

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, June 11, 2008

Members Present: Philip Slocum
Cynthia Gerlach
Vincent Gambardella
Thomas Kiernan
Rick Robinson
James Desmarais

Members Absent: John J. Mulhearn Jr.
Michael Constantine
George Arnold

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

The meeting was called to order at 6:05 P.M., with Planning Board Member Slocum as acting chair.

On the motion of Mr. Robinson, seconded by Mr. Gambardella, the Planning Board voted unanimously to approve the May, 2008 meeting minutes.

Public Meeting

Minor Subdivision

Oxford Properties – 69 Post Road

Applicant: James Turner and Mary Sharp
Location: 69 Post Road
Assessor's Plat: 291
Lot(s): 023
Zoning District: Office
Land Area: 44,279 square feet
Number of lots: 2
Engineer: Ocean State Planners, Inc.
Ward: 1

Mr. Richard Bzdyra, PLS and President of Ocean State Planners, represented the applicant to request Preliminary Approval of a Minor Subdivision to subdivide one lot with an existing dwelling into two lots, providing one new lot for development. Mr. Bzdyra explained that the applicant is proposing to sell the existing house and construct a single family dwelling on the newly created lot to be used as a retirement home for the applicant.

Mr. Bzdra testified that public water and sewer are available, the curb cuts have been established, and the existing area is zoned Office, with a Historic District Overlay.

The applicant appeared before the Planning Board over a year ago with the same application and was granted Preliminary Approval, which has since expired.

Being no further questions or public comment, the Planning Board 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.

The 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 any new construction shall be approved by the Warwick Historic District Commission, prior to the issuance of a building permit.
- 2) That the final development plan shall modify the limit of disturbance to prohibit any disturbance to the existing 12" drain line and to prohibit construction vehicles from driving over the existing drain line.
- 3) That the applicant shall plant one new street tree, species and location to be approved by the City's Landscape Project Coordinator, prior to issuance of a Certificate of Occupancy.

- 4) That all proposed grading shall be contained within the limit of disturbance and that Note 7 shall be changed to reflect proposed grading, on the final plan.
- 5) That the area tables shall be corrected to match area on parcels, on the final plan.
- 6) That the final plan shall add station and offsets to the front property corners and note the RIDOT easement and geometry on a separate detail.

On the motion of Mr. Gambardella, seconded by Mr. Robinson and Mr. Desmarais, the Planning Board voted unanimously to formally adopt the Planning Department's findings and 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

Re-plat of Haswill Shore Plat

Applicant:	Carol and Sabatino Ranucci
Location:	Dan Street
Assessor's Plat:	361
Lot(s):	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

Richard Byzdra, PLS and President of Ocean State Planners, and Attorney Louise Marcus represented the applicant who was requesting Preliminary 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 informed the Planning Board that the application had been unanimously approved by the Planning Board at Master Plan and the Zoning Board of Review. Attorney Marcus stated that the applicants are reducing the total number of lots in order to bring the parcel more closely into compliance.

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

The Planning Department found this 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 # 9602) 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.

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 project engineer shall incorporate the utility information on the final plan, which shall be approved by the City Engineer, prior to Final Approval.

On the motion of Mr. Robinson, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the Planning Departments recommended stipulation.

Public Hearing

Major Land Development Project

Balise of Warwick

Applicant:	Advantage Construction/Balise
Location:	1400 Post Road
Assessor’s Plat:	309
Lot:	062
Zoning District:	Light Industrial
Proposed Zone:	General Business, with variances
Land Area:	9.2 acres

Number of Lots: 1
Engineer: Fuss & O'Neill
Ward: 3

Attorney K. Joseph Shekarchi, Sean Arruda and Michael Sousa, Professional Engineers from the firm Fuss & O'Neill, represented the applicant to request Master Plan approval of a Major Land Development Project and a zone change recommendation for the construction of a new 62,973 square foot building for an auto dealership and service center. Attorney Shekarchi presented the projected and stated that while it appears that the applicant is seeking a substantial amount of relief, in actuality, they will be reconstructing a building that had been demolished and that the new site development will be a significant improvement over the previous condition with a smaller building footprint and a decrease in impervious area, helping the watershed and wetlands area.

