

**City of Warwick Planning Board  
Meeting Minutes**

**Wednesday, October 11, 2006**

**Members Present:** John J. Mulhearn Jr.  
Attilio Iacobucci  
Vincent Gambardella  
Carter Thomas  
Philip Slocum  
Rick Robinson  
Michael Constantine  
Jeanne Foster

**Members Absent:** George Arnold

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

The meeting was called to order at 6:10 P.M.

On the motion of Mr. Iacobucci, seconded by Mr. Robinson and Mr. Slocum, the Planning Board voted unanimously to accept the September 2006 meeting minutes.

**Public Meeting**

**Minor Subdivision**

**Oxford Properties – 69 Post Road**

**Applicant:** James Turner and Mary Sharp  
**Location:** 69 Post Road  
**Assessor's Plat:** 291  
**Lot(s):** 23  
**Zoning District:** Office  
**Land Area:** 44,279 square feet  
**Number of lots:** 2  
**Engineer:** Ocean State Planners, Inc.  
**Ward:** 1

Mr. Richard Bzdyra of Ocean State Planners represented the applicant and was requesting Preliminary approval to subdivide one lot with an existing dwelling to create two lots, one lot with an existing dwelling and one new lot for development in an Office Zoning District.

Mr. Bzdyra explained that the property had an existing dwelling that was zoned Office with a Historic Overlay. He informed the Board that the new lot would be 27,000 square feet in full conformance with the zoning regulations and that all utilities had been extended to the property.

Board member Slocum inquired as to the size of the existing and proposed dwellings. Mr. Turner, the property owner responded that the new home would be approximately 1,600 square feet and that the existing home was 960 square feet.

Mr. Bzdyra then addressed the Planning Department's recommendation #7 informing the Planning Board that the evergreen tree that was to be preserved had already been removed as part of the utility work.

Planning staff agreed to amend the stipulation to remove the reference to the pine tree.

Being no further testimony 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:

- 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, and:
- 5) That the proposed development 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 stipulations:

- 1) That the applicant shall provide storm-water calculations, proposed connections and construction details to be approved by the City's Engineering Department prior to final approval for the proposed drywell.
- 2) That any new construction shall be approved by the Warwick Historic

District Commission, prior to the issuance of a building permit.

- 3) That there shall be no disturbance of the newly installed sidewalks, concrete driveway aprons and paved roadway surfaces.
- 4) That the final plan shall include a 20' drainage easement (10' along each side of the existing 12" pipe) to be deeded to the RIDOT.
- 5) That the final plan shall include proper easements to address the maintenance and location of the existing retaining wall spanning the proposed lots.
- 6) That the final plan development shall expand the limit of disturbance to prohibit any disturbance to the existing 12" drain line and to prohibit construction vehicles from driving over the existing drain line.
- 7) That the final development plan shall locate the trees along the westerly property line and shall provide a tree protection detail for these areas.
- 8) That applicant shall plant one new street tree, species and location to be approved by the City's Landscape Project Coordinator, prior to issuance of a Certificate of Occupancy.

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 Meeting**

#### **Minor Land Development Project**

##### **Metro Center Boulevard Office Park**

Applicant:	911 Jefferson, LLC
Location:	Intersection of Lori Ann Way and Metro Center Boulevard
Assessor's Plat:	277
Lot:	21
Zoning District:	General Industrial
Land Area:	22.6 acres
Number of lots:	3
Engineer:	DiPrete Engineering Associates, Inc.
Ward:	8

Mr. Michael Integlia of 911 Jefferson, LLC. represented the application and was requesting Preliminary approval of a Minor Land Development Project to subdivide one lot into three lots

and to construct two office buildings with a total of 124,200 square feet with shared parking and access on two of the lots with one remaining undeveloped lot.

Mr. Integlia introduced Mr. Andy Osgood of DiPrete Engineering to address any engineering questions that the Planning Board may have.

