

**City of Warwick Planning Board
Meeting Minutes
Wednesday, March 10, 2010**

Members Present: John J. Mulhearn Jr., Chairman
Michael Constantine
Cynthia Gerlach
Philip Slocum
Vincent Gambardella
Thomas Kiernan

Members Absent: Rick Robinson
Leah Prata
James Desmarais

Also in attendance: Patricia Reynolds, Business Development Planner
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. Slocum, seconded by Mr. Gambardella and Mr. Constantine, the Planning Board voted unanimously to approve the January 2010 meeting minutes.

Public Informational Meeting

Major Land Development Project

1202 Jefferson Boulevard

Applicants: Raymond T. and Ann Mancini, and
Management Property and Investment Ventures
Location: 1202 Jefferson Boulevard
Assessor's Plat: 268
Lot(s): 352,371,393-396, 398-402 and 424
Zoning District: Light Industrial (LI)
Land Area: 193,574 square feet
Existing No. of lots: Twelve (12)
Proposed No. of lots: Two (2)
Engineer: Crossman Engineering, Inc.
Ward: 8

Attorney K. Joseph Shekarchi represented the applicant and was requesting master plan approval of a Major Land Development Project to demolish an existing 48,000 square foot, centrally located section of an existing building to create two separate buildings, with a subdivision to combine twelve (12) existing lots to create two (2) lots, with a building sited on each lot, with a shared driveway for the two lots.

Attorney Shekarchi explained that the project required master plan from the Planning Board, Zoning Board approval and then would have to come back to the Planning Board for preliminary and final approval.

Attorney Shekarchi explained that the property was zoned Light Industrial and that the proposal will reduce the size of the building and increase landscape area and parking.

Being no public comment or questions 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) Not compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring approval from the Zoning Board of Review for less than required side and rear yard setback, less than required open space, greater than allowed driveway width and less than required parking.
- 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 and permanent access to a public street.

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

- 1) That the applicant shall receive the necessary dimensional relief from the Zoning Board of Review.
- 2) That the applicant shall record an administrative subdivision and cross easements for the project merging the twelve existing lots and creating two lots with a shared driveway, prior to final approval.
- 3) 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.

- 4) That a note shall be added to the plan stating that the Contractor shall obtain a City of Warwick Physical Alteration Permit (PAP), prior to beginning construction.
- 5) That an infiltration system for the new parking area should be incorporated to reduce runoff to the drainage system in Jefferson Boulevard.
- 6) That all plans submitted must comply with Section 3.02C of the Procedural and Technical Standards for the Practice of Land Surveying in the State of RI and Providence Plantations, effective April 1, 1994.
- 7) That Warwick Sewer Authority approval shall be required prior to preliminary approval and all outstanding assessments and inspection fees shall be paid prior to final approval.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant master plan approval with the Planning Department's recommended stipulations.

Public Meeting

Minor Subdivision

Re-plat of a portion of Homeland Plat

Applicant:	U.S. Bank National Associates & Anthony Famiano Jr.
Location:	34 Hamilton Avenue and Pinnery Avenue
Assessor's Plat:	342
Lot(s):	230, 231, 255, 256 & 257
Zoning District:	Residential A-7
Land Area:	18,360 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	3

Mr. Nabil Rashid, P.E. and PLS. represented the applicants and was requesting preliminary approval to subdivide five lots with an existing dwelling to create two new lots, one conforming lot with an existing dwelling and one conforming lot for development, in a Residential A-7 Zoning District.

Mr. Rashid explained that the that the resulting lots would contain approximately 8,103 square feet and 10,260 square feet and would be in full conformance with the Residential A-7 zoning requirements.

The Planning Board, having no questions, accepted public comment.

Mr. Larry Colletta of 37 Hamilton Avenue asked the Planning Board to consider the human element while it considered the subdivision. Mr. Colletta explained that the property was adjacent to a school bus depot, a police shooting range, a city compost facility and the airport. Mr. Colletta explained that the noise from the planes and the shooting range along with the odors from the busses in the morning and the compost station make the area unlivable.

Mr. Collette asked the Planning Board to require that the new house to be soundproofed and air conditioned to protect the future inhabitants.

The Planning Staff suggested that the Planning Board consider a stipulation that the house be sound proofed and air conditioned if determined to be within the Airport Noise Contour Zone.

