot 77, discovered the illegal subdivision in 1993 when he attempted to obtain a variance from the Zoning Board of Review (ZBR) to build on an undersized lot and was denied. Miale appealed the ZBR decision to the Superior Court which sustained denial by the ZBR in 1997.

Harrington then explained that the two property owners were now filing a joint application in order to rectify the illegal subdivision which was not caused by them.

Harrington then introduced Mr. Wilbert Luetschwager, Real Estate expert, who testified that the subdivision would not result in a diminution to surrounding property values. Luetschwager also testified that he had reviewed ownership records of the surrounding property and concluded that in excess of 50% of the surrounding homes were on undersized lots.

Attorney Harrington requested that three exhibits be entered in the record:
Exhibit A: 1993 Superior Court Decision
Exhibit B: Luetschwager Resume
Exhibit C: Luetschwager Real Estate Report

Being no further testimony, the Planning Board opened the Public Hearing.

Ms. Alayne Lanigan representing her mother, Phyllis Farrow, who lives at 107 Balsam Street, was opposed to the application on the grounds that the resulting lots would be too small.

Neighbors who spoke in favor of the application include:

Gail & Jerry Hatfield 60 Balsam Street
Myles & Robin Kemp 42 Shippen Avenue
Mrs. Ikenfield 604 Algonquin Street

The Planning Board then closed the public hearing and 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. Of the nineteen (19) residentially developed lots within the 200' radius area, thirteen (13) or approximately (68%) are undersized non-conforming lots ranging from 5,000 square feet to 9,000 square feet. The majority of which (10 lots) are in the 5,000 square foot to 7,000 square foot range.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to create two non-conforming lots with less than the required frontage, lot width and area, one lot having an existing dwelling with less than the required front and side yard setback and one new lot for development.
- 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 Master Plan approval with the following stipulations:

- 1) That the applicant shall receive Zoning Board of Review approval to create two non-conforming lots with less than the required frontage, lot width and area, one lot having an existing dwelling with less than the required front and side yard setback and one new lot for development.

- 2) That the Preliminary Plan shall include a landscape plan which depicts the existing mature pine trees located along the southern and western property lines of lot 77 and designates those trees that are to be preserved during construction.
- 3) That both properties shall be connected to the Warwick Sewer System when it becomes available.

On the motion of Mr. Gambardella, seconded by Mr. Iacobucci, 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 Hearing

Major Land Development Project

Blomberg Subdivision

Applicant:	Karen Blomberg, Donna Morris and Jason Sirois
Location:	6 Langley Street
Assessor's Plat:	360
Lot(s):	480 - 483
Zoning District:	Residential A-7
Land Area:	21,360 square feet
Number of lots:	3
Engineer:	Armand Desvoyaux, PLS
Ward:	6

Attorney Dan Flaherty represented the applicant and was requesting Preliminary approval of a Major Subdivision to subdivide four lots and create three lots, two lots with existing residences and one new lot for development with less than the required frontage and lot width in a Residential A-7 zoning district.

Attorney Flaherty explained that the Planning Board had granted master plan approval, that the Zoning Board of Review had granted the required variances and now the applicant was requesting preliminary approval to create a new lot for development.

There were no questions from the Planning Board or the public. The Planning Board then 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, and:

- 1) 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 #9370) to have 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.
- 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 Final Plan shall include all existing and proposed utilities within the City right-of-way along Langley Street and Horse Neck Road and servicing both the existing and proposed dwellings, shall depict the structure on abutting lot 968 and shall include a notation that the site contractor must obtain a City of Warwick Physical Alteration Permit (PAP) for any work performed within the city right-of-way.
- 2) That the proposed grading shall be in such a manner that no additional storm-water runoff shall be directed onto abutting properties including the City right-of-way and that the lowest floor, including basement, of the proposed dwelling shall be at least 3-feet above the maximum high ground water elevation.
- 3) That all existing and proposed dwellings shall be connected to the Warwick Sewer System.
- 4) That all Sewer Assessments shall be paid in full prior to recording.
- 5) That the existing oak tree located at the corner of Horse Neck Road shall be preserved during construction.

On the motion of Mr. Iacobucci, seconded by Mr. Gambardella, 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.

The Chairman then accepted a motion by Mr. Slocum to continue the following applications to the next regular meeting of the Planning Board to be held on January 10, 2007 at 6:00 P.M. in the Lower Level Conference of the Warwick City Hall. The motion was seconded by Mr. Constantine and passed unanimously.

Minor Subdivision

Greenwood Gardens Section II

Applicant: Bridgeview Construction
Location: 199 Spooner Avenue and Pamela Circle
Assessor's Plat: 269
Lot: 94
Zoning District: Residential A-10
Land Area: 28,205 square feet
Number of lots: 2
Engineer: Ocean State Planners, Inc.
Ward: 8

The applicant is requesting Preliminary approval to subdivide one lot with an existing dwelling to create two lots, one lot with an existing dwelling and one new lot for development in a Residential A-10 Zoning District.

Major Land Development Project

Residences at Ives Bluff

Applicant: Ives Bluff LLC.
Location: Old Forge Road
Assessor's Plat: 209
Lot(s): 1 & 6
Zoning District: Planned District Residential (PDR) A-10/A-40
Land Area: 15.5 Acres
Number of lots: 2
Engineer: S.F.M. Engineering Associates
Ward: 9

The applicant is requesting Master Plan approval of a Major Land Development Project to subdivide two lots to create two new lots; one lot for the development of eight new single-family residential structures and one lot to be purchased by the City of Warwick as Open Space in accordance with City Council Zone Change PCO-7-06.

Request for an Extension

Centerville Commons

Applicant: Old Forge Properties LLC.
Location: 171, 181 & 203 Centerville Road and Calef Street
Assessor's Plat: 246
Lot(s): 247, 250, 251 & 257
Zoning District: Office to Planned District Residential A-7
Land Area: 4.28 acres
Number of lots: 4
Engineer: Ocean State Planners, Inc.

Ward: 8

The applicant is requesting a Master Plan approval extension of the “Centerville Commons” decision to merge four lots and to allow for the development of 38-unit residential condominium complex recorded on December 15, 2005.

Administrative Subdivisions

Bazarnik Subdivision - Spofford Avenue	Plat: 288 Lots: 161 & 162
NEIT – Post Road	Plat: 344 Lots: 146, 149, 154, 155 & 156

The meeting was adjourned at 6:40 P.M.