

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, January 14, 2009**

**Members Present:** Philip Slocum Acting Chairman  
Michael Constantine  
Cynthia Gerlach  
Rick Robinson  
James Desmarais  
Thomas Kiernan  
Leah Prata

**Members Absent:** John J. Mulhearn Jr.  
Vincent Gambardella

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

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

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted six in favor with Ms. Gerlach abstaining to approve the December 2008 meeting minutes.

**Public Informational Meeting**

**Major Subdivision**

Cottages at Aldrich Farm

Applicant: The Grenier Group  
Location: Warwick Neck, Beacon, Warner  
and Narragansett Bay Avenues  
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

Prior to opening the public informational meeting Board member Gerlach informed the Planning Board that she had a conflict and would not participate in the informational meeting.

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a major subdivision to subdivide nine (9) record lots with an existing dwelling to create nine (9) new record lots with an existing dwelling on an existing street in a Residential A-40 zoning district.

Attorney Shekarchi introduced Mr. Kevin Morin, P.E. of DiPrete Engineers and Mr. Timothy Grenier, property owner/applicant. Mr. Shekarchi introduced the master plan package as a formal exhibit (#1). Attorney Shekarchi then explained the process that the applicant undertook to extend sewers to the site.

Attorney Shekarchi explained that the applicant performed a sewer capacity analysis for the development, negotiated an agreement with the Diocese of Providence to connect to a private sewer line and applied to the Warwick Sewer Authority for approval of the sewer connection. Attorney Shekarchi informed the board that in spite of the applicant's efforts and willingness to commit to a sewer impact fee that the Sewer Authority denied the request for connection. As a result, the applicant has no choice but to develop the site with individual on-site septic systems.

Attorney Shekarchi explained that only portions of the property were determined adequate to house a septic system so the applicant was forced to design a community septic system for five of the eight proposed house lots. The attorney further explained that the City required the applicant to receive RIDEM approval prior to processing the application. Mr. Shekarchi informed the Planning Board that the development does have RIDEM approval for the septic system.

Mr. Kevin Morin, P.E., of DiPrete Engineers; then explained the details of the development. Mr. Morin addressed the water table in the area and the drainage characteristics of the property. Mr. Morin explained that the development would result in a zero net increase in runoff from the property and that several of the homes would be constructed without basements because of the high water table. Mr. Morin suggested that the development consisted of drywells for the roof top runoff and pervious pavement for the driveways as ways to alleviate drainage problems.

Mr. Morin then addressed the existing stonewalls surrounding the property. He stated that the walls would remain and that sections would be carefully removed to accommodate driveways. Mr. Morin presented a picture of proposed gates that would be installed at the drives. He also stated that the applicant would appear before the Warwick Historic District Commission for approval.

Mr. Morin then explained that the RIDEM approved the community septic system for five homes, as well as, separate systems the three remaining homes. Mr. Morin then addressed one of the Planning Department recommendations regarding elimination of the dwelling on lot #2 of the plan. Mr. Morin explained that RIDEM had approved the community septic system, a new home and an individual septic system for the lot and asked the Planning Board to consider allowing the home and the individual septic system to remain on the lot. Mr. Morin also addressed the Easement, Covenants, Conditions, Restrictions, Charges and Liens Document for the community septic system stating that draft documents have been produced and that RIDEM and the City would be asked to review and comment on the documents.

Attorney Shekarchi followed Mr. Morin's presentation and introduced exhibit 2 a certification of notice for the public informational meeting and concluded the presentation.

Board member Kiernan asked why the applicant had been denied a connection by the Sewer Authority.

Attorney Shekarchi responded that he did not know.

Board member Slocum asked if lot 2 was proposed to have a single family home and two septic systems.

Attorney Shekarchi responded to the affirmative and noted that the RIDEM had approved the plan.

Being no further questions or comments the Planning Board then opened the public comment portion of the meeting.