Being no further 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 one granite bound per lot shall be installed and noted on the plan prior to recording of the final plan.
- 2) That drywells, or the equivalent shall be installed to collect roof runoff for the proposed new dwelling.
- 3) That the tree closest to Pinnery Avenue on proposed lot "B" shall be removed and the tree closest to the northerly property line on proposed lot "B" shall be preserved and protected with drip-line tree protection during construction.

- 4) That the proposed dwelling shall be soundproofed and air conditioned, if determined to be within the Airport Noise Contour Zone.

On the motion of Mr. Kiernan, seconded by Mr. Constantine, 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 with the Planning Department's recommended stipulations.

Public Meeting

Minor Subdivision

Point Avenue Project

Applicant:	ANG Properties, Inc.
Location:	344 Point Avenue
Assessor's Plat:	333
Lot(s):	37, 38 & 39
Zoning District:	Residential A-7
Land Area:	15,000 square feet
Number of lots:	2
Engineer:	Commonwealth Engineers
Ward:	4

Mr. Josh Rosen, P.E. of Commonwealth Engineering represented the applicant and was requesting preliminary approval to demolish an existing dwelling and subdivide three lots to create two new lots for development in a Residential A-7 Zoning District.

Mr. Rosen explained that the property consisted of 3 lots containing 15,000 square feet of land area. Mr. Rosen stated that the owner wanted to divide the lots into two lots of 7,000 square feet and 8,000 square feet; he further informed the Planning Board that the property had access to public water and sewer.

Mr. Rosen then began to explain that the roof runoff would be deposited into drywells and that he had not yet developed a storm-water plan for the site and had not addressed the water table.

Planning staff explained that the property was located in a 100-year flood zone and that the Planning Department assumed the structures would be elevated above the base flood elevation (BFE).

Mr. Rosen explained that the owner desired to be build raised ranches at which time a discussion regarding flood zone regulations followed. Mr. Rosen was informed that that the structures would have to be elevated in accordance with FEMA regulations. It was suggested that the hearing be continued to the next meeting to allow Mr. Rosen the opportunity to explain the FEMA requirements to the property owner.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted unanimously to continue the application to the next Planning Board meeting.

Public Informational Meeting

Major Land Development Project

57 Fair Street

Applicant:	House of Hope Community Development Corporation
Location:	57 Fair Street
Assessor's Plat:	292
Lot:	507
Zoning District:	Residential A-7, with Historic Overlay
Proposed Zone:	Planned District Residential, A-7
Land Area:	18,572 square feet
Number of Lots:	1
Engineer:	Casali & D'Amico Engineering, Inc.
Ward:	1

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a Major Land Development Project and a zone change recommendation to the Warwick City Council to convert an existing thirteen (13) bed congregate elderly housing facility to a five (5) unit multi-family development, on an undersized lot with less than the required frontage and lot width, and less than required building side setback and driveway setback from the existing building.

Attorney Shekarchi then introduced the project engineer, Joseph Casali, P.E. of Casali Engineering, and the applicant Ms. Jean Johnson House of Hope Executive Director. Attorney Shekarchi explained that House of Hope (HOH) had owned the property for the past three years and has been utilizing the building as a homeless shelter for approximately 13 individuals. Attorney Shekarchi further explained that HOH wanted to convert the property from its former use as a nursing home to a five unit affordable housing development for handicapped individuals.

The attorney informed the Planning Board that HOH had received approval from the Warwick Historic District Commission (HDC) for the exterior improvements to the structure. Attorney Shekarchi also informed the Board that the property would have 13 parking spaces in order to conform to the zoning requirements but that HOH believed fewer spaces were needed because most of the tenants would not be driving.

Attorney Shekarchi completed his presentation by explaining that 4 or 5 approvals were necessary before the project could be constructed. The attorney explained that the project had received HDC approval but then would also need a master plan approval from the Planning Board, a City Council Zone Change which requires two City Council meeting and a preliminary and final approval from the Planning Board.

The Planning Board then opened the public portion of the meeting.

Mr. Ron Reedy of 71 Spring Garden asked that the development have more parking rather than less parking, explaining that there was a parking problem on Fair Street and that he was concerned that less parking would make the problem worse.

Mr. Reedy then asked what type of individuals would be living in the property.

Attorney Shekarchi stated that the tenants would be homeless people with handicaps. The attorney explained that the individuals would have physical disabilities and that they could not live on their own because they require support personnel that would be provided through HOH.

Mr. Reedy asked what assurance was offered that HOH it would control the tenants.

