

**City of Warwick Planning Board
Meeting Minutes**

**Wednesday,
June 13, 2007**

Members Present: John J. Mulhearn Jr., Chairman
Attilio Iacobucci
Rick Robinson
Philip Slocum
Michael Constantine
Vincent Gambardella
George Arnold

Members Absent: Carter Thomas Vice-chairman
Jeanne Foster

Also in attendance: Peter Ruggiero, Solicitor
Patricia Reynolds, Business Development Planner
John DeLucia, City Engineer
Eric Hindinger, Assistant City Engineer

Chairman Mulhearn called the meeting to order at 5:55 P.M.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to accept the May 2007 meeting minutes. Board member Robinson was not present for consideration of the minutes and did not participate in the vote.

Chairman Mulhearn informed the Board that he was altering the agenda to allow Solicitor Ruggiero to present the proposed Zoning Amendment at the beginning of the meeting because of a scheduling conflict.

Public Meeting

Request for an Amendment to the City's Zoning Ordinance

Section 605 "Special Use Permits and Variances"

Applicant: City of Warwick
Location: 3275 Post Road
Zoning District: Zoning Ordinance amendment to Section 605 "Special Use Permits and Variances"

The City of Warwick desires to amend Zoning Ordinance Section 605 "Special Use Permits and Variances" to allow an applicant to request a "Dimensional

Variance” in combination with a “Special Use Permit.”

Currently the City of Warwick Zoning Ordinance does not include a provision for such combination relief. The proposed language will allow limited (not to exceed a 50 percent deviation) dimensional relief to be granted simultaneously with a request for a Special Use Permit. The amendment will not allow dimensional deviations to be granted for density in multi-family developments however.

Solicitor Ruggiero informed the Planning Board about a 1998 Superior Court Case, Newton V. Zoning Board of Review, and a recent Superior Court Case, Coleba Enterprises V. Alliance Energy Corporation, in which the RI Superior Court found that the Warwick Zoning Board of Review had acted beyond its statutory authority to grant dimensional variance in conjunction with special use permits. Mr. Ruggiero informed the Planning Board that Rhode Island General Law does allow communities to adopt ordinances empowering Zoning Boards to grant conjunctive relief but that the City of Warwick had not adopted such language into its Zoning Ordinance.

Mr. Ruggiero further explained that the proposed zoning amendment presented the necessary language to allow the Warwick Zoning Board of Review to consider applications for such compound relief.

Board member Slocum asked if other communities in the state had adopted this type of language.

Mr. Ruggiero responded that it was common language that had been adopted throughout the state.

Attorney K. Joseph Shekarchi asked to be recognized and expressed his support of the proposed zoning amendment.

Being no further 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
- (G) The use of innovative development regulations and techniques.

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 line (53) be amended to include both table 2A and 2B Dimensional Regulations.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted formally to adopt the Planning Department’s findings and to forward a recommendation in favor of the proposed zoning amendment to the City Council with the Planning Department’s recommended stipulation.

Public Informational Meeting

Major Subdivision

Homeland Plat

Applicant:	RI Real Estate & Construction Solutions and Lynn M. Thomas
Location:	34 Hamilton Avenue and Pinnery Avenue
Assessor’s Plat:	342
Lots:	230, 231, 255 & 256
Zoning District:	Residential A-7
Land Area:	15,290 square feet
Number of lots:	2
Surveyor:	W. P. Skorupski, PLS.
Ward:	5

The applicant was requesting master plan approval to legalize an illegal subdivision of five abutting nonconforming record lots to create two new lots; one conforming lot with an existing dwelling requiring a zoning variance for less than the required rear yard setback and one new undersized nonconforming lot for development in a Residential A-7 Zoning District.

Due to an error in the required certified mail notice the application was continued to the next available meeting and future notice will be provided.

Public Meeting

Minor Subdivision

975 West Shore Road

Applicant: Mike Kent
Location: 975 West Shore Road
Assessor's Plat: 332
Lot: 435
Zoning District: Office
Land Area: 21,356 Acres
Number of lots: 2
Engineer: Environmental Planning & Surveying, Inc.
Ward: 4

Mr. Wesley Grant PLS. represented the applicant and was requesting preliminary approval to subdivide one conforming lot to create two new lots, one lot with an existing dwelling and one new lot for development in an Office Zoning District. Mr. Grant explained that the new lots would be fully conforming, that there was an existing sewer stub existing for the proposed new lot and that both properties would be connected to public sewer and water.

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 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 subdivision 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 final plan shall include the following notations:
 - Reference source of north arrow.
 - Add a bearing note to one line.
 - Notation regarding wetlands within 200' of the parcel.
 - Note any proposed grade changes.
 - Note base flood elevation on plan.
 - Add a note that the lowest floor elevation shall be 3' above the maximum seasonal high water table.
 - Depict overhead electric lines to existing house #975.
 - Reference for monumentation used to establish the subdivision.
 - Add minimum required lot area to zoning data.
- 2) The existing large Norway Spruce at 24 Hart Avenue located in proximity to the proposed new dwelling shall be protected during construction.
- 3) That the developer shall plant two new street trees to be approved by the City's Landscape Project Coordinator on Hart Avenue prior to the issuance of a Certificate of Occupancy for the new dwelling.