Mr. Integlia explained that he intended to divide the property into three lots, two of the lots would be developed as office and the third lot would be reserved for future development.

Board member Slocum asked if there would be one access to the development from Metro Center Boulevard.

Integlia explained that the primary entrance would be from Metro Center but that there would be a secondary access from Lori Ann Drive.

Mr. Integlia further explained that the property consists of a gravel bank and that it is properly zoned for the proposed office use.

Chairman Mulhearn asked if the project had been approved by Rhode Island Department of Environmental Management (RIDEM) Wetlands Division.

Mr. Integlia informed the Chairman that he had an application pending at RIDEM and that the project was maintaining the required fifty foot (50') wetlands setback.

Board member Iacobucci asked if the parking area to the rear of the development was in the wetland area.

Mr. Integlia responded that all new development would be located at least 50' from the wetlands.

Chairman Mulhearn asked if the applicant had any plans for parcel "C."

Mr. Integlia responded that he had no plans currently but that the lot was in conformance with the City's zoning regulations.

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:

- 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 contingent upon Rhode Department of Environmental (RIDEM) approval, with Final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the final 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 the applicant shall provide a projected flow analysis performed by a Professional Engineer and approved by the Warwick Sewer Authority which shall also confirm the available capacity at the Alteri Way pump station.
- 3) That all pretreatment requirements, including submission of interior plumbing plans and the provision of separate sampling manholes for each building, shall be approved by the Warwick Sewer Authority, prior to issuing a building permit.
- 4) That any outstanding Sewer Assessment shall be paid in full prior to recording.
- 5) That the Project Engineer shall ensure that no drainage is directed toward Lori Ann Way and that the owner shall install and maintain a drainage swale along the southerly edge of the proposed parking area to mitigate existing flooding problems on Lori Ann Way.
- 6) That a note shall be added to the final plan stating that there will be on site testing conducted by an experienced professional to insure proper materials and construction practices are being utilized and that the applicant shall pave a test area and closely monitor the durability and function of the porous pavement as per RIDEM recommendation.
- 7) That the use of porous pavement is considered experimental and will require periodic inspections upon completion. The owner shall submit reports to the Department of Public Works, Engineering Division and Planning Department as to the effectiveness of the porous pavement according to the following schedule: a quarterly report for the first year and semi-annually for years two (2) through five (5), after the fifth (5<sup>th</sup>) year, an annual report will be required
- 8) That minimum three (3) foot sumps shall be added to the proposed Nyloplast drainage structures.

- 9) That spot elevations at high and low points shall be added to all subsequent submissions so that the drainage pattern can be clearly reviewed.
- 10) That a deed restriction addressing the Operation and Maintenance of the porous pavement and the drainage system shall be recorded in the land evidence records.
- 11) That the final drainage design shall be approved by the Department of Public Works, Engineering Division.
- 12) That the applicant shall formally notify National Grid for any work within or use of the existing easement.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant preliminary approval contingent upon Rhode Department of Environmental (RIDEM) approval, with Final approval upon compliance with the Planning Department's recommended stipulations.

### **Public Hearing**

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

#### **Byfield, Hickory & Plum Streets**

Applicant:	Barbara and Ronald Goldsmith.
Location:	Byfield Street, Hickory Street and Plum Street
Assessor's Plat:	285
Lot(s):	201 to 207
Zoning District:	General Industrial
Land Area:	42,790 square feet
Number of lots:	7
Engineer:	Garofalo and Associates, Inc.
Ward:	2

Mr. Nick Pampiano, P.E. from Garafalo Engineers represented the applicant and was requesting Preliminary approval of a Major Land Development Project to construct a new 9,600 square foot commercial building on a lot with a street extension requiring a waiver from the Development Review Regulations Section D.2.1 K, to have less than required cul-de-sac radius and Section D.2.1 G for the elimination of sidewalks.

