

**City of Warwick Planning Board
Meeting Minutes**

Wednesday December 12, 2007

Members Present: John J. Mulhearn Jr., Chairman
Thomas Kiernan
Rick Robinson
Philip Slocum
Michael Constantine
Vincent Gambardella
James Desmarais

Members Absent: Michael Grande
George Arnold

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

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

On the motion of Mr. Slocum, seconded by Mr. Robinson, the Planning Board voted six in favor with Mr. Desmarais abstaining to accept the November 2007 meeting minutes.

Public Informational Meeting

Major Subdivision

Watson Plat

Applicant: Donald E. Watson
Location: 126 Woodbine Avenue
Assessor's Plat: 373
Lot(s): 88, 90 & 92
Zoning District: Residential A-15
Land Area: 30,000 square feet
Number of lots: 2
Engineer: Caito Corporation
Ward: 6

Attorney Jeffery Caffrey represented the applicant who is requesting master plan approval to subdivide three lots with an existing single family dwelling to create two new lots; one conforming lot with an existing single family dwelling and one

nonconforming lot with less than the required area in a Residential A-15 zoning district.

Mr. Caffrey informed that Planning Board that the property had been sold since the time of the application he presented an affidavit of notice stating that new owner is a Mr. Michael Levesque.

Mr. Caffrey then introduced Mr. John Caito, P.E., who explained that the applicant had presented several proposals to the Planning Department. He informed the Board that the property had access to public sewer and water, that one proposal consisted of two lots, one 12,356 square foot lot and one 17,600 square foot lot, that a second proposal consisted of a 12,014 square foot lot and a 17,966 square foot lot but that the second proposal would result in oddly configured lots.

Mr. Caito then informed the Planning Board that the Planning Department suggested that the owner propose a fully conforming 20,000 square foot lot and a slightly undersized 10,000 square foot lot that were regular (rectangular) in shape. The engineer further explained that the proposed subdivision would require Zoning Board of Review approval for approximately 6” (inches) of side setback and 2,000 square feet of land area for the new lot for development.

The Planning Board then opened the public meeting.

Mr. Matt Russo of 149 Laurel Avenue asked to review the proposal and did not object to the subdivision plan.

Being no further public comment or questions 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.

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 an undersized 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 is to grant master plan approval with the following stipulations:

1. That the applicant shall receive Zoning Board of Review approval to create an undersized lot for development.
2. That the applicant shall record a deed restriction which prohibits the creation any additional lots from Lot 1, as a condition of the subdivision.
3. That the existing dwelling and the proposed new dwelling shall be connected to the Warwick Sewer System, prior to issuance of a Certificate of Occupancy (C.O.).
4. That the developer shall plant one new street tree on Lot 1, size, species and location to be determined by the City Landscape Project Coordinator prior to issuance of a Certificate of Occupancy (C.O.).
5. That the final plan shall include the following notation that the 24” Beech Tree located on Lot 2 at the corner of Woodbine Avenue and Janice Road shall be preserved and protected with tree drip-line protection during construction.

On the motion of Mr. Gambardella, 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 stipulations.

Public Meeting

Request for a Reinstatement

Centerville Road Multi-family

Applicant: Charles Abosamara
Location: 724 Centerville Road
Assessor’s Plat: 242
Lot(s): 7, 8 & 35
Zoning District: Residential A-15
Land Area: 2.72 Acres
Number of lots: 3
Engineer: Ocean State Planners, Inc.
Ward: 8

Attorney John C. Revens represented the applicant and requested that the Planning Board continue the application to its next available meeting.

On the motion of Mr. Slocum, seconded by Mr. Gambardella, the Planning Board voted unanimously to continue the application to its next available meeting.

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: Planned District Residential A-10 and Open Space
Land Area: 9.50 acres
Number of lots: 2
Engineer: Garafalo & Associates, Inc.
Ward: 7

Attorney John C. Revens represented the applicant and was requesting an extension of the master plan approval for the "Bayside Condominiums" project to subdivide three lots to create two lots, one lot "not for development" and one lot for the construction of a 10-unit multi-family development with less than the required side yard setback.

Mr. Revens explained that the project was being delayed by the RI Coastal Resources Management Council (CRMC).

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 22, 2009.

On the motion of Mr. Slocum, seconded by Mr. Constantine, the Planning Board voted six in favor with Mr. Mulhearn abstaining, to grant the requested extension to expire on March 22, 2009.

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

Attorney John C. Revens represented the applicant and was requesting a second extension of the "Centerville Commons" Master Plan approval decision to merge four lots and to allow for the development of 38-unit residential condominium complex recorded on December 15, 2005. Attorney Revens explained that the applicant was in the process of securing State of Rhode Island approvals for the project.

