

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, March 12, 2008

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

Members Absent: George Arnold

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

The meeting was called to order at 6:05 P.M.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to accept the February 2008 meeting minutes.

Public Meeting

Minor Subdivision

Gonzalez Plat

Applicant: Cecilio Gonzalez
Location: 32 Overbrook Avenue
Assessor's Plat: 331
Lot(s): 118
Zoning District: Residential A-7
Land Area: 16,840 square feet
Number of lots: 2
Engineer: MJF Engineering
Ward: 4

Mr. Cecilio Gonzalez represented himself and was requesting preliminary approval to subdivide one 16,840 square foot lot to create two conforming lots; one lot having an existing dwelling and one new lot for development in a Residential A-7 zoning district.

Planning Staff informed the Planning Board that Mr. Gonzalez had received a positive RIDEM wetland determination for the site.

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.
- 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 the existing storm drain system located on Overbrook Avenue and the existing storm drain line located along the easterly property line discharging into lot 130 must be included on the final plan.
- 2) That the two mature oak trees located along the easterly line of proposed Lot 2 and the existing City street trees along Overbrook Avenue shall be preserved and protected with tree drip line protection during construction.

On the motion of Mr. Constantine, seconded by Mr. Slocum, 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 Subdivision

Verndale Street

Applicant: North End Realty, LLC
Location: 100 Verndale Street
Assessor's Plat: 339
Lot: 119 & 291
Zoning District: Residential A-7
Land Area: 16,008 square feet
Number of lots: 2
Engineer: Flynn Surveys, Inc.
Ward: 5

Attorney K. Joseph Shekarchi represented the applicant and was requesting preliminary approval to raze an existing dwelling and to subdivide two merged lots to create two new nonconforming lots for development with less than the required frontage and lot width in a Residential A-7 Zoning District.

Attorney Shekarchi reviewed the history of the property and reminded the Planning Board that the applicant had received a Master Plan approval for a 2 family home on the property. He informed the Board that the applicant and the neighbors met and agreed to revise the development to consist of two nonconforming lots with two single family homes. Attorney Shekarchi concluded his presentation by informing the Board that the applicant was in agreement with the Planning Department's recommended stipulations.

The Board then opened the public hearing.

Ms. Sharon Terzian of 106 Verndale Street, a direct abutter, asked the Planning Board if the proposed house on lot B could be moved forward on the lot so that it would not be looking into her back yard.

Planning staff stated that Councilman DelGiudice had contacted the Department with the concern and that it was addressed in proposed stipulation number 3.

Being no further questions or comments the Planning Board then 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) 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 #9516) to have two lots, each lot with less than the required lot frontage and lot width.
- 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 the applicant shall plant two, 2 1/2" caliper street trees within the Verndale Street right-of-way prior to the issuance of a Certificate of Occupancy (CO); type of tree and location to be approved by the City's Landscape Project Coordinator.
- 2) That a six foot (6') stockade fence shall be erected along the abutting side property lines of lots 116, 120 and 124 in a southerly direction from approximately the rear of the proposed new dwellings to the rear property line and then along the rear property lines of the proposed new lots, prior to the issuance of a CO.
- 3) That the proposed dwelling on "Parcel B" shall be moved forward on the lot to align with the front of house #106 Verndale Street and that the proposed dwelling on "Parcel A" shall be moved back so as not to align with the proposed dwelling on "Parcel B."
- 4) That both dwellings shall be connected to the Warwick Sewer System, surety shall be provided in the form of a Bond or a Restricted Bank Account, prior to final approval.

On the motion of Mr. Slocum, seconded by Mr. Kiernan, the Planning Board voted six 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 upon compliance with the Planning Department's recommended stipulations.

Public Meeting

Request for an Extension

Conimicut Trolley Plat (Section 3)

Applicant: Robert J. and Cynthia A. Henninger
Location: 200 Beach Avenue
Assessor's Plat: 332
Lot(s): 834
Zoning District: Residential A-7
Land Area: 23,841 square feet
Number of lots: 2
Surveyor: Flynn Surveys Inc.
Ward: 4

Mr. Robert Henninger represented himself and was requesting an extension of the preliminary approval for the Conimicut Trolley Plat to subdivide one lot with an existing dwelling to create two new lots, one lot with an existing dwelling and one new lot for development approved on March 23, 2007. The applicant stated that he was currently pursuing a street abandonment through the Warwick City Council of a portion of June Avenue which directly abuts the subject property.