Mr. Pampiano explained that the Planning Board granted master plan approval in July with the stipulation that the project receive Zoning Board of Review approval for less than the required landscape buffer and parking setbacks. Mr. Pampiano then explained that the plan was adjusted to conform with the zoning requirements so that Zoning Board approval was no longer necessary.

Mr. Pampiano then informed the board that the applicant had received all the required State of

Rhode Island permits including RIDEM ISDS and Wetlands approval.

Being no public 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 is to grant Preliminary approval, with a waiver from Development Review Regulations, Sections D.2.1-K and D.2.1-G, and Final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the Applicant shall merge all abutting lots by an Administrative Subdivision and deed a portion of Assessor's Plat 285, lot 204 to the City as part of the roadway cul-de-sac.
- 2) That the newly extended roadway must have a valve installed at the end of the existing line and that the contractor must coordinate the installation of the line, services, and shut down with the Warwick Water Division & Kent County Water Authority. If a fire service is required, a separate line must be provided.
- 3) That the Applicant shall remove and properly dispose of all existing debris on site and on abutting city rights-of-way prior to the issuance of a Certificate of Occupancy.

On the motion of Mr. Iacobucci, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant preliminary approval with a waiver from Development Review Regulations, Sections D.2.1-K and D.2.1-G, and Final approval to be through the Administrative Officer upon compliance with the Planning Department's recommended stipulations.

## Public Hearing

### Major Land Development Project

#### **3188 Post Road/House of Hope**

Applicant: House of Hope Community Development Corp.  
Location: 3188 Post Road  
Assessor's Plat: 245  
Lot(s): 52  
Zoning District: O, Office  
Land Area: 26,771 square feet  
Number of lots: 1  
Engineer: Joe Casali Engineering, Inc.  
Ward: 7

Prior to the presentation Board member Slocum recused himself stating that he may have a conflict with the petition. Mr. Slocum stated that his wife, who works for the Chamber of Commerce may be assisting in applying for grant money for the development.

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a Major Land Development Project 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 parking, less than required driveway width, less than required front setback and less than required area.

Attorney Shekarchi introduced Mr. Joseph Casali, P.E. of Casali Engineering who explained the details of the project. Mr. Casali informed the Board that the property consisted of a ½ acre lot with a principal building which was being utilized as an office for the House of Hope organization, along with a garage with apartment above, a barn, shed and coup.

Mr. Casali explained that the property has a nine foot (9') water table that was conducive for underground drainage. He further explained that the plan was to renovate the existing 1,300 square foot building, convert the garage with apartment to a two-family building, convert the existing barn into a single-family dwelling and build a new two-family dwelling for a total of five dwelling units and 1,300 square feet of office space.

Mr. Casali informed the Planning Board that the project requires 14 parking spaces and that the plan was providing 13 parking spaces. He explained that the individuals who would reside in the development often did not own their own vehicles. Therefore, meeting the parking requirement was not necessary.

Mr. Casali explained that the project also required relief from the minimum driveway width, providing 22 feet as opposed to the required 24 foot minimum width. Mr. Casali explained that he had consulted with the Rhode Island Department of Transportation regarding the driveway width and access and stated that they did not have an objection. Mr. Casali informed the



Planning Board that a traffic study was currently being performed and that any recommendations from the study would be incorporated into project.

Mr. Casali further explained that the area was a Historic District and that the narrower driveway would assist in saving a greater portion of the wall along the front of the property.

The Planning Board opened the public hearing following the presentation.

Mr. Robert Hicks of 80 College Street was concerned about access to the development. He explained that College Street, which abuts the property to the south, is a narrow dirt road and that he would object to the road being utilized to access and as parking for the development.

Attorney Shekarchi explained that on average there would be no more than one car per family and that the access would be from Post Road and all parking would be on the site of the development.

Mr. Casali further explained that the southern property line abutting College Street was separated with a stockade fence and that the fence would remain as part of the project.

Mr. Anthony Olink of 317 Post Road objected to the development stating that it represented too much development in a small area. He said that the lot was too small and that he was not happy with the clientele who would be residing there. Mr. Olink stated that he believed there would be recovering drug addicts and alcoholics living in the apartments and that was inappropriate for the single family residential character of the area.