Attorney Shekarchi explained that the Housing and Urban Development Agency (HUD) would assure compliance because the funding source for the project is restricted to that type of tenant.

Mr. Steven Chessler of 14 North Fair Street was confused by the notice and thought that HOH was asking for five buildings with 13 parking spaces.

It was explained that the proposal was for five dwelling units in one building with 13 parking spaces.

Ms. Jane Robertson of 25 South Fair Street asked if the tenants would be people with substance abuse problems. Ms. Robertson asked if the tenants were handicapped, why wasn't there a handicap ramp on the plan.

Attorney Shekarchi responded that the tenants were individuals with physical handicaps. Mr. Casali then explained that the handicap ramp was depicted on the plan and that it was located along the left side of the structure.

Board member Slocum asked who would be responsible for care and upkeep of the property.

Ms. Johnson explained that HOH is also its own property management group and that HOH will be responsible for the upkeep of the property.

Ms. Carol-Anne Buckley of 52 South Fair Street spoke in favor of the proposal and welcomed the HOH to the community. Ms. Buckley also stated that she though the improvements to the property would improve the overall look of the historic district.

Ms. Janet Hartman of 2527 Fair Street expressed her concern that the historic district be respected, she asked about an addition that was shown on the plan and asked if the HDC had approved of the addition.

Attorney Shekarchi explained that the HDC had approved the plans and that the so called

addition was actually the handicap ramp.

Ms. Hartman stated her objection to any additional openings in the stone wall at the front of the property. She further explained that she had searched the HOH web site and was concerned that the other HOH properties were not well cared for.

Attorney Shekarchi explained that the HOH would follow whatever requirements the City had for the property and that if the City did not require an additional driveway or a wider driveway then HOH would not change the wall. However, if the City required the HOH to enlarge the existing driveway or add an additional drive then HOH would have no choice but to alter the wall.

Ms. Ellen Schwartz, CPA from Providence expressed concern over HOH financial situation in that HOH had not filed certain documents with the IRS.

The City Solicitor explained that the Planning Board had no jurisdiction over HOH financial matters but could only deliberate on land use issues.

Mr. Donald Payton of 75 Spring Garden Street asked if the project was actually worth HOH proceeding with.

Attorney Shekarchi explained that it would not be worth improving the property to a private developer but that HOH was able to secure Federal Funding through HUD and that made the project financially feasible.

Being no further questions or comment, the Planning Board then closed the public portion of the meeting 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 Residential A-7 to Planned District Residential, A-7, with waivers from the minimum lot area, less than required frontage and lot width, and less than required building side set back and driveway setback from the existing building.
- 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 City Council for a zone change from Residential A-7 to Planned District Residential (PDR) A-7 with the necessary waivers.
- 2) That the project engineer shall consult with the City Engineer regarding the installation of a trench drain to collect storm water runoff.
- 3) That all necessary State permits are required prior to Preliminary Plan submission.
- 4) That all corners shall be negotiable by vehicles having an outer turning radius of 50 feet and there shall be no architectural, landscape or natural barriers to prevent easy access by fire apparatus.
- 5) 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 addressing the following issues:
 - a. Buffering adjacent properties
 - b. Elimination of the existing northerly drive.
 - c. Widening the southerly drive to provide primary access to the site.
- 6) That the proposed development shall consist of not less than seven (7) parking spaces.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted unanimously 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:	House of Hope Community Development Corporation
Location:	57 Fair Street
Assessor's Plat:	292
Assessor's Lot:	507
Zoning District:	Residential A-7/Historic Overlay
Proposed Zoning:	Planned District Residential (PDR) A-7/Historic Overlay

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 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.

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

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.

103.15 Provide for reasonable accommodations in order to comply with the RI Fair Housing Practices Act, the US Fair Housing Amendments Act of 1988 (FHAA), the RI Civil Rights of Individuals with Handicaps Act, and the American with Disabilities Act (ADA).

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zone change from Residential A-7 to Planned Unit Development (PDR), Residential A-7, with waivers from the minimum lot area, less than the required frontage and lot width and less than required building side set back and driveway setback from the existing building, with the following stipulation:

- 1) That any additional development on the property shall require a Development Plan Review (DPR) to be approved by the Warwick Planning Board in compliance with the City of Warwick Zoning Ordinance and Development Review Regulations.