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

The Planning Department found that:

- 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 23, 2009.

On the motion of Mr. Gambardella, seconded by Mr. Constantine and Mr. Robinson, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on March 23, 2009.

Public Hearing

Major Land Development Project

800 Jefferson Boulevard

Applicant:	Michael V. D'Ambra
Location:	800 Jefferson Boulevard
Assessor's Plat:	323
Lot(s):	287,288,289,290,291,518
Assessor's Plat:	277
Lot(s):	11,12,13,18
Zoning District:	General Industrial, Office and Residential, A-7
Proposed Zone:	General Business, with variances
Land Area:	8.45 acres
Number of Lots:	10
Proposed Lots:	2
Engineer:	Jacobs Edwards and Kelcey
Ward:	3

Prior to the presentation of the D'Ambra project, Board member Gambardella stated that he was recusing himself due to the fact that he owns property and a business in close proximity to the proposed development, within the Warwick Station Redevelopment District.

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a Major Land Development Project/Subdivision and a zone change recommendation for the construction of four (4) new office buildings, totaling 540,000 square feet, a six story parking garage and a 320 room hotel with parking on an adjacent lot. The proposed development will be contained on two lots with less than required front yard, side yard and rear yard setbacks, less than required parking and greater than allowed building height.

Attorney Shekarchi introduced Mr. Leonard Garafalo of Garafalo Engineering and Mr. Paul Bannon, Traffic Consultant of RAB Engineers and Mr. Edward Pimentel, Planning Consultant, consultants for the project. Mr. Shekarchi then introduced the property owner Mr. Michael D'Ambra who provided an overview of the project.

Mr. D'Ambra told the Planning Board that he would be relocating his construction business to Johnston and that he would be building a \$250 million dollar mixed use development consisting of four office buildings, a hotel and a parking garage. He informed the Board that the completed development would produce approximately \$1 million dollars in annual tax revenue.

Mr. D'Ambra explained that he had worked with the RIDOT, RIAC, Leviton and the City regarding traffic concerns in the area and that he would continue working to resolve any issues resulting from his development. D'Ambra informed the Board that the development would be phased in four stages and would be connected to the RIAC intermodal facility via a sky bridge.

Mr. D'Ambra explained the vehicular access along Jefferson Boulevard. The main access would be located between the hotel and offices with the secondary access along the southerly end of the development with a restricted right turn in and right turn out.

Board member Slocum asked if the parking garage would be linked directly to the hotel.

Mr. D'Ambra responded to the affirmative.

Attorney Shekarchi then submitted Exhibit 1, a planning report in support of the project performed by Mr. Edward Pimental, Planning Consultant.

Attorney Shekarchi informed the Planning Board that the applicant was requesting master plan approval and that the formal RIDOT and RIDEM approvals would be required at the later stages of the project.

Chairman Mulhearn asked if the 1868 vehicle parking garage would require physical improvements to Jefferson Boulevard.

Attorney Shekarchi responded that improvements would be necessary but that the roadway would not need to be widened as a result of the development.

Board member Slocum asked about the extent of relief requested and why would the applicant be asking for less than the required "everything."

Attorney Shekarchi responded that Mr. D'Ambra had designed his development to reflect the abutting Intermodal Zoning District. He stated that the development was not located in the Intermodal District but that Mr. D'Ambra wanted to take advantage of his location adjacent to the Intermodal Zoning District and next to the RIAC intermodal facility.

Chairman Mulhearn asked Mr. D'Ambra to elaborate on his discussion with the Leviton people.

Mr. D'Ambra stated that he had discussed his proposal with Leviton representatives and that they had a mutual agreement to share traffic information and future development plans. Then he and Leviton would work together so that their respective developments would be coordinated to the extent possible.

Chairman Mulhearn stated that the Leviton property consists of approximately 85 acres and asked how when Leviton was developed people would access Jefferson Boulevard.

Board member Slocum asked Mr. Garafalo if he had reviewed the plans and if he was comfortable with the site plan.

Mr. Garafalo responded to the affirmative.

