

**City of Warwick Planning Board
Meeting Minutes
Wednesday, October 14, 2009**

Members Present: John J. Mulhearn Jr. Chairman
Michael Constantine
Leah Prata
Cynthia Gerlach
Philip Slocum

Members Absent: Rick Robinson
James Desmarais
Vincent Gambardella
Thomas Kiernan

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

Chairman Mulhearn called the meeting to order at 6:07 P.M.

On the motion of Mr. Constantine, seconded by Ms. Prata, the Planning Board voted three in favor with Ms. Gerlach and Mr. Slocum abstaining to approve the August 2009 meeting minutes.

Public Hearing

Major Land Development Project

Bayside Condominiums

Applicant: Centerville Builders Inc.
Location: 3818 Post Road
Assessor's Plat: 366
Lot(s): 82 & 83
Zoning District: Planned District Residential (PDR) A-10
Land Area: 1.6 Acres
Number of lots: 2
Engineer: Garofalo & Associates, Inc.
Ward: 7

The applicant is requesting preliminary approval of a 10-unit multi-family development with less than required side-yard setback in a Planned District Residential (PDR) A-10.

On the motion of Mr. Slocum, seconded by Mr. Constantine, the Planning board voted unanimously to open and continue the public hearing to the November 18, 2009 Planning Board meeting at 6 PM in the City Hall Lower Level Conference Room, due to a lack of a voting quorum.

Public Hearing

Major Land Development Project

800 Jefferson Boulevard

Applicant:	Michael V. D'Ambra
Location:	800 Jefferson Boulevard
Assessor's Plat:	323
Lot(s):	287,288,289,290,291,518
Assessor's Plat:	277
Lot(s):	11,12,13,18
Zoning District:	General Business, with variances
Land Area:	8.45 acres
Number of Lots:	10
Proposed Lots:	2
Engineer:	Garofalo and Associates, Inc.
Ward:	8

The applicant is requesting Preliminary approval of a Major Land Development Project/Subdivision for the construction of four (4) new office buildings, totaling 540,000 square feet, a six story parking garage and a 320 room hotel. The project will be constructed in phases.

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning board voted unanimously to open and continue the public hearing to the November 18, 2009 Planning Board meeting at 6 PM in the City Hall Lower Level Conference Room, due to a lack of a voting quorum.

Public Meeting

Minor Subdivision

66 Grandview Drive

Applicant:	Steve Poy
Location:	66 Grandview Drive & Davidson Street
Assessor's Plat:	367
Lot(s):	361 & 364
Zoning District:	Residential A-7
Land Area:	15,707 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	7

Attorney George Landis represented the applicant and was requesting preliminary approval to subdivide one conforming lot and an abutting nonconforming lot to create two new conforming lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District.

Attorney Landis introduced Mr. David Durango of Ocean State Planners who briefly explained the proposal to subdivide a conforming lot and a nonconforming lot to create two new lots, one lot with an existing dwelling and one new lot to be built upon. Mr. Durango explained that the nonconforming 5,000 square foot lot would be enlarged to 7,000 square feet to meet the zoning requirements for the A7 zoning district.

Mr. Steven Creta of 62 Davidson Road, a direct abutter to the east of the property objected to the proposal telling the Planning Board that lot 364 had been illegally divided from his lot in the 1970's. Mr. Creta informed the board that he tried to buy the lot at one time and divide it to make his property 7,000 square feet but was told by the City Tax Assessor's Office that he could not divide the lot.

Mr. David Wildgoose of 76 Grandview Drive objected to the subdivision based on the fact that the existing house did not conform to the zoning requirements because a deck had been constructed across the front setback line. Mr. Wildgoose explained that the survey plan was wrong because it did not show the encroachment.

Chairman Mulhearn asked Mr. Durango of Ocean State Planners if the deck did in fact encroach into the front setback?

Mr. Durango could not answer the question in that he had not performed the survey and was not familiar with the property.

Attorney Landis then asked the applicant Mr. Poy is the deck was encroaching into the setback.

Mr. Poy responded that the deck had been constructed after the survey and that he was not sure.

Mr. Constantine asked if the proposed new house could be moved away from Mr. Creta's property line in order to increase the distance between the homes.

Mr. Durango stated that the proposed driveway would interfere with moving the house.

On the motion of Mr. Constantine, seconded by Ms. Gerlach, the Planning board voted unanimously to continue the public meeting to the November 18, 2009 Planning Board meeting at 6 PM in the City Hall Lower Level Conference Room to allow the applicant to produce an updated "Class 1" survey and determine if the deck was encroaching into the required front setback.