Mr. Olink further stated that the House of Hope currently had a tenant who would routinely look into his back yard and stare at his son and his friends as they would swim in their pool. Mr. Olink stated that he had discussed the issue with the Director [of the House of Hope] but she did nothing to put an end to the activity.

Mr. Olink told the Board that he had lived in his home for 9.5 years and that putting a business along with five dwelling units in his back yard would ruin his quality of life and reduce his property value. Mr. Olink reiterated his concern about the type of clients that would be living in the apartments and supervision during night and weekends when the [House of Hope] offices would be closed.

Attorney Shekarchi stated that the House of Hope did not cater to individuals with substance abuse problems. He told the Planning Board that the apartments would be for individuals and families that could not afford market rate housing.

Ms. Johnson, the House of Hope Director, explained that their clients could possibly be those with substance abuse problems but that they must be in recovery and any relapse would result in eviction. She also stated that supervision would be provided by office personnel during business hours.

Mr. Dean Gering of 3193-3191 Post Road objected to the development. He was concerned about

supervision after (9 to 5) regular business hours. He was also concerned with the property value in the area as a result of the development. Mr. Gerig stated that he has owned property in Apponaug for 20 years and parking has always been a problem. He stated that he was concerned that the office would take away for the existing on street parking. Mr. Gering was also concerned about signage for the property and was opposed to any sign that was commercial looking and that would mention drug rehabilitation.

Mr. Richard Fournier of 134 Prospect Street was concerned that this proposal was just the beginning and wanted assurances that there would be no more development in the future.

Mr. Shekarchi explained that the proposal represented a full build out of the property.

Mr. Shekarchi summed his presentation stating that the issues presented were primarily related to the use of the property and not the land development aspects. He stated that Planning Board was responsible for the development aspect of the proposal and that it was the Zoning Board's responsibility to address the proposed use of the property.

Board member Foster inquired about the signage for the property.

Planning staff explained that the property was in a Historic District and that any signage requires the approval of the Historic District Commission for aesthetics.

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:

- 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 variance for less than required parking, less than required driveway width, less than required front setback and less than required area.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

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

- 1) That the applicant shall receive a Variance from the City's Zoning Board of Review to have a lot with less than required parking, less than required driveway width, less than required front setback and less than required area.
- 2) 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.
- 3) That the Project Engineer shall consult with the Warwick Fire Department regarding fire access to the site.
- 4) That the Project Engineer shall provide to the Warwick Sewer Authority existing flows and projected flows, as well as, any 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. Constantine, seconded by Mr. Gambardella, the Planning Board voted seven in favor with Mr. Slocum recusing himself to formally adopt the Planning Department's findings and to grant master plan approval with the Planning Department's recommended stipulations.

**Public Informational Meeting**

**Major Land Development Project**

**Graydon Plat – Cenami Trust Multi-family**

<b>Applicant:</b>	Carmel I. Cenami Trust
<b>Location:</b>	126 Wentworth Avenue & Cady Avenue
<b>Assessor's Plat:</b>	355
<b>Assessor's Lot(s):</b>	322, 323 & 711
<b>Zoning District:</b>	Residential A-7
<b>Land Area:</b>	28,354 square feet
<b>Number of lots:</b>	Merger of three lots
<b>Engineer:</b>	Flynn Surveys Inc.
<b>Ward:</b>	5

Attorney K Joseph Shekarchi represented the applicant and was requesting Master plan approval 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 for a total of five dwelling units on a lot in a Residential A-7 Zoning District.

Attorney Shekarchi explained that the property owner had initially applied to the Planning Board to establish an additional dwelling unit on an undersized lot with less than the required setbacks but at the request of the Planning Department the application was withdrawn and resubmitted.

The attorney informed the Board that the property owner had received Zoning Board approval to have four dwelling units on one lot several years ago and at the recommendation of previous legal council the owner subdivided the property without Planning Board approval.