Mr. Richard Land, attorney for Leviton stated that he was in agreement with Mr. D'Ambra's representation regarding discussions with Leviton and that Leviton is working with Mr. D'Ambra particularly on traffic issues.

Chairman Mulhearn asked about the timetable for the Leviton property.

Mr. Land stated that he could not commit but that Leviton was about 4 to 5 weeks away from a letter of intent with a prospective developer.

Mr. Richard Langseth of 176 Budlong Road stated that he was not opposed to the development but that he was concerned about access to the rail platforms in the intermodal station. He was concerned that the platform may not conform to ADA standards and that more platform space is necessary.

Ms. Ann Clark of RIAC stated that Amtrak redesigned the platform requiring an additional taking from the D'Ambra property and that there was sufficient access for emergency situations.

Mr. Langseth asked about the proposed building height and if the Fire Department had adequate apparatus to access the top floors of the buildings.

Mr. D'Ambra stated that he had met with the Fire Marshall and that he had no problem with the development.

Being no further questions or comments Planning Board closed the public meeting and 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) Not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring City Council approval for a zone change from General Industrial, Office and Residential A-7 to General Business, with waivers to allow less than required front, side, and rear yard setbacks, less than required parking, greater than allowed building height and parking on an adjacent lot.
- 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 approval from the Warwick City Council for a zone change from General Industrial, Office and Residential A-7 to General Business, with the requested waivers.
- 2) That the project engineer shall indicate the dimensions of the abandoned street, Brownell Street, on the site plans prior to Warwick City Council Approval.
- 3) That the applicant shall perform a Phase I and/or Phase II Environmental Assessment for the site, prior to preliminary approval.
- 4) That all State permits, including but not limited to, Rhode Island Department of Transportation (RIDOT), Physical Alteration Permit (PAP); Department of Environmental Management (DEM), Underground Injection Control (UIC); are required, prior to preliminary approval.
- 5) That the applicant shall submit a Sewer Capacity Analysis stamped by a Professional Engineer (PE) containing existing and projected sewer flows to be approved the Warwick Sewer Authority, prior to preliminary approval.
- 6) That the applicant shall perform a hydrant flow test in the project vicinity in order to insure proper flows for the development to be approved by the Warwick Fire Marshall's Office, prior to preliminary approval.
- 7) 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, prior to preliminary approval.
- 8) That the existing industrial building located at the southeasterly corner of the development may be retained and utilized for a temporary construction office for the development but the building shall be demolished prior to the issuance of a Certificate of Occupancy for the Phase III office building.
- 9) That the maximum building height shall not exceed 99' 6", that the top floor of any building (excluding the parking garage) shall not exceed fifty percent (50%) of gross floor area (GFA) of the base for any height exceeding 86'.

- 10) That the parking structure shall be designed to accommodate a minimum of 1966 spaces based on the parking analysis contained in the Traffic Impact and Access Study prepared by Jacobs Edwards and Kelcey and dated November, 2007, and that the number of spaces may be adjusted as necessary by future parking analyses to be provided at each phase of the development.
- 11) That as a condition of Phase II the applicant shall widen the easterly Airport Connector off-ramp onto Jefferson Boulevard for approximately 250' west of the intersection in order to provide two left turn lanes and one right turn lane; the applicant shall also provide an additional short right turn lane along Jefferson Boulevard at the Airport Connector on-ramp that will transition into a single entry lane onto the Airport Connector as recommended in the updated traffic report prepared by RAB Professional Engineers, Inc. and dated March 5, 2008.
- 12) That as a condition of a Phase III approval, the applicant shall be required to install a traffic signal at the northerly access drive as recommended in the updated traffic report prepared by RAB Professional Engineers, Inc. and dated March 5, 2008.
- 13) That as a condition of the Phase III and Phase IV approvals, the developer shall be required to improve any intersection within the existing right-of-way in the study area experiencing an unacceptable level of service (LOS F) as a result of the development to an acceptable (LOS).

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted five 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.

Request for a Zone Change

Applicant:	Michael V. D'Ambra
Location:	800 Jefferson Boulevard
Assessor's Plat:	323
Assessor's Lot(s):	287,288,289,290,291,518
Assessor's Plat:	277
Assessor's Lot(s):	11,12,13,18
Zoning District:	General Industrial, Office and Residential A-7
Proposed Zoning:	General Business with variances

Attorney Shekarchi asked the Planning Board to forward a positive recommendation for the requested zone change to the Warwick City Council.

