

**City of Warwick Planning Board
Meeting Minutes**

Wednesday September 12, 2007

Members Present: John J. Mulhearn Jr., Chairman
Carter Thomas, Vice-Chairman
Attilio Iacobucci
Rick Robinson
Philip Slocum
George Arnold
Jeanne Foster
Vincent Gambardella

Members Absent: Michael Constantine

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

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

The Planning Staff informed the Planning Board that the August meeting minutes were not complete and would be submitted for consideration at October 2007 meeting.

Public Hearing

Major Subdivision

Blue Ridge Road Plat

Applicant: City Land Investment Incorporated
Location: Cowesett Road and Blue Ridge Road
Assessor's Plat: 239; Lot: 23 & Assessor's Plat: 240; Lot: 3
Zoning District: Residential A-15
Land Area: 2.5 acres
Number of lots: 3
Engineer: Caito Corporation
Ward: 8

Attorney K. Joseph Shekarchi represented the applicant and was requesting preliminary approval to subdivide two lots with existing dwellings to create three lots; two conforming lots with existing dwellings and one new 32,730 square foot lot for development with less than the required frontage and lot width in a

Residential A-15 zoning district.

Shekarchi explained that the intent of the subdivision was to create a lot for the applicant's daughter and that since the time of the original application the applicant had passed away but his wife and daughter still intend on completing the subdivision. The attorney further explained that the Planning Board granted master plan approval and that the Zoning Board of Review had issues the appropriate relief.

Chairman Mulhearn asked how the applicant intended to bring an existing barn into compliance with the City's zoning regulations. Shekarchi responded that the barn would either be moved to comply with the setbacks or removed from the property.

Being no further questions or public comment, the Planning Board closed the public meeting 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 Zoning Board of Review approval (petition #9397) to create a lot with less than the required frontage and 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, and:
- 5) That the proposed subdivision possesses adequate and permanent 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 stipulation:

- 1) That the final plan shall indicate the existing edge of pavement along Cowesett Road and Blue Ridge Road and shall clarify that the clearing of brush and trees is restricted to the subject lot.

On the motion of Mr. Gambardella, seconded by Mr. Slocum and Mr. Arnold, 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 stipulation.

Public Hearing

Major Land Development Project

Roy Medical Office Building

Applicant:	Louis and Joan Roy
Location:	192 Tollgate Road
Assessor's Plat:	246
Lot(s):	237
Zoning District:	Residential A-10 and Office
Proposed Zone:	Office
Land Area:	48,289 s.f.
Number of lots:	1
Engineer:	Eugene Spring, PE
Ward:	8

The applicant, Mr. Louis Roy, represented himself and was requesting Master Plan approval of a Major Land Development Project and a zone change recommendation for the construction a new 12,987 square foot medical office building with less than required building setback and less than required landscape buffer from an abutting residential district on a lot zoned Residential A-10 and Office.

Mr. Roy explained that he had applied to the Planning Board several months ago with a similar petition but was denied because the Board thought his building was too big. Since that time Mr. Roy had his engineer redesign the building making it smaller reducing the square footage by 23% or 4,000 square feet. Mr. Roy stated that the project now complies with the parking requirements.

Mr. Roy then introduced Mr. Eugene Spring PE., engineer for the project. Mr. Spring explained that the site was now in compliance for parking, aisle width, sidewalks around the building and fencing for the abutting residential zone. Mr. Spring further stated that the building had been shifted slightly to increase the setback from an abutting residential property increasing the setback from 40' to 51'.

Chairman Mulhearn asked the size of new building.

Mr. Roy responded that the previous building was approximately 40' x 140' and that the new building is 37' x 120'.

The Chairman then asked what walkways around the building would consist of.

Mr. Roy responded that the walkways would be raised sidewalks.

The City Engineer, John DeLucia, asked that the project engineer address the grading for the

adjacent property to the east in the preliminary plan submission.

Mr. Spring responded that he would but that Mr. Roy thought it would be appropriate to first receive the zone change prior to formally engineering the site.

Mr. Derek Anderson of Gilbert Street asked about the effect of the development on traffic in the area and if there was sufficient parking for the project.