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 one **final extension** to expire on December 15, 2008.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted six in favor with Mr. Mulhearn abstaining, to grant one **final extension** to expire on December 15, 2008.

Public Meeting

Minor Subdivision

Brookfield Plat

Applicant:	Brookfield Development, LLC.
Location:	54 Beaver Avenue
Assessor's Plat:	358
Lots:	216 & 413
Zoning District:	Residential A-7
Land Area:	15,258 square feet
Number of lots:	2
Engineer:	Waterman Engineering Company
Ward:	5

Mr. Richard Lipsitz P.E. of Waterman Engineers represented the applicant and was requesting preliminary approval to subdivide six abutting record lots totaling 15,258 square feet containing one residential structure to create two new lots, one conforming 7,723 square foot lot containing an existing dwelling and one conforming 7,535 square foot lot for the construction of a new single family home in a Residential A-7 zoning district.

Mr. Lipsitz explained that the project was a minor subdivision that would result in one new lot for development.

Being no questions or comments the Planning Board then 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, 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 stipulation that all trees located within the existing City right-of-way shall be preserved and protected with drip-line tree protection during construction.

On the motion of Mr. Gambardella, 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 with the Planning Department's recommended stipulation.

Public Informational Meeting

Major Subdivision

Re-plat of Haswill Shore Plat

Applicant:	Carol and Sabatino Ranucci
Location:	Dan Street
Assessor's Plat:	361
Lots:	256, 257, 258 & 871
Zoning District:	Residential A-40
Land Area:	33,118 square feet
Number of lots:	3
Engineer:	Ocean State Planners, Inc.
Ward:	6

Attorney Louise Marcus represented the applicant and was requesting master plan approval of a Major Subdivision to reconfigure four abutting nonconforming lots to create three lots; one lot with less than the required area, frontage and lot width with two residential structures having less than the required setbacks; two lots with less than the required area, frontage and lot width each lot having a single family dwelling with less than the required setbacks in a Residential A-40 zoning district.

Attorney Marcus explained that the applicant was attempting to reconfigure the property so that each of the dwellings would be on individual lots with adequate street frontage. She further explained that some of the dwellings currently have private access but that the subdivision would provide direct access and frontage on a public street.

Board member Slocum asked the applicant to show the proposed frontage and explain how each property would be accessed from the public street.

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

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 have one lot with less than the required area, frontage and lot width with two residential structures having less than the required setbacks and two lots with less than the required area, frontage and lot width each lot having a single family dwelling with less than the required setbacks.
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 have one lot with less than the required area, frontage and lot width with two residential structures having less than the required setbacks; two lots with less than the required area, frontage and lot width each lot having a single family dwelling with less than the required setbacks.
2. That the final plan shall contain the following:
 - Graphic Scale.
 - Location and approximate size of houses on abutting lots.
 - Plat Card numbers in reference section.
 - Proposed ROW or the reference deed book and page of an existing ROW.
 - Add lots 256 & 257 to the title block.
 - Revise 13.50+/- distance on "Parcel B" to depict actual distance to closure line.
 - Note purpose of the subdivision.

On the motion of Mr. Kiernan, seconded by Mr. Gambardella and 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 stipulations.

Street Abandonment

Portion of June Avenue

Petitioner: Robert Henninger
Location: Assessors Plat: 332 see attached map.
Ward: 4

Reason for Abandonment: The petitioner is currently encroaching on a portion of the paper street, June Avenue with fence, shed and gazebo. The petitioner wishes to annex that portion of June Avenue into his abutting property.

Mr. Robert Henninger represented himself and was requesting that the Planning Board favorably consider his application for the abandonment of a portion of June Avenue.

Board member Slocum asked why Mr. Henninger wanted to abandon the paper street.

Mr. Henninger offered a detailed history of the property and explained that he believed that his family was the rightful owners of the property.

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

The City Engineering Office, Warwick Land Trust and Planning Department strongly object to the proposed abandonment. According to Planning Department records dating back to March of 1989, the intent of the June Avenue paper street was to preserve a stand of oak trees and provide public open space for the community. Abandonment of this section of June Avenue would not only eliminate the public open space it would also enable the petitioner to further subdivide his property into an additional house lot.

The Planning Department strongly recommends the Planning Board forward a recommendation to deny the requested street abandonment to the Warwick City Council and request that the petitioner remove all encroachments from the City property.

On the motion of Mr. Constantine, seconded by Mr. Kiernan, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to deny the requested street abandonment to the Warwick City Council and request that the petitioner remove all encroachments from the paper street.

Administrative Subdivision

Re-plat Map of Oakland Beach Plat: 375 Lots: 555 – 557, 432 & 433