The Attorney stated that there are wetlands on the site and that the applicant has received approval from Rhode Island Department of Environmental Management (DEM) for the project.

The applicant is seeking a zone change to General Business in order to be more in conformance with the abutting automotive uses, stated Attorney Shekarchi.

Mr. Slocum asked if the applicant was planning on merging the lot with the adjacent lots. Attorney Shekarchi explained that this was not under consideration because the other lots were in different ownership.

Ms. Gerlach asked if the applicant had considered using a "green roof?"

Mike Sousa, PE, Fuss & O'Neill stated that a green roof was not considered but that all the runoff will be going through water quality measures and there will be more landscaped areas than with the previous development of the site. Sean Arruda, PE, Fuss & O'Neill presented a graphic showing the previous conditions versus the proposed development and the related reduction in impervious surface.

Mike Sousa testified that an application for a Physical Alteration Permit (PAP) has been submitted to the Department of Transportation (DOT), but since there will be a net reduction in the number of trips, he was not anticipating any objections from the State. He explained that the trip generation is based on the gross floor area of the building and since the use will be maintained with a decrease in gross floor area, the number of trips will drop. The applicant is proposing to use the existing curb cut.

Being no further questions or public comment, the Planning Board 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) Generally consistent with the Comprehensive Community Plan.

- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring City Council approval for a zone change from Light Industrial to General Business, with variances for less than required wetlands setback, aisle distance from the proposed building, landscaping, size of parking spaces, number of loading spaces, greater than allowed driveway width and higher and larger than allowed signage.
- 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 with the following stipulations:

- 1) That the applicant shall receive approval from the City Council for a zone change from Light Industrial to General Business, with the requested variances.
- 2) That the project engineer shall be aware that Zero Net Runoff is considered a minimum and must make every effort to minimize storm water runoff and improve water quality. As a result, the project engineer shall infiltrate the runoff from the roof of the proposed building, as possible, to reduce the peak flow rate and runoff volume.
- 3) That all state permits, including but not limited to, RI Department of Environmental Management (DEM) Wetlands and Department of Transportation (DOT) Physical Alteration Permit (PAP) are required prior to Preliminary Plan Submission to the Planning Board.
- 4) That the project engineer shall meet with the City Engineer to discuss drainage issues prior to developing the design.
- 5) The project engineer shall stamp and submit all projected flows to the Warwick Sewer Authority (WSA) and that the applicant shall pay an Inflow & Infiltration (I&I) fee to the WSA based on these flows.
- 6) That the applicant shall submit design calculations to the WSA on the proposed sewer pump along with the contact information on the maintenance company who will be responsible for maintenance of the pump.
- 7) That the applicant shall comply with all pretreatment requirements and submit to the WSA detailed plans for review and approval.

- 8) That the fire and domestic water services shall be separate taps off the existing twelve inch (12”) line in Post Road.
- 9) 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.
- 10) That the applicant 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, as a condition of final approval.

On the motion of Mr. Robinson, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and grant Master Plan approval, with the Planning Departments recommended stipulations.

Request for a Zone Change

Applicant:	Advantage Construction/Balise
Location:	1400 Post Road
Assessor’s Plat:	309
Assessor’s Lot(s):	062
Zoning District:	Light Industrial
Proposed Zoning:	General Business, with variances.

Attorney K. Joseph Shekarchi represented the applicant and was requesting a recommendation for a zone change to construct a new 62,973 square foot auto dealership and service center, with less than required wetlands setback, aisle distance from the proposed building, landscaping, size of parking spaces, number of loading spaces, greater than allowed driveway width and higher and larger than allowed signage on a lot currently zoned Light Industrial and proposed to be zoned General Business, with variances.

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 Economic Development Element.

The Planning Department also found 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 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.

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

The Planning Department recommended that the Planning Board forward a favorable recommendation to the Warwick City Council, with all of the Planning Department's recommended stipulations.

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

Request for a Zone Change

Applicant:	Four Points Investments, LLC
Location:	Post Road
Assessor's Plat:	220
Assessor's Lot(s):	161
Zoning District:	Office
Proposed Zoning:	Planned District Residential (PDR) A-7, with variances.