Mr. Roy responded that the office would have no effect on traffic and that with the new building design the property now had sufficient parking.

Dr. Nesbit of 90 Orchard Avenue was opposed to the zone change. Dr. Nesbit lives on an abutting residentially zoned lot and is concerned that the proposed zone change and development will adversely effect his property. He was concerned about having a parking lot next to his yard and was also concerned about drainage.

Board member Robinson asked if there would be any drainage running onto abutting properties.

Mr. Spring responded that the City has a requirement of zero net runoff which would not allow the development to drain onto abutting properties. Mr. Spring further explained that the drainage would be contained on the site and would be injected into the ground through underground injection control (UIC) drainage systems.

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) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore requiring City Council approval for a zone change from a combination of Residential A-10 and Office to Office, with waivers for less than required building setback and less than required landscape buffer from an abutting residential 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.
- 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 a combination of Residential A-10 and Office to Office, with the requested waivers.
- 2) That the project engineer shall meet with the City Engineer to discuss stormwater drainage issues prior to beginning the preliminary design. The project engineer must be aware that Zero Net Runoff is considered a minimum and that this site discharges into Hardig Brook, a water body that had been targeted by Rhode Island DEM for a Total Maximum Daily Loading (TMDL); therefore the project engineer must make every effort to minimize storm water runoff, improve water quality and promote infiltration on site
- 3) That all state permits, including but not limited to, RI Department of Environmental Management (DEM) Wetland and DEM Underground Injection Control (UIC) are required prior to preliminary approval.
- 4) That the project engineer must coordinate grading along the easterly property line with the proposed development of the abutting property currently Lots 238, 239, & 259.
- 5) That the applicant shall have the edge of the freshwater wetland flagged in the field and this delineation must be indicated on the preliminary site plan.
- 6) The project engineer shall locate the Narragansett Electric Easement located southeast of the subject lot on the preliminary site plan.
- 7) That the project engineer shall provide all utility information, including existing and proposed utilities on the lot and in the roadway on the preliminary site plan.
- 8) The project engineer shall stamp and submit all projected flows to the Warwick Sewer Authority. Interior plumbing plans and all pretreatment requirements must be met and submitted to the Warwick Sewer Authority prior to obtaining a building permit.
- 9) That the applicant shall relocate the dumpster to conform to required setbacks.
- 10) That the applicant shall install landscape pavers as approved by both the Warwick Fire Marshall and Landscape Project Coordinator in the proposed fire lane.
- 11) The applicant shall install a six foot (6') fence and landscape along the property line which abuts the residentially zoned properties, as approved by the Landscape Project Coordinator.
- 12) 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

Chairman Mulhearn asked the Planning Staff for clarification on proposed stipulation 10.

The staff informed the Board that rather than providing a gravel or paved turn around for emergency vehicles in the landscape buffer area that the Department was requesting pervious pavers which would allow grass to grow through while also providing adequate support for heavy vehicles.

On the motion of Mr. Robinson, seconded by Mr. Arnold, 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.

Request for a Zone Change

Applicant: Louis and Joan Roy
Location: 192 Tollgate Road
Assessor's Plat: 246
Assessor's Lot(s): 237
Zoning District: Residential A-10 and Office to Office.

Mr. Louis Roy represented himself and was requesting a zone change for a portion of the property from Residential to Office to accommodate a proposed office building and associated parking.

Dr. Nesbit opposed the zone change requesting the property remain residential in conjunction with his property which is currently zoned residential.

Being no further public 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 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.
- C. The availability and capacity of existing and planned public and/or private services and facilities.
- D. 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 favorable recommendation to the Warwick City Council for the requested zoning amendment with all of the Planning Department recommendations.

On the motion of Mr. Robinson, seconded by Mr. Thomas, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to recommend favorable action to the Warwick City Council for the requested zoning amendment with all of the Planning Department recommendations.

Public Meeting

Request for Reinstatement

Spring Green Manor

Applicant:	Mr. Russell Yates Jr.
Location:	1517 -1551 Warwick Avenue
Assessor's Plat:	312
Lot(s):	309 and 310
Zoning District	General Business
Land Area:	4.28 Acres
Number of lots:	2
Engineer:	David Gardner & Associates, Inc.
Ward:	4

Attorney John C. Revens representing the applicant is requesting reinstatement a Master Plan approval and a request for a Zone Change from General Business to Planned District Residential (PDR) A-7 to merge two lots and construct a 35-unit residential condominium development.