Being no questions or comment 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 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 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 a favorable recommendation to the Warwick City Council for the requested zone change from General Industrial, Office and Residential A-7 to General Business with waivers for less than required front yard, side yard and rear yard setbacks, less than required parking, greater than allowed building height, and parking on an adjacent lot with all of the Planning Department recommendations which shall be considered an inseparable and integral part of the requested zone change.

On the motion of Mr. Slocum, seconded by Mr. Constantine, the Planning Board voted five in favor with Chairman Mulhearn abstaining to formally adopt the Planning Department's findings and to forward a favorable recommendation to the Warwick City Council for the requested zone change from General Industrial, Office and Residential A-7 to General Business with waivers for less than required front yard, side yard and rear yard setbacks, less than required parking, greater than allowed building height, and parking on an adjacent lot with all of the Planning Department recommendations which shall be considered an inseparable and integral part of the requested zone change.

Public Hearing

Major Land Development Project

Centerville Road Multi-family

Applicant: Charles Abosamra
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 was requesting a combined master plan/preliminary approval of a Major Land Development Project/Subdivision to merge three lots with one existing dwelling to allow for the development of ten residential condominiums with less than the required driveway setback in a Residential A-15 Zoning District.

Attorney Revens explained that the project had received Master Plan approval and Zoning Board of Review approval and that the applicant was actively seeking state regulatory approvals when the Master Plan expired. Attorney Revens provided the Planning Board with a history of the State approvals including application dates in order to prove that the applicant was diligently pursuing his regulatory approvals when the Master Plan expired.

Attorney Revens then provided a brief overview of the project and informed the Planning Board that the project meets the required density and exceeds the parking requirements.

Mr. Revens then introduced Mr. Richard Bzdyra PLS. of Ocean State Planners who briefly described the layout of the development. Mr. Bzdyra also explained that the project had received all of the required State of Rhode Island regulatory permits including RIDEM Wetlands, ISDS and UIC permits and RIDOT PAP permit.

Board member Slocum asked if the existing single family home would be included as part of the condominium development.

Attorney Revens responded to the affirmative.

Being no further questions or comments the Planning Board then 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) In compliance with the standards and provisions of the City's Zoning Ordinance having received Zoning Board of Review approval (Petition #9288) to have ten residential condominium units on a lot with less than the required driveway 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 master plan/preliminary approval with the following stipulations:

- 1) That the applicant shall record an administrative subdivision merging the three lots, as a condition of final approval.
- 2) That the final plan, which shall depict the intersection of Centerville Road and Douglas Avenue and shall locate the existing drain pipe along the westerly property which runs southerly from Centerville Road to Hardig Brook, shall be approved by the City Engineer.
- 3) That the final landscape plan which shall include appropriate buffers and screening from the abutting residential properties in accordance with Zoning Ordinance Sections 502.2 (D) "Screening" and 502.3 (D) Landscaping," shall be approved by the City's Landscape Project Coordinator.

On the motion of Mr. Constantine, seconded by Mr. Desmaris, the Planning Board voted six in favor with Chairman Mulhearn opposed 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 upon compliance with the Planning Department's recommended stipulations.

Public Hearing

Major Land Development Project/Subdivision

Winfield Place

Applicant:	K. Joseph Shekarchi
Location:	66 Commonwealth Avenue and Granite Street
Assessor's Plat:	247
Lot(s):	47
Zoning District:	Residential A-10
Land Area:	2.59 Acres
Number of lots:	2
Engineer:	Walker Engineering Inc.
Ward:	8

Attorney K. Joseph Shekarchi represented himself and was requesting preliminary approval to subdivide a conforming lot to create two new lots, one conforming lot with an existing dwelling and one nonconforming lot with less than the required frontage for the development of a nine-unit residential condominium in a Residential A-10 Zoning District.

Attorney Shekarchi informed the Planning Board that the project had received Zoning Board of Review approval and received an extension from the Zoning Board the previous evening. The attorney also informed the Board that the project had received all the required State of Rhode Island approvals and was pending only KCWA water approval. He stated that the KCWA had reviewed the plan and that Cataldo Engineering was working with KCWA to finalize an easement for the waterline.