On the motion of Mr. Slocum, seconded by Mr. Kiernan, the Planning Board voted unanimously 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 Residential A-7 to Planned Unit Development (PDR), Residential A-7, with waivers from the minimum lot

area, less than the required frontage and lot width and less than required building side set back and driveway setback from the existing building, with the Planning Department's recommended stipulation.

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 Warwick City Council 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) dimensional relief to be granted simultaneously with a request for a Special Use Permit only for those properties that do not abut residential zoning districts, this 50 percent limitation will not apply to non-residentially zoned properties that do not abut or share a common boundary with a residentially zoned and/or open space zoned property.

The Planning Board had previously forwarded a favorable recommendation on this proposal to the City Council in June 2009. Subsequently, the Planning Department has received a request from the City Council to further amend Zoning Ordinance Section 605, and to have the Planning Board forward a recommendation on the following amendment.

Attorney Daniel K. Flaherty represented the Warwick Mall and spoke in favor of the proposed zoning amendment. Attorney Flaherty then introduced Mr. Aram Garabedian representing the Warwick Mall who also spoke in favor of the proposed zoning amendment. Mr. Garabedian explained that without the amendment that Warwick Mall would not be allowed to construct improvements.

Mr. Garry Connors who owns a business in a 50 year old building on Jefferson Boulevard also spoke in favor of the amendment and stated that the new language would allow him to rent his building.

AN ORDINANCE AMENDING APPENDIX A OF THE WARWICK CODE OF ORDINANCES, ZONING, SECTION 600

SECTION I. Appendix A, Zoning of the Code of Ordinances of the City of Warwick, Section

600 is hereby amended by adding thereto the following section:

401.7 *Existence by variance or special use permit.* A nonconforming building, structure, sign, or parcel of land or use thereof, which exists by virtue of a variance or special use permit (or a special exception) granted by the board, shall not be considered a nonconformance for the purposes of this section, and shall not acquire the rights of this section. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification, or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this ordinance, shall require a further variance or special use permit from the board.

605. Special Use Permits and Variances.

All special use permits authorized by Sections 300, Table I USE REGULATIONS, 904 and 906.3 (C) of this ordinance may be issued by the zoning board of review in conjunction with a dimensional variance authorized pursuant to Section 906.3 of this ordinance.

If the special use could not exist without the granting of a dimensional variance, the zoning board of review may consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

906.3 *Standards for relief.*

(C) *Special use permit.* In granting a special use permit, the board shall require that evidence to [of] the satisfaction of the following standards be entered into the record of the proceedings:

- (1) That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of the ordinance containing the jurisdictional authorization;
- (2) That the special use meets all the criteria set forth in the subsection of the ordinance authorizing such special use, except that the board may issue a special use in conjunction with a dimensional variance provided that the dimensional variance may be issued only for the following dimensional requirements, no other dimensional relief can be sought except for that specifically listed herein, and the requested relief shall not exceed a 50 percent deviation from each the required dimensional standard, **provided however, that the 50 percent limitation shall not apply to non-residentially zoned properties which do not abut or share a common boundary with residentially zoned and/or open space zoned property:**
 - (a) Section 300, Table 2A and Table 2B Dimensional Regulations, Minimum Front yard, Minimum Side Yard, Minimum Rear Yard, Minimum Landscape Open Space.
 - (b) Sections 505 & 505.1, Landscaping and Screening.

- (c) Section 505.6, Parking Lot Buffers.
- (d) Section 701.7, Off-Street Parking.
- (e) Section 702.2, Number of Required Loading Spaces.
- (f) Section 806, Permitted Signs by District.

(3) That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the city.

SECTION II. This Ordinance shall take effect upon passage and publication as prescribed by law.

Being no further 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 is for a favorable recommendation to the Warwick City Council for the requested zoning amendment.

On the motion of Mr. Kiernan, seconded by Mr. Slocum, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to forward a favorable recommendation to the Warwick City Council for the requested zoning amendment.

Bond Reduction

Faria Subdivision Viewesta Road

Current bond total	\$180,000.00
<u>Amount to be released</u>	<u>\$144,982.00</u>
Retain	\$35,018.00

On the motion of Mr. Constantine, seconded by Mr. Kiernan Slocum, the Planning Board voted unanimously to approve the bond reduction.

Administrative Subdivision

PJC Realty Re-plat	Plat 279 Lots 3 & 30
Dulude Plat	Plat 355 Lots 664, 665 & 666

Being no further business the meeting was adjourned.