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 Hearing

Major Land Development Project

Armstrong Plat

Applicant:	Marc and Christopher Chapron and John Callahan
Location:	1681 West Shore Road
Assessor's Plat:	353
Lot(s):	47 & 48
Zoning District:	Residential A-10
Land Area:	11.86 Acres
Number of lots:	3
Engineer:	David Gardner and Associates
Ward:	5

Attorney K. Joseph Shekarchi represented the applicants and was requesting preliminary approval to subdivide two lots to create three lots, one lot with an existing dwelling, one lot to be developed as a two-family dwelling with less than the required wetland setback and one new

single family lot for development on an existing street in a residential A-10 Zoning District.

Attorney Shekarchi explained that the project had received master plan approval from the Planning Board and Zoning Board approval. He further explained that the Planning Board had granted a one year extension of the project while the applicants were working toward the RIDEM wetlands approval.

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

The Planning Department found the project 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 #9279) to have a two-family dwelling on a lot with less than the required wetland setback.
- 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 a combined preliminary/final approval.

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

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 requested that the Planning Board formally open the public hearing and continue the matter for consideration at the August 8, 2007 Planning Board meeting.

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning Board voted unanimously to open the public hearing.

On the motion of Mr. Gambardella, seconded by Mr. Iacobucci the Planning Board voted unanimously to continue the public hearing to the August 8, 2007 Planning Board meeting.

Public Hearing

Major Land Development Project

Centerville Gardens

Applicant: Offshore Development, LLC
Location: 1209 Centerville Road
Assessor's Plat: 250
Lot: 3
Zoning District: Residential A-15
Land Area: 2.73 acres
Number of lots: NA
Engineer: Ocean state Planners, Inc.
Ward: 8

Attorney John Harrington represented the applicant and was requesting preliminary approval of a Major Land Development Project to construct nine new residential condominium units on a lot with an existing single family dwelling in order to establish a 10 unit residential condominium development in a Residential A-15 Zoning District.

Attorney Harrington explained that the Planning Board had granted master plan approval and that the Zoning Board had issued a Special Use Permit for the project. The attorney further explained that both the Planning Board and Zoning Board of review had granted an extension for the project while the applicant's pursued their RIDOT physical alteration permit.

Harrington then briefly described the project to keep an existing single-family home and construct nine new condominium units (three buildings of three units each) for a total of ten residential units on the property.

Attorney Harrington then introduced Mr. Richard Bzdyra, PLS, Ocean State Planners Inc. Mr. Bzdyra described the general location of the project and the surrounding area. Mr. Bzdyra presented a rendering of the proposed buildings which were designed as "town house" units with garages below. He also informed the Planning Board that the development would be connected to public sewer and water.

Mr. Harrington explained that the project as designed required no dimensional relief and had received the required Special Use Permit for the City's Zoning Board of Review.

The Planning Board then opened the meeting to public comment.

Mr. Jerry Jarbo of 36 Fishes Lane expressed a concern that there would be blasting associated with the project, he also questioned the landscaping for the project in particular the need for a stockade fence along the abutting residential properties.

Mr. Jarbo also expressed his disappointment with a previously approved condominium development, Quail Ridge, and the fact that the landscaping was not installed according to the approved plans.

Mr. Bzdyra explained that there may be blasting for the road/driveway but that he believed no blasting was necessary for the condominium units. He further explained that the developers had relocated the utility connections for the project in order to avoid the need for blasting.

City Engineer, John DeLucia, explained the permitting process required for blasting and the fact that the RI State Fire Marshall's Office was responsible for permitting and supervision of blasting.

Mr. Bzdyra expressed his opinion as to why the project would not need a fence to screen the development from the abutting properties. Mr. Bzdyra informed the Board that the closest residence was approximately 120 feet away through a wooded area. He also expressed the applicant's willingness to institute a 40' no cut zone along the northerly side of the development in order to maintain a natural buffer between development and the abutting single-family homes.

Being no further questions or comment the Planning Board closed the public hearing and heard the Planning Department's findings and recommendation.

The Planning Department finds 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 a Special Use Permit (Petition # 9313) from the Zoning Board of Review.
- 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 prior to final approval the applicant shall secure written approval from the West Warwick Sewer Authority authorizing connection to the sanitary sewer system.
- 2) That the developer shall submit a sewer flow analysis stamped by a Professional Engineer to be approved by both the Warwick and West Warwick Sewer Authorities prior to final approval.
- 3) That the developer shall change the sewer cover standard contained in the preliminary plan to a City of Warwick standard sewer cover.
- 4) That sewer sampling manholes will be required for each building and all sewer lines within five feet of foundations shall be increased from 4” to 6” SDR.
- 5) That the drainage plan and calculations shall be amended as follows:
 - Water quality must be addressed for proposed watershed 1C.
 - Roof drainage should be infiltrated where possible to reduce storm-water runoff volumes.
 - Sediment fore bays must be detailed.

