

**City of Warwick Planning Board  
Meeting Minutes**

**Wednesday,  
May 9, 2007**

**Members Present:** John J. Mulhearn Jr. Chairman  
Carter Thomas Vice-chairman  
Attilio Iacobucci  
Jeanne Foster  
Philip Slocum  
Michael Constantine  
Vincent Gambardella

**Members Absent:** Rick Robinson  
George Arnold

**Also in attendance:** Peter Ruggiero, Solicitor  
Patricia Reynolds, Business Development Planner  
Eric Hindinger, Assistant City Engineer  
Marcus Channell, City Surveyor

Chairman Mulhearn called the meeting to order at 6:10 P.M.

On the motion of Mr. Constantine, seconded by Mr. Thomas, the Planning Board voted five in favor, with Slocum and Mulhearn abstaining, to accept the April 2007 meeting minutes. Members Slocum and Mulhearn were not present at the April meeting and therefore did not vote on the acceptance of the minutes.

**Public Hearing**

**Major Subdivision**

**Crosswinds**

**Applicant:** WSR Realty LLC.  
**Location:** West Shore Road  
**Assessor's Plat:** 336  
**Lot(s):** 199 & 200  
**Zoning District:** Residential A-10  
**Land Area:** 3.30 Acres  
**Number of lots:** 8 lots  
**Engineer:** Ocean State Planners, Inc  
**Ward:** 4

The applicant is requesting a combined master plan/preliminary approval to subdivide two lots to create eight (8) new lots for development with a new street in a Residential A-10 zoning district.

Chairman Mulhearn asked if anyone in attendance was interested in the Crosswinds subdivision. Several people acknowledged that they were attending for the Crosswinds public hearing. The Chairman then informed them that the Crosswinds hearing was being continued to a future date to be determined.

Mr. Richard Bzdyra of Ocean State Planners spoke on behalf of the applicants and informed the board that the applicant desired to continue indefinitely and that they would be willing to re-notice for a future meeting.

Ms. Mitzy Gold was in attendance for the Crosswinds hearing and notified the Planning Board that she had not received formal notice and asked if she could be notified for the next hearing.

On the motion of Mr. Constantine, seconded by Mr. Slocum and Mr. Iacobucci, the Planning Board voted unanimously to continue the public hearing to a future date with formal notice to the abutters.

### **Public Meeting**

### **Minor Subdivision**

#### **Re-plat of “The Norwood Station Plat”**

Applicant:	David Yates & Russell Yates
Location:	133 Manolla Avenue
Assessor’s Plat:	286
Lot:	165, 166 & 167
Zoning District:	Residential A-7
Land Area:	15,000 square feet
Number of lots:	2
Surveyor:	Ocean State Planners, Inc.
Ward:	2

Board member Slocum recused himself from participating informing the Planning Board of a potential conflict. Mr. Slocum stated that he had formally notified the State Ethics Commission and submitted the appropriate paperwork into the file.

Mr. Richard Bzdyra or Ocean State Planners represented the applicant and requesting preliminary approval to subdivide three lots with an existing dwelling to create two new lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District.

Mr. Bzdyra informed the board that the property was fully conforming to the Residential A-7 zoning regulations, that the lots were serviced with City sewer and water and that there were no

wetlands or flood zone on the property.

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 and proposed dwellings shall be connected to the Warwick Sewer System.
- 2) That the bottom (basement) floor of the proposed dwelling shall be at least 3 feet above the seasonal high ground water.
- 3) That the final plan shall correct the graphic scale, include ties to the reference bounds, include bench mark datum and a note indicating that the contractor shall receive a Physical Alteration Permit (PAP) from the City of Warwick DPW prior to performing and work within the City right-of-way.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted six in favor, with Mr. Slocum 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 Hearing

### Major Land Development Project

#### West Shore Court

**Applicant:** Hugh Fisher  
**Location:** 299 West Shore Road  
**Assessor's Plat:** 319  
**Lot(s):** 489, 490 & 495  
**Zoning District:** Planned District Residential (PDR) A-7  
**Land Area:** 2.13 Acres  
**Number of lots:** NA  
**Engineer:** DiPrete Engineering Associates, Inc.  
**Ward:** 4

Attorney Sanford Resnick represented the applicant and was requesting preliminary approval to merge three lots and develop a 23-unit residential condominium complex with less than required landscape buffer in a Planned District Residential (PDR) A-7 Zoning District.

Mr. Resnick explained that the development had received Master Plan approval from the Planning Board and a City Council zone change authorizing the use. He then introduced Mr. Chris Duhamel, P.E. of DiPrete Engineering who explained the details of the project.

Mr. Duhamel explained that the property was formerly a commercial nursery and was the subject of several RIDEM wetlands violations. Duhamel informed the board that the current owner had cleaned the property, had resolved the outstanding wetlands violations and had received RIDEM wetlands approval to construct the residential condominium project.

Duhamel described the parking arrangement and clarified the fact the City Council issued a deviation for parking setback from the easterly property line. He informed the Planning Board that a ten foot (10') buffer was requirement along the easterly line but that the City Council eliminated the buffer.