Public Hearing

Minor Subdivision

245 Beach Avenue

Applicant:	Donna Kennedy
Location:	245 Beach Avenue & Maywood Avenue
Assessor's Plat:	331
Lot(s):	95
Zoning District:	Residential A-7
Land Area:	21,727 square feet
Number of lots:	2
Engineer:	Jack W. Greene, PLS
Ward:	4

Mr. John W. Green, PLS, represented the applicant and was requesting preliminary approval to subdivide one conforming lot to create two new conforming lots, one lot with an existing dwelling and one new lot for development in a Residential A-7 Zoning District.

Mr. Slocum asked if the plan was designed in accordance with the recently adopted flood regulations.

Mr. Green was unaware that the new regulations had been adopted; he thought that they were currently under review in a draft form but not formally adopted.

Planning Staff mentioned that the flood notation was included for reference and that whatever regulations were in effect at the time of a building permit would govern the property.

Being no further discussion the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposed subdivision to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer with the following stipulation:

- 1) That the applicant shall plant one new 2 to 2 1/2 inch caliper tree to be approved by the Landscape Project Coordinator within the Maywood Avenue right-of-way, prior to the issuance of a Certificate of Occupancy (CO).

On the motion of Mr. Constantine, seconded by Ms. Prata, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to grant preliminary approval with final approval to be through the Administrative Officer with the Planning Department’s recommended stipulation.

Public Informational Meeting

Major Land Development Project

Greenwood Community Church Telecommunications Facility

Applicant:	Omnipoint Communications, Inc.
Location:	805 Main Avenue
Assessor’s Plat:	268
Assessors Lot:	83
Zoning District:	Residential A-7
Land Area:	36,746 square feet
Number of lots:	NA
Engineer:	Advanced Engineering Group
Ward:	8

Attorney Simon Brugenti represented the applicant in requesting master plan approval and a

recommendation to the City Council for approval to co-locate a telecommunications facility on an existing building (Greenwood Church) in a Residential A-7 Zoning District. The proposed telecommunications facility requires the following relief from the Zoning Ordinance Section 505 “Telecommunication Facilities and Towers:”

- 506 C-1 Location within two (2) miles of an existing facility
- 506 C-4i Location within 100 feet of a residential district
- Use Table 611 Prohibits Telecommunications Facilities in Residential Zoning Districts

Attorney Brugenti introduced Mr. Mark Cook, T-Mobile Project Manager, and Mr. Scott Heffernan, Radio Frequency Engineer.

Attorney Brugenti explained that a 72-inch antenna was to be installed within the Greenwood Church Spire and that the existing spire would be replaced with a fiberglass spire that would not interfere with the radio waves. He further explained that all utility equipment would be inside the building with only a 7-inch antenna providing E-911 service exposed outside of the structure. Attorney Brugenti informed the Planning Board that the facility needed City Council approval because the City’s Zoning Ordinance does not allow telecommunications facilities in residential zoning districts. He further explained that this site was located along Main Avenue, a commercial roadway and that much of the surrounding land use included industrial, general business and office uses.

Attorney Brugenti presented a graphic that depicted a gap in T-Mobile coverage and depicted how the proposed site would alleviate the condition. He further explained that these type facilities generate very low power, approximately 2.3% less than FCC regulations.

Mr. Constantine asked if the facility would be taxable.

Attorney Brugenti explained that the Tax Assessor’s office would typically assign a value to the facility and that T-mobile would be responsible for paying the taxes.

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.
- 2) Not in compliance with the standards and provisions of the City’s Zoning Ordinance, therefore, requiring City Council approval to have a telecommunications facility within two (2) miles of an existing facility and within a Residential 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.

The Planning Department recommendation was to grant master plan approval with the following stipulations:

- 1) That the applicant shall receive City Council approval to have to have a telecommunications facility within two (2) miles of an existing facility and within a Residential Zoning District.
- 2) That the preliminary and final plan submissions shall conform to a “Class 1” standard as adopted by the Rhode Island Board of Registration of Professional Land Surveyors as contained in the City of Warwick Development Review Regulations.

On the motion of Mr. Slocum, seconded by Ms. Prata, 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.

On the motion of Mr. Slocum, seconded by Ms. Prata, the Planning Board voted unanimously to formally forward a positive recommendation to the City Council with the Planning Department’s recommended stipulations.

Administrative Subdivision

The following Administrative subdivision was included for informational purposes.

Re-plat of Bay Ridge Plat Plat 203 Lots 15 & 16

Being no further business the meeting was adjourned at 7:20 PM.