Derek Anderson of 2 Gilbert Street asked if the development would have direct access to Commonwealth Avenue.

Attorney Shekarchi responded that access was restricted to Granite Street and that there would be no access to Commonwealth Avenue.

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 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 Zoning Board of Review approved petition #9469.

- 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 subdivision possesses adequate and permanent access to a public street.

Planning Department recommendation is to grant preliminary approval with final approval to be through the Administrative Officer with the stipulation that the final landscape plan shall be in substantial compliance with the approved plan to be determined by the Administrative Officer.

On the motion of Mr. Slocum, seconded by Mr. Gambardella, Mr. Robinson and Mr. Desmaris, 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 stipulation.

Public Meeting

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

Attorneys John Harrington and Valentino Lombardi represented the applicants and were requesting preliminary approval to subdivide two merged lots to create two non-conforming lots with less than the required frontage, lot width and area, one lot having an existing dwelling with less than the required front and side yard setback and one new lot for development in a Residential A-10 Zoning District.

This petition was denied by the Planning Board at the August 28, 2007 Planning Board meeting and was appealed to the Zoning Board of Appeal. The Board of Appeal determined that the Planning Board decision was not supported by the weight of the evidence. The Board of Appeal subsequently overturned the decision and has remanded the application back to the Planning Board for approval of the preliminary plan consistent with the decision of Zoning Board of

Appeal.

Chairman Mulhearn expressed his displeasure with the Zoning Board's decision and the fact that the Zoning Board overturned the Planning Board denial of an undersized nonconforming subdivision.

Other Planning Board members expressed their confusion why the Zoning Board would reverse their decision and approve a request to create undersized lots.

Planning Staff explained that the Planning Board had granted Master Plan approval for the subdivision thereby allowing the subdivision to proceed to the Zoning Board of Review for the required dimensional relief. Once the relief was granted by the Zoning Board the Planning Board was compelled to then grant preliminary and final approval without compelling evidence to the contrary. The staff further informed the Planning Board that the Master Plan is an extremely important approval stage and that the Board must deny projects requiring zoning relief at the Master Plan stage if it intends to deny a project at a subsequent approval stage.

The Planning Department did not read its comments into the record.

On the motion of Mr. Constantine, seconded by Mr. Gambardella the Planning Board voted six in favor with Chairman Mulhearn opposed 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.

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 Zoning Board of Review approval (Petition #9493) to create two non-conforming lots with less than the required frontage, lot width and area.
- 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 consistent of the decision of the Zoning Board of Appeal 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:
 - a. Show the location of existing utilities (gas, water, electric, etc.) on Balsam Street and Shippen Avenue.
 - b. Notation regarding wetlands within 200' of the parcel.
 - c. Note base flood elevation on plan.
 - d. Topography must be depicted on plan.
 - e. Location of adjacent houses must be depicted on plan.
 - f. Show granite bounds to be set.

- 2) That the properties shall be connected to the Warwick Sewer System when it becomes available.

Public Meeting

Request for an Extension

Cowesett Farm

Applicant:	Cowesett Farm, LLC.
Location:	Cowesett Road and Blue Ridge Road
Assessor's Plat:	239
Assessor's Lot(s):	8 & 11
Zoning District:	Residential A-15
Land Area:	94.91 acres
Number of lots:	37
Engineer:	DiPrete Engineers, Inc.
Ward:	8

Attorney John C. Revens represented the applicant and is requesting a second extension of the master plan approval for the Cowesett Farm subdivision to allow for the creation of 36 single family house lots in an A-15 Zoning District approved on April 19, 2006.

Attorney Revens informed the Planning Board that the developer was working to extend sewers to the property and that RIDEM approval was pending.

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

The Planning Department found:

- 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.

Planning Department Recommendation

The Planning Department recommendation was to grant the requested extension to expire on April 19, 2009.

On the motion of Mr. Constantine, 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 the requested extension to expire on April 19, 2009.

Administrative Subdivisions

The following administrative subdivisions were included for informational purposes.

Replat of Lake Grove	Plat: 350	Lots: 92, 93, 96, & 595
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The Butziger Plat	Plat: 364	Lots: 277 & 278
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Being no further business the meeting was adjourned at 7:45 P.M.