

**City of Warwick Planning Board  
Meeting Minutes**

**Wednesday November 14, 2007**

**Members Present:** John J. Mulhearn Jr., Chairman  
Thomas Kiernan  
Rick Robinson  
Philip Slocum  
Jeanne Foster  
Vincent Gambardella

**Members Absent:** Michael Constantine  
Michael Grande  
George Arnold

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

Chairman Mulhearn called the meeting to order at 6:05 P.M.

On the motion of Mr. Slocum, seconded by Mr. Gambardella and Mr. Robinson, the Planning Board voted unanimously to accept the October 2007 meeting minutes.

Chairman Mulhearn called the first petition.

**Public Meeting**

**Request for a Reinstatement**

**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 Kevin Hayes represented the applicant and requested continuing the matter to the December 12, 2007 Planning Board meeting.

The applicant is requesting reinstatement of a master plan approval of a Major Land Development Project/Subdivision to merge three lots with an existing dwelling to allow for the development of ten residential condominiums in a Residential A-15 Zoning District.

On the motion of Mr. Slocum, seconded by Mr. Robinson and Mr. Gambardella, the Planning Board voted unanimously to continue “The Request for Reinstatement” to the December 12, 2007 Planning Board meeting.

### **Public Hearing**

### **Major Subdivision**

### **Amoroso Estate**

**Applicant:** Walter and Margaret Amoroso  
**Location:** 85 Rustic Way and Hutchinson Street  
**Assessor’s Plat:** 364  
**Lot(s):** 227 & 528  
**Zoning District:** Residential A-7  
**Land Area:** 2.37 acres  
**Number of lots:** 8  
**Engineer:** Alpha Associates, LTD.  
**Ward:** 7

Attorney Kevin Hayes represented the applicant and was requesting preliminary approval to subdivide two lots to create eight lots, one lot with an existing dwelling and seven new lots for development on a new street with a waiver from the Land Development Regulations Section D.2.2.d “Reduction of Sidewalks” to have sidewalks on one side of the street in a Residential A-7 Zoning District.

Attorney Hayes explained that the Planning Board had previously granted Master Plan approval and now the applicants had completed the engineering for the project and were requesting preliminary approval with a final approval to be through the Administrative Officer.

Board member Slocum asked if all of the driveways would be located on the new road. The applicant responded that two of the driveways would not be on the new road, that there was to be one driveway on Nausauket Road and one on Rustic Way.

Being no other questions or comment the Planning Board formally 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.

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 final plan shall include a sidewalk along the northerly side of the street and along the cul-de-sac in accordance with Development Review Regulation Section D.2.2.d.
2. That the final plan shall include a note stating "The design engineer shall submit an As-Built Plan and a certification that the construction has been completed in conformance with the approved plans" and a note stating that "The contractor shall obtain a Soil Erosion and Sediment Control Permit prior to commencing site work."
3. That the developer shall dedicate a "fee-in-lieu of open space" equal to six lots to the City of Warwick for Recreational District 4 as presented in the Warwick Comprehensive Plan Recreation Element, prior to recording the Final Plan.

On the motion of Mr. Gambardella, 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 Meeting**

**Minor Subdivision**

Fagan Plat

Applicant:	Fagan Building Company, LLC.
Location:	611 Providence Street and Wallace Avenue
Assessor's Plat:	262
Lot:	102
Zoning District:	General Business
Land Area:	17,500 square feet
Number of lots:	2

Engineer: Ocean State Planners, Inc.  
Ward: 8

Mr. Richard Bzdyra of Ocean State Planners represented the applicant and was requesting preliminary approval to subdivide an existing 17,500 square foot lot containing two residential structures to create two new lots, one conforming 10,500 square foot lot containing an existing two-family dwelling and one conforming 7,000 square foot lot for the construction of a new single family home in a General Business District.

Mr. Bzdyra explained that the property currently consisted of one lot with two residential buildings. He informed the board that the applicant desires to retain an existing duplex and create a new 7,000 square foot lot for the construction of a new single family home. He told the Planning Board that the proposed new home would have public sewer and water and would conform to all zoning requirements.

Being no questions or public 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 applicant shall record a sewer use and assessment lien payable to the West Warwick Sewer Authority for the proposed new lots.
2. That the final plan shall depict encroachments presented on sheet 2 and on sheet 1 and indicate topographic datum.
3. That the final plan shall include a note stating that "A Physical Alteration Permit shall be obtained from the Department of Public Works prior to performing any work within the

City of Warwick right-of-way” and a note stating “That the large caliper Elm Tree located in the northwesterly corner of Parcel A and the 36” twin Maple Tree on Parcel B shall be preserved and protected with tree drip-line protection during construction.”