Being no questions from the public or the Planning Board, the 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 Amendment PCO-20-05.
- 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 stipulation:

- 1) That water utility detail shall be corrected to reference the Warwick Water Division not the Kent County Water Authority and that the final water connection shall be approved by the Water Division Chief for type and location of master meter and backflow device.

On the motion of Mr. Gambardella, seconded by Mr. Slocum and Mr. Constantine, the Planning Board voted six in favor with Mr. 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 stipulation.

### **Public Hearing**

### **Major Land Development Project**

#### **176 – 186 Toll Gate Road**

<b>Applicant:</b>	176 Toll Gate Road Associates
<b>Location:</b>	176 – 186 Toll Gate Road
<b>Assessor's Plat:</b>	246
<b>Lot:</b>	238, 239 & 259
<b>Zoning District:</b>	Office
<b>Land Area:</b>	1.75 acres
<b>Number of lots:</b>	NA
<b>Engineer:</b>	Ocean State Planners, Inc.
<b>Ward:</b>	8

Attorney Sanford Resnick represented the applicant and was requesting preliminary approval to merge three lots with three office buildings, demolish two of the buildings and construct an addition to the remaining medical office building on a lot with less than required parking.

Attorney Resnick explained that the project had received Master Plan approval from the Planning Board and a City Council zone change authorizing the use on the property and issuing relief from the parking requirements.

The attorney then introduced Mr. Richard Bzdyra of Ocean State Planners explained the details of the project. Mr. Bzdyra informed the board that the project had received RIDEM wetlands approval, that the alterations to the site were more than 200 feet away from Hardig Brook which abuts the property and that the development would be connected to City water and sewer.

Attorney Resnick concluded by stating that the property is zoned office and that there was need for additional doctor's offices close to Kent County Hospital.

Dr. Douglas Nesbit of 92 Orchard Avenue stated that his home was in close proximity to the development and that he was concerned about flooding in the area.

Mr. Bzdyra explained that the project would not change anything near the brook and that all of the development was north of a ridge that separated the development from the Hardig Brook.

Being no additional questions or comments the Planning Board closed the public hearing and then 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) Consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance Amendment PCO-28-06.
- 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 a final landscape plan shall be approved by the City's Landscape Project Coordinator which shall be revised to remove the existing blue spruce tree and maple tree located along Toll Gate Road, increase the number of shade trees within the parking lot, provide supplemental plantings along the Tollgate Road frontage and provide a dumpster location with appropriate screening.
- 2) That the final plan shall include a notation that the contractor shall receive a Physical Alteration Permit (PAP) from the Warwick DPW prior to performing any work within the city right-of-way.
- 3) That the design engineer shall provide an "as built" drainage plan and certification of construction to the City Engineer prior to issuance of a Certificate of Occupancy (CO).
- 4) That prior to final approval the developer shall provide existing and projected sewer flows stamped by a Professional Engineer to be approved by the Warwick Sewer Authority.
- 5) That the final plan shall include sewer sampling manholes and other pretreatment requirements to be approved by the Warwick Sewer Authority.
- 6) That the proposed 4 inch sewer connection shall be upgraded to a 6 inch connection.

On the motion of Mr. Slocum, seconded by Mr. Thomas, 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 Informational Meeting**

### **Major Land Development Project**

#### **Roy Medical Office Building**

Applicant:	Louis and Joan Roy
Location:	192 Tollgate Road
Assessor's Plat:	246
Lot(s):	237
Zoning District:	Residential/A10 and Office
Proposed Zone:	Office
Land Area:	48,289 s.f.
Number of lots:	NA
Engineer:	Eugene Spring
Ward:	8

Mr. Louis Roy represented himself and was requesting master plan approval of a Major Land

Development Project and a recommendation for zone change to construction a new 16,800 square foot medical office building with less than the required parking, less than required driveway (aisle) distance from the proposed building and less than the required building setback and landscape buffer from an abutting residential district in an Office/Residential A-10 Zoning District.

Mr. Roy explained that he had previously proposed a multi-family development but that the Planning Department had recommended denial so he has changed his proposal to office. Mr. Roy explained that he had a long narrow lot and that he would require several variances to accommodate his building.

Chairman Mulhearn expressed his concern about the amount of relief necessary and asked if Mr. Roy had considered a smaller building.

Mr. Roy explained that he had moved his building and reduced the size at the request of the Planning Department but that his proposal was similar to the property next door which the Planning Board had previously approved.

Mr. Roy's engineer Eugene Spring, P.E. also informed the Planning Board that a commercial property to the west has a similar arrangement had been recently approved by the board.

Planning staff corrected Mr. Spring and informed the Planning Board that the project Mr. Spring was referring to was approved by the Zoning Board and was not approved by the Planning Board.

Mr. Roy explained that along the back portion of his lot the property was zoned residential but that there was actually a 53 car parking lot located there servicing an adjacent office building.