Mr. Carlo Pisaturo of 181 Narragansett Bay Avenue explained that in 1991 he sponsored a city wide sewer bond and that he believes that the Sewer Authority should allow sewers in Warwick Neck because they are desperately needed. Mr. Pisaturo stated that he had no objection to new homes on the property. Mr. Pisaturo then asked the Planning Board why the Sewer Authority would not allow the development to connect to sewers.

Board member Slocum explained that the Planning Board does not know why the Sewer Authority made the decision not to allow sewers and informed Mr. Pisaturo that the Planning Board does not have any authority over the Sewer Authority.

Mr. Pisaturo then explained to Attorney Shekarchi that his sump pump runs continually because the area is wet, that there is only a three foot water table. Mr. Pisaturo asked who would be responsible for pumping the community septic system.

Attorney Shekarchi responded that the homeowners association would be responsible for maintenance of the community system.

Mr. Chris Stowe of Beacon Avenue was concerned about drainage and water runoff from the property. Mr. Stowe stated that water currently runs off the property and across the street into a storm drain.

Mr. Paul Pustaeri of 1029 Warwick Neck Avenue stated that he had seen standing water on the property and was concerned that there may be wetlands on the site. Mr. Pustaeri informed the Planning Board that his house was built in 1994 and that he had to install a sump pump in 1999 because the water table was only 18 inches. Mr. Puataeri also stated that he was aware of at least seven new septic systems in the area since 1999 because of the high water table. Mr. Pustaeri asked Mr. Shekarchi if there was a plan to cap the brook located on the property.

Attorney Shekarchi responded that he was not aware of a brook on the site. Mr. Shekarchi stated that an engineer and a biologist as well as RIDEM had walked the site and none of them made a determination that there was a stream or any type of wetlands on the site.

Mr. Kevin Morin of DiPrete Engineers stated that he did find a depression on the property and that he could hear water gurgling but that it was his opinion that the gurgling sound was because of groundwater.

Mr. Patrick Cane, one of the abutting property owners asked Mr. Morin to explain the number of water table tests the RIDEM required on the site.

Mr. Morin explained that RIDEM required three separate water table tests for the property before it would verify the results.

Mr. Raymond Sheridan of 20 Beacon Avenue informed the Planning Board that he purchased the house on the northeast corner of the property. He informed the board that he had to call the police on several occasions because teenagers were hanging out and drinking on the property.

Mr. Mathew Schulte of 1000 Warwick Neck Avenue informed the board that his home had two sump pumps and that he was concerned about the high water table in the area. Mr. Schulte also informed the board that he has a degree in historic preservation and is concerned about the integrity of the stone walls surrounding the property.

Mr. Rick Brown of 122 Narragansett Bay Avenue informed the Planning Board that he has lived in the area for many years and that he could recall that the depression on the property was actually a small pond with a retaining wall around it. He believes that children who utilized the field as part of the PAL baseball league caved the wall into the pond many years ago.

Mr. Pisaturo of 181 Narragansett Bay Avenue asked the Planning Board to request that the Warwick Sewer Authority extend sewers to the development.

Board member Slocum reaffirmed that the Planning Board has no authority over the Sewer Authority.

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

Board member Constantine requested that the Planning Department revise stipulation #2 to allow that the lot be developed should sewers become available and the community system is closed.

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.

The Planning Department recommendation was to grant Master Plan approval with the following stipulations:

1. That the applicant shall receive a Certificate of Appropriateness from the Warwick Historic District Commission for the alteration of any existing stone walls within the proposed development, as required in Warwick Zoning Ordinance Section 311.10 "Stone Walls."
2. That record lot 2 shall contain the community septic system only and shall not be developed for residential use unless access to the Warwick Sewer system becomes available and the community waste water system is discontinued and properly closed.
3. That the design engineer must provide documentation that the proposed development will not result in an increase in the rate or volume of runoff.
4. 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.
5. That the water service connection shall not be from Warwick Neck Avenue due to the recent roadway reconstruction project.
6. That a landscape plan shall be prepared by a licensed Rhode Island Landscape Architect with consultation with the City Landscape Project Coordinator.
7. That the Easement, Covenants, Conditions, Restrictions, Charges and Liens Document for the community septic system shall be reviewed and approved by the City Solicitor, prior to preliminary plan stage of review approval.
8. 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.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted six in favor, with Ms. Gerlach abstaining, to formally adopt the Planning Department's findings and to grant master plan approval with the Planning Department stipulations, as amended.