On the motion of Mr. Robinson, 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 Meeting**

#### **Request for an Extension**

##### **Cenami Plat**

<b>Applicant:</b>	Carmel I. Cenami, Trust
<b>Location:</b>	126 Wentworth Avenue and Cady Avenue
<b>Assessor’s Plat:</b>	355
<b>Lot:</b>	322
<b>Zoning District:</b>	Residential A-7
<b>Land Area:</b>	28,354 Square feet
<b>Number of lots:</b>	NA
<b>Engineer:</b>	Flynn Surveys, Inc.
<b>Ward:</b>	5

Attorney K. Joseph Shekarchi represented the applicant and was requesting an extension of a master plan approval of a major land development project to merge three lots containing four residential dwelling units and to establish one additional dwelling unit in a building with less than the required side setback in a Residential A-7 Zoning District.

Mr. Shekarchi explained that a RI Superior Court Decision has prevented this applicant from proceeding to the Zoning Board of Review to request the required zoning relief for the project. Mr. Shekarchi further explained that the Superior Court decision has been appealed to the RI Supreme Court and that the Supreme Court has agreed to hear the case. He asked that the Planning Board grant a one year extension until the legal issues have been decided by the Supreme Court.

The Planning Board then heard the Planning Department’s findings and recommendation.

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 November 3, 2008.

On the motion of Mr. Gambardella, seconded by Mr. Kiernan, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on November 3, 2008.

### **Public Meeting**

### **Request for an Extension**

### **House of Hope**

<b>Applicant:</b>	House of Hope Community Development Corporation
<b>Location:</b>	3188 Post Road
<b>Assessor's Plat:</b>	245
<b>Lot:</b>	52
<b>Zoning District:</b>	Office Zone
<b>Land Area:</b>	27,771 Square feet
<b>Number of lots:</b>	NA
<b>Engineer:</b>	Casali & D'Amico Engineering
<b>Ward:</b>	7

Board member Slocum recused himself from participating stating that he had not participated in the original approval because his wife had consulted with the House of Hope regarding funding sources for the project.

Attorney K. Joseph Shekarchi represented the applicant and was requesting an extension of a master plan approval of a major land development project to convert an existing dwelling to an office building and to establish five residential dwelling units on a lot with less than the required land area, front setback, driveway width and less than the required parking in an Office Zoning District.

Attorney Shekarchi explained as was the previous case with the Cenami Plat, the applicant cannot proceed until the RI Supreme Court resolved a legal issue regarding the required zoning relief for the application.

The Planning Board then heard the Planning Department's findings and recommendation.

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 November 3, 2008.

On the motion of Mr. Gambardella, seconded by Mr. Kiernan, the Planning Board voted five in favor, with Mr. Slocum recusing himself, to formally adopt the Planning Department's findings and to grant the requested extension to expire on November 3, 2008.

### **Public Hearing**

#### **Major Land Development Project**

##### Orchard Avenue Medical Office Building

Applicant:	North End Realty, LLC
Location:	Centerville Road and Orchard Avenue
Assessor's Plat:	246
Lot(s):	243
Zoning District:	Residential A-10
Proposed Zone:	Office
Land Area:	1.3 +/- acres
Number of lots:	1
Engineer:	SFM Engineering Associates
Ward:	8

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a Major Land Development Project and a Zone Change recommendation from Residential A-10 to Office to allow construction of a new 10,800 square foot medical office building with less

than required setback for parking spaces and less than required landscape buffer.

Attorney Shekarchi introduced Mr. Scott Moorhead, P.E.; engineer for the project and Mr. Ron Chofay owner.

Attorney Shekarchi explained that the property was currently zoned residential and that there was a house on the site. He further explained to the Planning Board that Narragansett Electric had reviewed the project and has provided a letter allowing the project to proceed to the Planning Board.

The attorney informed the Board that the applicant had reduced the size of the building and as a result has brought the number of parking spaces into compliance with the City's zoning ordinance. He further informed the Board that the project had not been formally reviewed by RIDEM but that the project would comply with the RIDEM buffer requirements.

Mr. Moorhead P.E. explained the details of the site plan and explained that the project meets the criteria for the number of parking spaces for a medical office. He further explained that the only zoning relief necessary was a front yard landscape buffer setback for the parking. Mr. Moorhead informed the Planning Board that there was substantial undeveloped land within the RIDOT right-of-way that could be used for landscaping.

Being no further presentation, the Planning Board then opened the public hearing.

Dr. Lauren Brown of 100 Orchard Avenue was concerned about building height, trees and buffers around the building and access to Orchard Avenue.

Attorney Shekarchi responded that the building would be two stories and would have a maximum height of 35 feet in compliance with the City's zoning requirements. Mr. Shekarchi also stated that there would be an undisturbed 50 foot buffer along the brook as required by RIDEM, as well as, plantings along the back of the building and parking lot that would help screen the property from the north. Mr. Shekarchi concluded by informing Dr. Brown that there would be no access allowed to Orchard Avenue.

Mrs. Debra Nesbit of 90 Orchard Avenue was concerned about screening and landscaping.

Mrs. Charlene Rapinski of 305 Centerville Road was concerned about increase traffic on Orchard Avenue and screening for the side of the building along Orchard Avenue.

Attorney Shekarchi reiterated that there would be no access to Orchard Avenue and informed Mrs. Rapinski that the preliminary plan stage would have a landscape plan that would address the concerns of the residents.

Board member Foster asked if the project would be developed within the 200 foot wetland buffer.