Further, the applicant hired a contractor to renovate a garage to have an additional residential unit and unknown to the owner, the contractor did not apply for the required permits. As a result, the owner was unable to obtain a Certificate of Occupancy for the new apartment. The owner now desires to legalize the existing condition. Attorney Shekarchi explained that the owners were not to blame for the bad advice they had received and that they only desire to resolve the problems.

Shekarchi informed the Planning Board that his client agreed to merge the property back to the original configuration and that the result would be a development of five dwelling units that would conform to the City's density requirements.

Board member Slocum asked if there would be any additional structures on the property.

Shekarchi responded that there would not and that the residential unit would be on the second floor of the existing garage.

The Chairman asked if the property would be connected to sewers or would a new septic system be required.

The owner responded that sewers were scheduled for the area and that it was her desire to connect to the sewers when they become available.

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) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to have five dwelling units on a lot in two structures with less than the required setbacks in a Residential A-7 Zoning District.
- 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**

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

- 1) That the applicant shall receive Zoning Board of Review approval to have five dwelling units on a lot in two structures with less than the required setbacks.
- 2) That the applicant shall receive RIDEM/ISDS approval to have five residential dwelling units, prior to Preliminary approval.

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 master plan approval with the Planning Department's recommended stipulations and the additional stipulation that the development shall tie into the Warwick sewer system when available.

### **Public Informational Meeting**

#### **Major Subdivision**

#### **Re-plat of Dryden Heights**

Applicant:	James Donelan
Location:	637 Post Road
Assessor's Plat:	289
Lot:	58, 59, & 60
Zoning District:	Residential A-7
Land Area:	10,738 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	2

Attorney K. Joseph Shekarchi represented the applicant and was requesting master plan approval of a Major Subdivision to subdivide three lots with an existing dwelling to create two nonconforming lots, one lot with less than the required frontage, lot width and area and an existing dwelling and one new lot for development with less than the required area in a Residential A-7 Zoning District.

Attorney Shekarchi then introduced Mr. Richard Bzdyra, PLS, of Ocean State Planners who

described the existing conditions and explained the history of the property. Mr. Bzdyra explained that the property consists of three lots, one developed lot fronting on Post Road and two abutting lots on Wendell Road. Bzdyra explained that the lots were not in common ownership when originally created. Lot 58 was developed as a stand alone house lot and some time later the owner of lot 58 acquired lot 59 through adverse possession thereby merging the two lots.

Bzdyra further explained that Mr. Donelan owned lots 98, fronting on Tennyson Road, and lot 60 on Wendell Road. These two lots are not merged and lot 60 could have been developed as a stand alone 3,400 square foot lot upon Zoning Board approval. Bzdyra explained that Mr. Donelan then acquired lots 58 & 59 intending to merge lot 59 with lot 60 and develop it as a 6,800 square foot lot. However because lots 58 and 59 were in common ownership at the time (through adverse possession) all three lots merged.

Bzdyra explained that Mr. Donelan simply desires to return lot 58 to its original condition, merge lots 59 and 60 into a 6,800 square foot lot and build a new home in conformity with the neighborhood. Bzdyra further explained that had Mr. Donelan purchased lots 58 and 59 in a different name he could simply apply to the Zoning Board of Review to build a home on the 3,400 square foot lot 60. This configuration however would not conform to the neighborhood.

The Planning Department verified Mr. Bzdyra's explanation to the Board.

