

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, May 14, 2008

Members Present: John J. Mulhearn Jr.
Cynthia Gerlach
Vincent Gambardella
Thomas Kiernan
Philip Slocum
Rick Robinson

Members Absent: James Desmarais
Michael Constantine
George Arnold

Also in attendance: Patricia Reynolds, Business Development Planner
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. Robinson, seconded by Mr. Gambardella, the Planning Board voted four (4) in favor, with Ms. Gerlach and Mr. Slocum abstaining because they were not present, to approve the April 2008 meeting minutes.

Public Hearing

Major Subdivision

Faria Viewesta Road

Applicant: Alberto Faria
Location: 257 Nausauket Road and Viewesta Road
Assessor's Plat: 367
Lot(s): 550
Zoning District: Residential A-7
Land Area: 39,618 square feet
Number of lots: 3
Engineer: NRC Associates
Ward: 7

Attorney K. Joseph Shekarchi represented the applicant and was requesting preliminary approval to subdivide one lot to create three lots, one conforming lot

with an existing dwelling and two new lots for development with less than the required lot width on a new street in a Residential A-7 Zoning District.

The attorney explained that the project had received Master Plan approval from the Planning Board approximately one year ago and that during the past year the applicant had secured Zoning Board approval and RIDEM approval. He further explained that during the original hearing several residents were concerned about a drainage problem in the area; the attorney told the Planning Board that the new drainage system associated with the proposed development would result in improved drainage for the area.

Board-member Slocum asked if lot 409 would be used as access for the new street.

Attorney Shekarchi responded that the lot would not be used for access but that the paper street portion of Viewesta Road would provide the access.

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 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 a variance (Petition # 9521) from the Zoning Board of Review to have two lots with less than the required 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.

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 the existing dwelling and the proposed new dwellings shall be connected to the Warwick Sewer System.
- 2) That the applicant shall pay the Warwick Sewer Authority for installation of the proposed sewer extension prior to recording of the subdivision.

- 3) That the final plans shall be signed by a Registered Professional Land Surveyor and Professional Engineer.
- 4) That the final plan shall show an overflow for the proposed storm-drain system.
- 5) That the final plan shall include a note stating that the Design Engineer shall submit an “As-Built” plan and Certificate of Conformance on all elements of the storm drainage system and that the “As-Built” plan and Certificate of Conformance shall be approved by the City Engineer prior to issuance of a Certificate of Occupancy.
- 6) That the final plan shall include a note that the contractor shall obtain a City of Warwick Soil Erosion and Sediment Control permit from the Building Department prior to commencement of any construction activities.

On the motion of Mr. Slocum, 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 stipulations.

Public Informational Meeting

Major Subdivision

5 Bay View Avenue

Applicant:	John Thomas & Nancy Gaucher-Thomas
Location:	5 Bay View Avenue
Assessor’s Plat:	221
Lot(s):	22
Zoning District:	Residential A-15
Land Area:	38,343 square feet
Number of lots:	2
Engineer:	Louis Federici Associates, PLS.
Ward:	9

The applicant is requesting Master Plan approval to subdivide one 38,343 square foot lot to create two lots; one lot having an existing dwelling and one new nonconforming lot for development in a Residential A-15 zoning district.

Attorney K. Joseph Shekarchi informed the Planning Board that the application had been continued from last month’s meeting in order to perform a planning analysis of the existing area. Attorney Shekarchi explained that even though 34% of the homes in the area had substandard lots the applicant had decided to withdraw the application and examine the feasibility of establishing a duplex on the property.

Chairman Mulhearn asked the Solicitor if the Planning Board was required to vote on the

withdrawal of the application.

Solicitor Ruggiero explained that it would not be required but that it was the Planning Board's prerogative.

On the motion of Mr. Slocum, seconded by Mr. Robinson, the Planning Board voted unanimously to formally allow the applicant to withdraw the application.

Public Meeting

Minor Subdivision

Re-plat of Ridgeway Terrace Extension

Applicant:	Marjorie Rosenfeld & Alan Gregerman for the estate of Jacqueline Gregerman
Location:	Belfort Avenue
Assessor's Plat:	329
Lot's:	417, 418, 419, 420 & 421
Zoning District:	Residential A-7
Land Area:	24,000 square feet
Number of Lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	4

Mr. Richard Bzdyra, President of Ocean State Planners, represented the applicant and was requesting preliminary approval of a Minor Subdivision to subdivide five undersized, nonconforming, merged lots into two new conforming lots for development in a Residential A-7 Zoning District.