Attorney Lisa Waggoner, represented the applicant and was requesting a recommendation for a zone change to convert an existing office to a residential unit. The current use of the property is a pre-existing, non-conforming building with four residential units and one office. The applicant is requesting to eliminate the office use and convert that unit to a low to moderate income residential unit for a total of five residential units with less than the required lot area, frontage, front side and rear yard setbacks, landscaped open space, and greater than allowed density and dwelling units per acre, less than required off street parking and landscaping, vehicular and pedestrian access points and screening.

Attorney Waggoner stated that the applicant has agreed to offer the unit as an affordable housing unit and this will be monitored by the Coventry Housing Authority. The affordable unit will be at eighty percent (80%) of mean income to qualify and will be deed restricted for thirty (30) years.

Board member Slocum asked Attorney Ruggiero if it would be necessary for the Planning Department to review the verbage regarding the affordable unit and Attorney Ruggiero

responded that would not be necessary because it is a statutory requirement.

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 Housing Element.

The Planning Department also found 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 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.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low and moderate income housing.

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

The Planning Department recommended that the Planning Board forward a favorable recommendation to the Warwick City Council, with the stipulation that the new residential unit shall be restricted as a low to moderate income housing unit in compliance with RIGL 45-53.

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

Request for a Zone Change

Applicant:

JT Development Partners, LLC

Location: 1149 Division Street
Assessor's Plat: 215
Assessor's Lot(s): 008
Zoning District: General Business, with variances

Prior to the applicant's presentation, Board-member Gerlach explained that she was formally recusing herself because her employer has done work for the applicant.

Attorney Daniel Flaherty represented the applicant, JT Development Partners, LLC. The Attorney stated that the current use of the property is restaurant and that, prior to the current ownership, the site had been a restaurant use. The applicant has recently completed a major renovation to the building and the renovated restaurant has been in operation for approximately one year.

The Attorney then explained that there is an existing zone change on the site restricting the use. This zone change dates back to 1986, when the site was used as a restaurant, with approval to have a dental lab in the basement. This previous zone change also barred any live entertainment on the site. Attorney Flaherty explained that the applicant will not be doing anything different on the site than during the past year and would like to amend the existing zone change to reflect this use.

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 Economic Development Element.

The Planning Department also found 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 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 the land, including its suitability for use based on the soil characteristics and topography.
- 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.

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

The Planning Department recommended that the Planning Board forward a favorable recommendation to the Warwick City Council.

On the motion of Mr. Gambardella, seconded by Mr. Robinson, with Ms. Gerlach abstaining, the Planning Board voted five (5) in favor to formally adopt the Planning Department's findings and forward a favorable recommendation to the Warwick City Council.

Street Abandonment

Portion of Horseneck Road

Petitioner:	Merrick A. Cook III and Sandra Amado
Location:	Assessor's Plat: 360, between lots 330 and 333
Ward:	6

Prior to the applicant's presentation, Board-member Desmarais explained that he was formally recusing himself because he and the applicant both work for the Providence Police Department.

The applicant, Merrick A. Cook III represented the application. Mr. Cook explained that the area is currently being used as a dumping area and that he would like to be able to clean up and landscape this area. He testified that the other abutter, Sandra Amado, does not want to increase the size of her yard.

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

The Planning Department recommended that the Planning Board forward a positive recommendation for the requested street abandonment with the stipulation that the City of Warwick maintain a utility easement within the existing ROW, that an Administrative Subdivision be recorded merging the abandoned property and that there shall be no future subdivision of land for the purpose of creating an additional lot for development.

On the motion of Mr. Kiernan, seconded by Mr. Gambardella, with Mr. Desmarais abstaining, the Planning Board voted five (5) in favor to formally adopt the Planning Department's findings and forward a favorable recommendation to the Warwick City Council.

Administrative Subdivision

The following Administrative Subdivisions were included for informational purposes:

Hilton Gardens

Plat: 278

Lots: 137, 7, 138

Being no further business the meeting was adjourned at 6:55 pm.