Being no further questions or 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. Approximately 62.5% of the residential dwellings within the radius area on the northerly side of Post Road are on undersized lots ranging from 3,400 square feet to 6,400 square feet.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to create two nonconforming lots, one lot with less than the required frontage, lot width and area and an existing dwelling and one new lot for development with less than the required area.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

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

- 1) That the applicant shall receive Zoning Board of Review approval to create two nonconforming lots, one lot with less than the required frontage, lot width and area containing an existing dwelling and one new lot for development with less than the required area.
- 2) That both dwellings shall be connected to the Warwick sewer system.
- 3) That the existing 12” storm drain located along the easterly edge of Wendell Road shall be depicted on the Preliminary Plan.
- 4) That a storm-water collection system intended to collect rooftop runoff for the proposed new dwelling shall be designed by the Project Engineer and approved by the City’s Engineering Office, prior to Preliminary approval.
- 5) That the applicant shall plant one new street tree on Wendell Avenue, species and location to be approved by the City’s Landscape Project Coordinator, prior to issuance of a Certificate of Occupancy.
- 6) That the outstanding Sewer Assessment for lot 60 shall be paid in full prior to recording of the subdivision.

On the motion of Mr. Thomas, seconded by Mr. Iacobucci, the Planning Board voted six in favor with Slocum and Foster opposed 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**

**Mutual Properties 620 Centerville LLC.**

**Applicant:** Mutual Properties 620 Centerville LLC. & the Estate of Stanley J. Gray  
**Location:** Centerville Road and Hardig Road  
**Assessors Plat:** 242  
**Assessors Lots:** 41, 42, 45, 46 & 47  
**Zoning District:** Residential A-15 to Office.

Attorney K. Joseph Shekarchi represented the applicant and requested a positive recommendation to the Warwick City Council to rezone the subject property from Residential A-15 to Office to permit future office use on the site.

Attorney Shekarchi explained that applicant current owns three lots and has a purchase and sales agreement for the two abutting lots. He explained that his client desires to merge the lots into one parcel and develop the site for office use. The attorney explained that the site was not favorable for residential development because it was located along Centerville Road, a heavily

traveled arterial roadway and abutting a high tension power line. He stated that the property should be developed for office use because it is located at a signalized intersection in close proximity to the highway with direct access Centerville Road.

The attorney requested that the Planning Board consider amending stipulation three to replace the words “Narragansett Electric Power Line Easement” with the words “nonresidential land use.”

Being no questions or comments the Planning Board then heard the Planning Department’s findings and recommended stipulations.

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 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 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 Promotes a high level of quality in design in the development of private and public facilities.
- 103.11 Promotes implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zoning amendment with the following stipulations:



- 1) That the subject lots shall be merged by Administrative Subdivision.
- 2) That the future development of the property shall be subject to a formal Development Plan Review by the Warwick Planning Board as a Land Development Project.
- 3) That the applicant should request zoning setback relief from abutting residentially zoned property as a result of an existing nonresidential land uses.
- 4) That the primary access to any future development should be from Centerville Road.

On the motion of Mr. Slocum, seconded by Mr. Iacobucci, the Planning Board voted unanimously to formally adopt the Planning Department's findings forward a positive recommendation to the City Council with the Planning Department's recommended stipulations as amended.

### **Public Informational Meeting**

### **Major Land Development Project**

#### **472 Warwick Avenue**

Applicant:	Mike DiDomenico & Denis DiMassion
Location:	472 Warwick Avenue & Vickery Avenue
Assessor's Plat:	290
Lot(s):	159
Zoning District:	General Business and Residential A-7
Land Area:	31,248 square feet
Number of lots:	3
Engineer:	Joe Casali Engineering, Inc.
Ward:	1

Mr. Thibodaux, Esquire represented the applicant and was requesting Master Plan approval of a Major Land Development Project/Subdivision to subdivide one lot to create three new lots, two conforming lots with a two-family dwelling on each lot and one nonconforming lot with less than the required frontage and lot width having two existing structures with less than the required setbacks.

The attorney then introduced Mr. Joseph Casali, P.E. of Casali Engineering who explained the details of the development. Mr. Casali explained that the property had a split zoning district between Residential A-7 and General Business, that the property currently contained a commercial building and a carriage house and that the property formally housed three commercial greenhouses for a business located across Warwick Avenue.