Chairman Mulhearn explained that RIDEM jurisdiction is within 200 feet of the stream but that



the RIDEM buffer was 50 feet from the edge of the wetland vegetation.

Being no further questions or 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. 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-10 to Office, with waivers for less than required setback for parking spaces and less than required landscape buffer.
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-10 to Office, with the requested waivers.
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. The project engineer shall indicate the width of the Narragansett Electric Easement on the preliminary plan.
4. That the applicant shall relocate the dumpster to eliminate access from Orchard Avenue and to conform to required setbacks.
5. That there shall be no access to Orchard Avenue from the development.

6. That the applicant shall meet with the Warwick Sewer Authority to discuss the sewer extension policy and the project engineer shall stamp and submit all projected flows to the Warwick Sewer Authority.
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.

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

**Request for a Zone Change**

Orchard Avenue Medical Office Building

<b>Applicant:</b>	North End Realty, LLC.
<b>Location:</b>	Centerville Road and Orchard Avenue
<b>Assessor’s Plat:</b>	246
<b>Assessor’s Lot(s):</b>	243
<b>Zoning District:</b>	Residential A-10
<b>Proposed Zoning:</b>	Office

Attorney K. Joseph Shekarchi requested that the Planning Board forward a positive recommendation to the City Council for the proposed zone change from Residential A-10 to Office for the construction of a new 10,800 square foot medical office building with less than required setback for parking spaces and less than required landscape buffer.

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 finds 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 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 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 A-10 to Office with waivers for less than required setback for parking spaces and less than required landscape buffer, with all of the Planning Department recommendations.

On the motion of Mr. Gambardella, seconded by Mr. Slocum and Mr. Robinson the Planning Board voted unanimously to formally adopt the Planning Department's findings and forward a favorable recommendation to the Warwick City Council for the requested zone change from A-10 to Office with waivers for less than required setback for parking spaces and less than required landscape buffer, with all of the Planning Department's recommended stipulations.

### **Public Hearing**

### **Major Land Development Project**

### **Link Commercial Properties**

Applicant:	Link Commercial Properties
Location:	Warwick Avenue, Diploma Street and Narragansett Parkway
Assessor's Plat:	302
Lot(s):	122, 124, and 125
Zoning District:	Residential A-7 and Office
Proposed Zone:	Office
Land Area:	21,634 s.f.
Number of lots:	3
Engineer:	Ocean State Planners, 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 for the demolition of

four existing residential structures and the construction a new 2,500 square foot bank and drive through with less than required parking, less than required building setback and less than required landscape buffer from an abutting residential district on a lot zoned Residential A-7 and Office.

Attorney Shekarchi told the Planning Board that the project would be good for the City. He explained that a new bank on the site would not contribute children to the school system, would require no city services and would be an economic benefit to the city.

The Planning Board then opened the public hearing.

Board member Slocum expressed his concern about adequate access to the site.

Mr. Lou Spaziano of 1168 Warwick Avenue did not object to the bank but was concerned about the lack of parking and was concerned about bank customers parking in his lot.

Ms. Jessica Vallier of 11 Stoddard Place was opposed to the bank. Ms. Vallier was concerned about traffic, noise and lights from the parking lot shining into the windows of her home.

Mr. Richard Fuller of 24 Diploma Street was concerned about the lack of parking and did not want the bank customers parking on Diploma Street blocking his driveway.

Ms. Judi Graves of 1240 Narragansett Parkway was concerned about the proximity of the proposed bank driveway to the traffic light. Ms. Graves stated that the residential traffic will not be able to access Narragansett Parkway.

Mr. and Mrs. Medieros of 17 Stoddard Place were concerned about 24 hour ATM usage and would prefer to have an office building on the site.

Attorney Shekarchi stated that the applicant would stipulate that there would be NO ATM machine at the bank.

Mr. John Quinn of 1047 Narragansett Parkway was concerned about increased traffic and the safety of children walking to school.

Board member Kiernan inquired to the attorney, how could a bank possibly stipulate that it would not have an ATM machine?

Attorney Shekarchi responded that the Planning Board would impose it and the bank would accept the stipulation.

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

The Planning Department found the project **not to be generally** consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations and,

1. **Not** generally consistent with the Comprehensive Community Plan. The Comprehensive Plan Land Use Element does not support incremental zone changes and the encroachment of a non-residential uses into existing residential zones.
2. **Not** in compliance with the standards and provisions of the City's Zoning Ordinance, including Section 701.1 "Off-street parking space requirements," Table 2B "Dimensional Regulations, footnote 2," and Section 505(B) "Landscaping and screening requirements for nonresidential uses."
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 **does not** possess adequate access to a public street. The proposed access along Warwick Avenue is in close proximity to the signalized intersection at Warwick Avenue and Narragansett Parkway leaving insufficient queuing area from this intersection.

Planning Department recommendation was to **deny** the master plan.

On the motion of Ms. Foster, seconded by Mr. Kiernan, the Planning Board voted unanimously to formally adopt the Planning Department's findings and deny the master plan.

Being no further business the Planning Board adjourned at 7:00 pm.