Mr. Spring requested clarification of the Planning Department's stipulation regarding the aisle width. He asked if the department wanted to make the building smaller or if he could simply move the building two feet closer to the westerly property line.

Mr. Spring was informed that the stipulation specifically stated that the footprint of the building should be reduced.

Mr. Spring then stated that he could provide a physical barrier along the building for safety purposes rather than reduce the size.

Board member Slocum responded that the applicant could also make the building smaller.

The Planning Board then accepted public comment.

Dr. Douglas Nesbit and Debra Nesbit of 92 Orchard Avenue were concerned that the proposed building was too large for the lot and were also concerned about drainage into Hardig Brook.

Mr. Roy responded that he would be willing to reduce the size of the building slightly to meet



the driveway width.

Board member Foster was concerned about the number of parking spaces and asked how many the building required.

Mr. Springs stated that the building required 84 spaces and they were providing 61 spaces.

Ms. Foster asked Mr. Roy if he would be willing to reduce the building to conform to the number of parking spaces.

Mr. Roy stated that the Planning Board had approved the development to the east with less than the required parking spaces.

Ms. Foster responded that the other building was not the same and that the other building included a large two story foyer with stairs and elevators which did not necessitate parking. She informed Mr. Roy that the previous applicant did not deduct hallways as Mr. Roy was proposing.

Being no further testimony the Planning Board then 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. Generally consistent with the Comprehensive Community Plan.
2. Not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring a City Council Zone Change from Residential A10/Office to Office with variances for less than required parking, less than the required building setback, and landscape buffer and less than required driveway (aisle) distance from the proposed 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 A10/Office to Office, with the requested variances not including a variance for less than the required aisle distance from a building.

2. That the project engineer shall meet with the City Engineer to discuss storm-water drainage issues prior to beginning the preliminary design. The project engineer must be aware that Zero Net Runoff is considered a minimum and that this site discharges into Hardig Brook, a water body that had been targeted by Rhode Island DEM for a Total Maximum Daily Loading (TMDL); therefore the project engineer must make every effort to minimize storm water runoff, improve water quality and promote infiltration on site.
3. That the applicant shall reduced the footprint of the proposed building and accommodate the minimum driveway (aisle) distance form the building in order mitigate the adverse impact on the traffic pattern and pedestrian access and to better address the constraints of the parcel (narrow lot).
4. That all state permits, including but not limited to, RI Department of Environmental Management (RIDEM) Wetland and RIDEM Underground Injection Control (UIC) are required prior to preliminary approval.
5. That the project engineer must coordinate grading along the easterly property line with the proposed development of abutting Lot 259.
6. That the applicant shall flag the edge of the freshwater wetland and delineate the edge of wetlands on the preliminary site plan.
7. That the preliminary plans shall depict the Narragansett Electric Easement southeast of the subject lot, shall provide all utility information, including existing and proposed utilities on the site and in the roadway and shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
8. The project engineer shall stamp and submit all projected flows to the Warwick Sewer Authority. Interior plumbing plans and all pretreatment requirements must be met and submitted to the Warwick Sewer Authority prior to obtaining a building permit.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted four in favor with Mulhearn, Slocum and Foster opposed to formally adopt the Planning Department's findings and to grant master plan approval to be through the Administrative Officer upon compliance with the Planning Department's recommended stipulation.

The motion failed to carry the required five votes, as a result the project was denied.

### Request for a Zone Change

**Applicant:** Louis and Joan Roy  
**Location:** 192 Tollgate Road  
**Assessor's Plat:** 246  
**Assessor's Lot(s):** 237  
**Zoning District:** Residential A10 and Office to eliminate Residential and rezone entire parcel to Office.

No action was taken on the recommendation for the zone change as a result of a denial of the Master Plan.

### Public Meeting

### Request for an Extension

#### Centerville Gardens

**Applicant:** Offshore Development LLC.  
**Location:** 1209 Centerville Road  
**Assessor's Plat:** 250  
**Assessor's Lot(s):** 003  
**Zoning District:** Residential A-15  
**Land Area:** 2.73 acres  
**Engineer:** Ocean State Planners, Inc.  
**Ward:** 8

The applicant was requesting an extension of the master plan approval for the "Centerville Gardens Condominiums" development project to allow for the creation of a 10 unit residential condominiums on a 2.73 acre parcel in a Residential A-15 Zoning District recorded on March 3, 2006. The applicant is in the process of receiving a RIDOT Physical Alteration Permit (PAP).

The Planning Department found the following:

- 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 3, 2008.

On the motion of Mr. Slocum, seconded by Mr. Iacobucci and Mr. Gambardella, the Planning Board voted unanimously to grant the requested extension to expire on March 3, 2008.

### **Administrative Subdivisions**

The following Administrative Subdivisions were presented for informational purposes only.

Warwick Avenue	Plat: 312	Lot: 173
“Goldsmith Plat” Byfield and Hickory Street	Plat: 285	Lots: 201 - 207
“Metro East Office Park” Lori Ann Way	Plat: 277	Lot: 21

Being no further business, the meeting was adjourned at 7:10 P.M.