**Public Meeting**

**Request for an Extension**

**Amoroso Estate**

<b>Applicant:</b>	Walter and Margaret Amoroso
<b>Location:</b>	85 Rustic Way
<b>Assessor's Plat:</b>	364
<b>Lot:</b>	227 & 528
<b>Zoning District:</b>	Residential A-7
<b>Land Area:</b>	2.37 Acres
<b>Number of lots:</b>	8
<b>Engineer:</b>	Alpha Associates
<b>Ward:</b>	7

Mr. Walter Amoroso represented himself and was requesting an extension of a preliminary plan approval for a major subdivision to divide two lots into eight new lots, one lot with an existing dwelling and seven new lots for development on a new street in a Residential A-7 zoning district. Mr. Amoroso explained that due to the current economic conditions that he could not precede with his development at this time.

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

December 4, 2009.

On the motion of Mr. Kiernan, seconded by Mr. Desmarais and Ms. Prata, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on December 4, 2009.

**Public Meeting**

**Request for an Extension**

**North End Realty, LLC.**

**Applicant:** North End Realty, LLC.  
**Location:** 12 Whipple Avenue  
**Assessor's Plat:** 246  
**Lot:** 243  
**Zoning District:** Office  
**Land Area:** 1.3 Acres  
**Number of lots:** 1  
**Engineer:** SFM Engineering Associates  
**Ward:** 8

Attorney K. Joseph Shekarchi represented the applicant and was requesting an extension of a master plan approval for a major land development project to construct a new 10,800 square foot office building on a lot with less than the required setback for parking and less than the required landscape buffer in an Office Zoning District.

Attorney Shekarchi explained that the applicant was working on finalizing approval of the Narragansett Electric easement and the connection for the Warwick Sewer Authority. Mr. Shekarchi explained that the project was almost ready for preliminary approval but that they were asking for an extension as a matter of caution.

Being no questions or comments 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 December 14, 2009.

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 December 14, 2009.

### **Street Abandonment**

#### **Portion of Randall Avenue**

**Petitioner:** T and N Realty  
**Location:** Assessors Plat: 378 see attached map.  
**Ward:** 5

Attorney K. Joseph Shekarchi represented the applicant and was requesting the abandonment of Randall Avenue. Attorney Shekarchi explained that the paper street runs through and under the marina building at 382 Randall Avenue.

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

**Recommendation:** The City's Water, Sewer and Fire Departments have no objection to the abandonment.

The Public Works Department, the Conservation Commission and Land Trust have recommended conditional approval of the abandonment with the following stipulations:

1. That the petitioner shall configure and define geometrically a 15' right-of-way (ROW) within the existing driveway which shall be labeled and deeded as a public ROW to provide shoreline access extending to the westerly edge of the property to the mean high water (MHW).
2. That the petitioner shall provide improved safe and viable public access which shall be developed at the end of the improved section of Randall Avenue (pole 29) to provide access to Warwick Cove.

The Planning Department recommended the Planning Board forward a positive recommendation for the requested street abandonment with the aforementioned stipulations.



On the motion of Mr. Constantine, seconded by Mr. Kiernan, the Planning Board voted unanimously forward a positive recommendation for the requested street abandonment with the Planning Department's recommended stipulations.

### **Administrative Subdivisions**

The Administrative Subdivisions were included for informational purposes.

Helen Avenue Plat  
Helen Avenue

Plat: 368      Lots: 112 & 138

Bayside Plat  
Post Road

Plat: 366      Lots: 5, 6 & 66

Being no further business the meeting was adjourned at 7:20 PM.