He further explained that the applicants desired to construct two duplex dwellings on two conforming lots and to leave a nonconforming lot for future use. The engineer explained that the property was located in a 500 year flood plane and that the proposal was to contain all drainage

on the site of the development.

The Chairman asked if there were other two family homes in the neighborhood and if the developers had considered single family homes for the site.

The engineer explained that they had considered building condominiums but that the Planning Department had recommended against it. He further explained that building more than two single family homes would require a cul-de-sac and that it may be cost prohibitive.

Board member Slocum asked again how many multi-family homes were in the area.

The applicant did not know if there were other two-family homes in the area.

Board member Foster asked how many bedrooms each dwelling unit would have.

Casali responded that there would be two bedrooms per unit for a total of eight bedrooms.

Ms. Louise Marcus an attorney representing approximately 12 objectors asked to be recognized and informed the board that the neighbors were opposed to the development because it is not consistent with the City's Comprehensive Plan and would result in a substandard lot of record. She further stated that the development was too dense and represented an over-intensification of use.

Attorney Marcus asked if the applicant would consider two single family homes and a business on Warwick Avenue.

The attorney asked the Planning Board to consider denial of the application.

Jan and Bob Gilmore of 21 Vickery Avenue stated that all the homes in the area are owner occupied and well kept. They were concerned that the development would be rental units and that the tenants would not take care of the property.

Chairman Mulhearn explained that the Planning Board considers land use and not ownership of the property.

Mr. Marvin Nadinger of 30 Serenity Court informed the board that there were severe water issues in the area. He stated that the homes in the area were slab on grade and that the development would exacerbate the drainage issues.

Mr. John Kerbic of 19 Vickery Avenue stated that he shares the easterly property line and was opposed to dividing the lot into three lots. He was concerned about the future development of lot "A" and the increased traffic resulting from the eleven new parking spaces. He was concerned about property values and drainage problems.

Christine and Joe Marchetti of 9 Vickery Avenue stated that there are seven homes on the street and that the area is quiet. They stated that they preferred two single family homes and not two duplexes with four families.

Board member Foster asked how much frontage the Warwick Avenue lot would have.

Mr. Casali stated that the lot would have 46.25 feet.

Board member Robinson asked where the water was coming from. He also asked if the design of the duplexes would conform to the neighborhood.

Mr. Casali responded that there are insufficient drainage facilities in the area and a high water table. He also stated that the design of the duplexes had not been completed.

Being no further questions the Planning Board 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 Zoning Board of Review approval to establish a two-family dwelling on each lot and one nonconforming lot with less than the required frontage and lot width having two existing structures with less than the required setbacks.
- 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 Zoning Board of Review approval to establish a two-family dwelling on each lot and one nonconforming lot with less than the required frontage and lot width having two existing structures with less than the required setbacks.
- 2) That any use other than a single-family dwelling for proposed “Lot A” shall require Zoning Board of Review approval.
- 3) That the applicant shall provide Landscape Plan designed and stamped by a Rhode Island Registered Landscape Architect to be approved by the City’s Landscape Project Coordinator, prior to Preliminary approval.
- 4) That all existing and proposed buildings shall be connected to the Warwick Sewer System.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted seven in favor with Mulhearn abstaining to deny the master plan finding the proposal to be inconsistent with the existing land use in the area and therefore inconsistent with the City’s Comprehensive Plan and not in conformance with the standards and provisions of the City’s Zoning Ordinance because of the creation of a nonconforming substandard lot of record.

**Public Informational Meeting**

**Major Subdivision**

**Amoroso Estate**

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

Attorney John C. Revens represented the applicant and was requesting Master Plan 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 in a Residential A-7 Zoning District.

Attorney Revens introduced Mr. Harry Miller, PLS, of Alpha Associates who explained the details of the development. Mr. Miller informed the Board that the plan was to create seven new lots for development ranging from 7,000 to 17,000 square feet all in conformance with the City’s Zoning Ordinance. He further explained that the development would be serviced by public water and sewer.

