

**City of Warwick Planning Board
Meeting Minutes
Wednesday January 13, 2010**

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

Members Absent: None

Also in attendance: Peter Ruggiero, Solicitor
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 November 2009 meeting minutes.

Public Meeting

Minor Subdivision

4292 Post Road

Applicant: 164 Property Ltd.
Location: 4292 Post Road
Assessor's Plat: 221
Lot(s): 24
Zoning District: Office
Land Area: 19,609 square feet
Number of lots: 2
Engineer: Ocean State Planners, Inc.
Ward: 9

Mr. Robert Lamoureux represented himself and was requesting preliminary approval to subdivide one conforming lot with an existing single family dwelling to create two lots, one lot with an existing single family dwelling and one new lot for development in a an Office Zoning District.

Mr. Lamoureaux explained that he desired to subdivide a 19,609 square foot lot into two lots, one 12,041 square foot lot and one 7,568 square foot lot in full, conformance with the City's zoning regulations.

Being no 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.
- 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 with the following stipulations:

- 1) That the final plan shall include the following:
 - a. Grading for the proposed new structure.
 - b. Note station and offsets to all property corners.
 - c. Show property lines for lot #25.
 - d. Note the location of Wolverstone Road across Post Road.
 - e. Note if topographic features are Class I or Class III.
 - f. Show dimension to iron rod POL on southern property line.
 - g. Plan must be in compliance with Section 3.02C of the Procedural and Technical Standards for the Practice of Land Surveying.
- 2) The developer shall meet with the Warwick Sewer Authority to provide sewer connection to proposed "Parcel B", prior to final approval.
- 3) The developer shall contact the City's Landscape Project Coordinator to determine tree preservation for proposed "Parcel B", prior to final approval.

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning Board voted eight (8) in favor, with Chairman Mulhearn abstaining, 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 stipulations.

Public Hearing

Major Land Development Project

Plan Way Plat

Applicant:	Plan Way Realty
Location:	33 Plan Way
Assessor's Plat:	280
Lot(s):	11
Zoning District:	General Industrial
Land Area:	2.04 acres
Number of Lots:	2
Engineer:	Caito Corporation
Ward:	3

Mr. John Caito, PE, represented the applicant and was requesting a combined Master Plan/Preliminary approval of a Major Subdivision to subdivide a 2.04 acre lot with an existing Special Use Permit to have a sand and gravel/building materials operation to create two lots, one lot with a Zoning Board of Review approved sand and gravel/building materials operation and one new lot for development in a General Industrial Zoning District.

Mr. Caito presented an affidavit of notice to the Planning Board and informed the Board that one letter had been returned. Mr. Caito then explained that the proposal was to subdivide a two acre lot into two lots, one 44,502 square foot lot and one 44,299 square foot lot in full conformance with all zoning and subdivision requirements.

Being no 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 having received a Special Use Permit Petition #9187 authorizing a sand and gravel/building materials operation.
- 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 a combined Master Plan/Preliminary approval with the following stipulations and with final approval to be through the Administrative Officer:

- 1) All plans for new construction on the subject property shall be subject to the approval of the Warwick Sewer Authority to determine any effect on existing sewer easements running through the property.
- 2) The developer shall meet with the Warwick Sewer Authority to provide sewer connection to proposed "Lot 2", prior to final approval.
- 3) That any new commercial building shall conform to all WSA pretreatment requirements.
- 4) That a landscape plan drawn and stamped by a RI registered landscape architect shall be approved, prior to the issuance of a Building Permit on the property.
- 5) That any new/additional development on the subject property shall be approved by the Zoning Board of Review, as conditioned in Petition #9187.

On the motion of Mr. Desmarais, seconded by Mr. Slocum, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant a combined Master Plan/Preliminary approval with final approval to be through the Administrative Officer with the Planning Department's recommended stipulations.

Public Hearing

Request for a Zone Change

Hardig Brook Village Apartment Building Antenna

Applicant: Cox TMI Wireless
Location: 331 Centerville Road
Assessor's Plat: 247
Lot(s): 27
Zoning District: Planned District Residential (PDR) A-10
Land Area: 4.3 Acres
Number of lots: NA
Engineer: Dimitry Albul, PE.
Ward: 8

Attorney Koln Akindele represented the applicant and was requesting a zone change to City Council Ordinance PCO-77-19 authorizing a multi-family apartment building for the elderly to install a building antenna on a building that is higher than allowed in a Planned District Residential (PDR) A-10 Zoning District.