Mr. Bzdyra explained that the development consisted of five abutting, undersized, nonconforming lots with approximately 200 feet of street frontage. Mr. Bzdyra informed the Planning Board that the lots had been contaminated several years ago from an abutting gasoline station but that the property had been cleared by the RI Department of Environmental Management and were now suitable for building.

Chairman Mulhearn asked Mr. Bzdyra about there being substantial fill on the property.

Mr. Bzdyra explained that there was approximately five (5') feet of clean fill. He further explained that any proposed construction would require an engineered foundation or removal of substantial fill and new fill to be placed on the site.

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

The Planning Department found the proposal to be 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 stipulation that the applicant shall remove any remaining groundwater monitoring wells in accordance with Appendix 1 of RIDEM's Rules and Regulations for Groundwater Quality, and in compliance with the March 10, 2008 RIDEM "letter of no further action."

On the motion of Mr. Gambardella, seconded by Mr. Robinson, the Planning Board voted five in favor with Chairman Mulhearn abstaining 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 Meeting

Request for a Zone Change

Applicant:	House of Hope Community Development Corporation
Location:	3188 Post Road
Assessor's Plat:	245
Assessor's Lot(s):	052
Zoning District:	Office
Proposed Zoning:	Office, with Planning Unit Development (PUD) overlay, with variances.

Prior to the applicant's presentation, Board-member Slocum explained that he was formally recusing himself as he had for the original application because his wife had assisted in grant applications for the project.

Attorney K. Joseph Shekarchi represented the applicant and was requesting a recommendation for a Zone Change to convert an existing dwelling to an office use and establish a total of five (5) residential units on a lot with less than required front and side yard setbacks, frontage, lot width and lot area, less than required parking, driveway width, parking lot setback, less than required setback between structures and between parking/driveway and structures, less than

required landscape buffer and greater than allowed office gross floor area.

Attorney Shekarchi explained that the applicant had received Master Plan approval from the Planning Board in 2006 and an extension which will now expire on November 3, 2008. The attorney further explained that the original process was to receive Planning Board approval and then to proceed to the Zoning Board of Review for zoning relief. Since that time it has been determined (based on a Superior Court ruling) that the Zoning Board can no longer authorize the necessary zoning relief so the applicant must now obtain a Zone Change from the City Council.

Attorney Shekarchi explained that the project was the subject of several public meetings and that the applicant plans on hosting a neighborhood informational meeting prior to appearing before the City Council.

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 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 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.
- G) The use of innovative development regulations and techniques.

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.

The Planning Department recommendation was for a favorable recommendation to the Warwick City Council with the following stipulations:

- 1) 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.
- 2) That all State permits including, but not limited to, RI DOT Physical Alteration Permit (PAP) and RI DEM Underground Injection Control (UIC) shall be obtained prior to Preliminary Approval.
- 3) That the project engineer shall consult with the Warwick Fire Department regarding fire apparatus access to and within the site.
- 4) That the project engineer shall provide to the Warwick Sewer Authority existing flows and projected flows, as well as any other pretreatment requirements.
- 5) That the installation of the new water line must be coordinated with the Kent County Water Authority and the Warwick Water Division.

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

Street Abandonment

Portion of Access Road

Petitioner:	New England Institute of Technology
Location:	Assessors Plats: 279 and 280; See attached map.
Ward:	3

Attorney K. Joseph Shekarchi represented the applicant and was requesting a recommendation to abandon a portion of Access Road in order to construct a cul-de-sac at the terminus of Access Road in order to improve vehicular safety through the intersection and access to existing buildings. Attorney Shekarchi informed the Planning Board that the request was a continuation of a project that was previously approved by the Planning Board and was contained as a recommendation in the traffic study prepared for a project approved by the Planning Board in April 2004.

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 and that an Administrative Subdivision be recorded merging the abandoned property.

Administrative Subdivisions

The following Administrative Subdivisions were included for informational purposes:

Greenwich Bay Marina Plat: 366 Lots: 004

Barrow – Leroy Avenue Plat Plat: 377 Lots: 223, 224 & 225

Being no further business the meeting was adjourned at 6:35 pm.