Mr. Miller requested that the Planning Board authorize an eight foot sidewalk on one side of the

street as opposed to a four foot sidewalk around the parameter of the new road.

Mr. Miller described the existing condition as lawn with vegetation which would remain around the parameter. He further explained that there was some fill on the site and that the developer would be applying to RIDEM for approval of an underground injection control (UIC) drainage system.

Board member asked if the access was to be through the wooded lot on Hutchinson Street.

Mr. Miller responded to the affirmative.

Mr. William Miller of 232 Hutchinson Street was concerned about the development; his mother's 3,200 square foot lot directly abuts the proposed new roadway.

Attorney Revens explained that the development would not prohibit development of the lot but that the lot would need Zoning Board approval because it is undersized.

Mr. Robert Bell of 280 Long Street was concerned about maintaining a buffer of existing trees along his rear property line. He asked if the new owners could cut down trees. He stated that he was opposed to the development because of increased traffic in the area and loss of wooded areas for wildlife.

Mr. Revens informed Mr. Bell that the developer intended to maintain the trees but that the new property owners could cut the trees down at some time in the future.

Mr. Louis Costa was concerned about losing his privacy because there would be homes located in his back yard. Mr. Costa was also concerned about losing the trees.

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.

- 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 Master Plan approval with the following stipulations:

- 1) That the proposed fire hydrant shall be relocated along the southerly side of Amoroso Lane at approximate survey station 2 + 20 as depicted on the proposed roadway plan.
- 2) That the Preliminary Plan shall depict the proposed drainage area as one lot not for development and designated the lot as a “Drainage Lot.”
- 3) That the Project Engineer shall develop a storm-water management plan which shall be designed in accordance with all state and local regulations, shall carefully consider the location of the proposed infiltration area in relation to an existing concrete block wall located along the southerly property line of lot 227 and shall be approved by the City’s Engineering Department, prior to Preliminary approval.
- 4) That the applicant shall provide a projected sewer flow analysis stamped by a professional engineer which shall be approved by the Warwick Sewer Authority, prior to Preliminary approval.
- 5) That the proposed sewer extension plan shall be approved by the Warwick Sewer Authority, prior to Preliminary approval.
- 6) That the water extension plan shall be approved by the Warwick Water Division, prior to Preliminary approval.
- 7) That the applicant shall provide Landscape Plan designed and stamped by a Rhode Island Registered Landscape Architect to be approved by the City’s Landscape Project Coordinator prior to Preliminary approval, which shall include drip-line tree protection detail, shall preserve the existing wooded areas along abutting property lines, in particular Plat 364, lots 232, 224, 378, 379, 225, & 504 and Plat 367, lots 515 & 554.
- 8) That the Preliminary Plan shall include a sidewalk around the full perimeter of the proposed new Amoroso Lane and underground utilities, as required in accordance with the City’s Development Review Regulations.
- 9) 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 Ms. Foster, seconded by 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 an Extension

### **Miga-Corona Plat**

**Applicant:** AGIM Family Limited Partnership  
**Location:** 80 and 94-96 Corona Street  
**Assessor's Plat:** 270  
**Lot(s):** 169 & 212  
**Zoning District:** Residential A-7  
**Land Area:** 3.28 Acres  
**Number of lots:** 9  
**Engineer:** Alpha Associates, Inc.  
**Ward:** 8

Attorney John C. Revens represented the applicant and was requesting an extension of Preliminary approval of the "Miga-Corona Plat" decision recorded on October 6, 2005 to subdivide two existing conforming lots totaling 3.28 acres to create nine new lots and a new street; one lot with an existing residence, one lot with a two-family dwelling and seven new lots for development in a Residential A-7 Zoning District.

The attorney explained that the applicant was working with the City Engineer's Office toward approval of a final drainage plan which they hoped would be completed shortly.

Being no questions or comments 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 October 6, 2007.

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

unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on October 6, 2007.

The meeting was adjourned at 8:30 PM.