Attorney Akindele explained that the proposal was to install three building antennas designed to resemble vent pipes on the roof of the Hardig Brook Village Apartment Building. The attorney explained that the antennas were necessary to provide gap coverage in the area of Centerville Road and Route 95. Attorney Akindele further explained that the building antennas are allowed under the zoning ordinance but the building exceeds the maximum height and as a result the antennas will require City Council to exceed the maximum height.

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

The Planning Department found the proposed zone change 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 Services and Facilities Element.

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.
- (G) The use of innovative development regulations and techniques.

103.10 Promote a high level of quality in design in the development of private and public facilities.

The Planning Department’s recommendation was for a favorable recommendation to the Warwick City Council for the requested zone change with the following stipulations:

- 1) That the applicant shall receive a waiver from Zoning Ordinance Section 506 (c) 8. Building Antennas to have a building antenna at a height that exceeds the maximum height of the zoning district.
- 2) That the proposed building antennas shall be designed in a manner that resembles brick chimneys of the same color and texture of the existing building.

On the motion of Mr. Desmarais, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to forward a favorable recommendation to the Warwick City Council with the Planning Department’s recommended stipulations.

Public Meeting

Request for a Zone Change

Second Avenue

Applicant:	PI Associates
Location:	Adjacent to 249 Second Avenue
Assessor’s Plat:	286
Assessor’s Lot(s):	215 & 216 from LI to Residential A-7
Assessor’s Lot(s):	74-85, 99-117, 132-152, 176-190, 217-227, 241 & 464 from LI to Open Space
Zoning District:	Light Industrial
Proposed Zoning:	Residential A-7 and Open Space

Attorney Daniel Flaherty represented the applicant and was requesting a zone change from Light Industrial (LI) to Residential A-7 and Open Space in order to construct a new dwelling on a 12,500 square foot lot and to preserve approximately 13.74 acres as open space.

Attorney Flaherty explained that the proposal was to merge two lots to create one buildable house lot and to merge 75 lots to be zoned Open Space and to donate the property to the City

or other nonprofit to be preserved as open space.

Being no questions of comments the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the goals and Policies Statement, the Implementation Program, the Land Use Element the Housing Element and the Natural Resources, Open Space and Recreation Element.

The Planning Department also found 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.
- (B) The natural characteristics of land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution.
- (C) The values and dynamic nature of coastal and freshwater ponds, the shoreline and freshwater and coastal wetlands.
- (D) The values of unique or valuable natural resources and features.
- (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.

103.4 Providing for control, protection and/or abatement of air, water, groundwater and noise pollution, and soil erosion and sedimentation.

103.5 Provide for the protection of natural, historic, cultural, and scenic character of the city or areas therein.

103.6 Provide for the preservation and promotion of agricultural protection, forest, silviculture, aquaculture, timber resources and open space.

103.8 Promote a balance of housing choices, for all income levels and groups.

103.10 Promote a high level of quality in design in the development of private and public

facilities.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zone change with the following stipulations:

- 1) That the applicant shall merge the subject lots through the Administrative Subdivision procedure as contained in the City of Warwick Development Review Regulations.
- 2) That the applicant should consider a land donation of the open space property to a public preservation group such as the Pawtuxet River Authority, Warwick Land Trust, the City of Warwick or other such group or entity.

On the motion of Mr. Constantine, seconded by Mr. Gambardella and Mr. Desmarais, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to forward a favorable recommendation to the Warwick City Council with the Planning Department's recommended stipulations

Bond Reduction

Buckpell Estates

Davis Circle

Current bond total	\$9,330.00
<u>Amount to be released</u>	<u>\$6,050.00</u>
Retain	\$3,280.00

For a waiver of sidewalks to be donated to the City's tree planting fund at the suggestion of the developer.

On the motion of Mr. Desmarais, seconded by Mr. Robinson, the Planning Board voted eight in favor, with Mr. Mulhearn abstaining, to grant a waiver from the sidewalk requirement in exchange for a donation to the City's tree planting fund.

On the motion of Mr. Desmarais, seconded by Ms. Prata, the Planning Board voted eight in favor, with Mr. Mulhearn abstaining, to approve the requested Buckpell Estates bond reduction.

**Miga Corona Plat
Sunny View Court**

Current bond total	\$43,000.00
<u>Amount to be released</u>	<u>\$32,671.00</u>
Retain	\$10,000.00

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning Board voted eight in favor, with Mr. Mulhearn abstaining, to approve the requested Miga Corona Plat bond reduction.

Administrative Subdivision

The following Administrative Subdivisions were included for information purposes.

McCarthy Plat	Plat 374 Lots 22 & 23
Toll Gate Crossings Plat	Plat: 262 Lots: 14 & 51

Being no further business the meeting was adjourned at 6:20 PM.