- 6) That a notation shall be added to the utility notes stating that the design engineer shall submit “as-built” plans and a “Certificate of Conformance” on all elements of the storm drainage system to be approved by the City Engineer prior to the issuance of a Certificate of Occupancy.
- 7) That a notation shall be added to the final plan stating that the contractor shall obtain a Soil Erosion and Sedimentation Control Permit from the City of Warwick Building Office prior to commencement of any construction activities.
- 8) That the landscape plan shall be amended to diversify the proposed evergreen species by changing seven (7) of the proposed 14 white pines to firs or spruce, to increase the size of the evergreen trees from 7’ to 8’ feet and to screen the dumpster location.
- 9) Amend notation #3 of the landscape plan to have the RI licensed arborist notify and confer with the City Landscape Project Coordinator regarding tree preservation for the site for any tree removal beyond the approved landscape plan.
- 10) That there shall be a 40’ no cut buffer zone established along the northerly side of the development.

On the motion of Mr. Slocum, 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 Hearing

Major Land Development Project

DeFelice Center, Multifamily and Office

Applicant:	3960 Post Road, LLC
Location:	3960 Post Road
Assessor’s Plat:	235
Lot(s):	17
Zoning District:	Office
Land Area:	1.41 acres
Number of lots:	1
Engineer:	Hudson Place Associates
Ward:	9

Mr. Dwight Leigh represented the applicant and was requesting Master Plan approval of a Major Land Development Project to demolish an existing 8,364 square foot office building and construct a new six unit residential building on a lot with an existing four unit residential building and an office, for a total of ten residential units and one office.

Mr. Leigh informed the Planning Board that the property had received an approval in 1998- 1999 to have a 3770 s.f. office building with an existing four unit residential building. Mr. Leigh informed the Planning Board members that the proposal was to remove the office building and replace it with a new six unit residential building.

Mr. Leigh informed the board that the property was zoned office and overall proposal for the property was mixed use consisting of one office building and ten residential condominium units. He stated that the project would result in less asphalt and reduced parking and increased landscaping on the site.

Mr. Leigh then introduced Peter Alviti, P.E., who described the details of the project. Alviti informed the board that there was a 16" water main in front of the property in Post Road. Mr. Alviti also stated that there are three septic systems currently on the property which would be eliminated with a sewer connection. Alviti explained that sewerage the project would provide relief to Greenwich Bay by reducing the nutrient load along with the reduction in paving and the increase in landscaping.

Mr. Alviti also informed the board that the proposed change in use would result in less traffic especially during the peak hour. The current peak is 15 vehicles per hour and the new peak would be three vehicles per hour.

Mr. Leigh summarized the project stating that the project would meet all zoning requirements, comply with CRMC regulations, reduce storm-water runoff and nutrient loading reduce traffic and that the proposed use is consistent with those used along Post Road.

Board member Slocum asked how many stories the proposed building would be.

Mr. Leo Grenier, architect for the project, stated that the building would be three stories and contain six residential units.

Robert and Laurie Caruso-Burn of 20 Sea Breeze Lane asked if the building would block their view.

Mr. Grenier explained that the building would consist of a mansard roof and was to be approximately 32 feet in height. He also speculated that the new building would actually improve the view.

Board member Slocum asked what the height of the existing building.

The architect responded that the existing building was 35 feet high and that the new building would actually be lower at 32 feet.

Ms. Joan Pride of Highland Avenue stated that she had no objection to the project.

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

The Planning Department found the project 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 however requiring a Special Use Permit from the Zoning Board of Review.
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 a Special Use Permit from the Zoning Board of Review to have ten multi family units and an office on a 1.41 acre parcel.
- 2) That the preliminary plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
- 3) That all state permits, including but not limited to, Coastal Resources Management Council (CRMC) and RI Department of Environmental Management (DEM) Underground Injection Control (UIC) are required prior to preliminary approval.
- 4) That the project engineer shall consult with the City Engineer regarding site grading issues and drainage design prior to submitting an application to the Zoning Board of Review.
- 5) That the project engineer shall redesign the parking area to eliminate the two single spaces at the southern property line and incorporate these spaces into southern edge of the proposed new parking area.

- 6) That the project engineer shall submit the revised parking plan to the Planning Department for review and approval prior to submitting an application to the Zoning Board of Review.
- 7) That the location and number of hydrants must be approved by the Warwick Fire Marshall prior to preliminary approval.
- 8) That the project engineer shall provide a sewer impact study, stamped by a Professional Engineer, which shall include projected pre-construction and post-construction flows and to be approved by the Warwick Sewer Authority prior to preliminary approval.

On the motion of Mr. Slocum, seconded by Mr. Gambardella, the Planning Board voted six in favor with Chairman Mulhearn abstaining to formally adopt the Planning Department's findings and to grant master plan approval with the Planning Department's recommended stipulations.

Being no further business the Planning Board meeting was adjourned at 7:00 PM.