Mr. Revens explained that the property owner had signed an agreement with a development company to develop the property for commercial uses. The development company was unsuccessful in trying to assemble property and attracting a commercial use. The attorney further explained that the owner had closed his business (Copperfields Bar) on the property.

The attorney addressed the Planning Department's recommendation in particular the 2005 traffic study. He told the Planning Board that the applicant would be willing to update the report but it was his opinion that the proposed residential use would result in far less traffic than a commercial use.

Attorney Revens then introduced Mr. David Gardner, P.E., engineer for the project. Mr. Gardner's review addressed the access to the site and explained the process that the project had gone through to arrive at the location and design of the proposed driveway. Mr. Gardner told the Planning Board that traffic was a traffic problem in the area and that the level of service (LOS) for the proposed driveway was not good but it was the best option available.

Mr. Gardner also informed the Board that the project had received a RIDEM wetlands approval.

Board member Gambardella asked how the new development adjacent to the site along Airport Road would affect the project.

Attorney Revens stated that the project was on a separate lot and would not affect the project.

Board member Thomas asked if the applicant would eliminate the cleaners and the tailoring business along Warwick Avenue.

The attorney responded that they would remain as they are not part of the property.

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

The Planning Department found that there has been a substantial change in the general conditions of the surrounding area that could adversely effect the proposed development. Since the time of the original approval almost two years ago in 2005, the Federal Aviation Administration (FAA), the agency responsible for performing an Environmental Impact Statement (EIS) for expansion at T.F. Green Airport, determined that the proposal to expand the main runway (5-23) at T.F. Green will now be totally oriented to the north, likely crossing Airport Road and eliminating that roadway as a major east west corridor for the City of Warwick.

At a public meeting on June 14, 2007 the FAA publicly eliminated the possibility of runway expansion to the south across Main Avenue. This recent decision by the FAA will result in a dramatic change to the traffic patterns in the general area in particular at Hoxie Four Corners the location of the proposed development. This decision also has an effect on the desirability of developing the subject property for residential use. The relocation of the runway to the north moves it closer to this proposed residential development resulting in an incompatible land use, high density multi-family residential, being located in close proximity to an airport.

At the time of the approval in 2005 the elimination of Airport Road and runway expansion was not was not considered and must be addressed in any new application for residential development

on the subject site. At a minimum, a new traffic report will be required and the proposed residential development must be evaluated for the effect of airport noise, air quality, and other quality of life issues related to its proximity to the proposed new runway.

The Planning Department recommended denial of the reinstatement.

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

Public Meeting

Request for an Extension

Cormier Plat

Applicant:	Edward and Debra Cormier
Location:	65 Palm Boulevard
Assessor's Plat:	288
Lot(s):	448
Zoning District:	Residential A-7
Land Area:	19,555 Square feet
Number of lots:	2
Engineer:	Alpha Associates, Ltd.
Ward:	2

Attorney John Harrington represented the applicant and was requesting an extension of a preliminary approval of a major subdivision to subdivide one lot to create two lots, one lot with an existing structure and one new lot for development with less than the required wetland setback in a Residential A-7 Zoning District.

Attorney Harrington explained that the owners needed an extension because there was no buyer for the property and there were family issues.

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

The Planning Department found that:

- 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 September 13, 2008.

On the motion of Mr. Slocum, seconded by Mr. Robinson, Mr. Thomas and Mr. Arnold the Planning Board voted unanimously to grant the requested extension to expire on September 13, 2008.

Bond Reductions

On the motion of Mr. Slocum seconded by Mr. Iacobucci the Planning Board voted unanimously to approve the proposed bond reductions.

Aurore Plat

Current bond total	\$108,870.00
<u>Amount to be released</u>	<u>\$ 77,991.00</u>
New Bond Amount	\$ 30,897.00

Smile Court

Current bond total	\$238,367.00
<u>Amount to be released</u>	<u>\$159,346.00</u>
New Bond Amount	\$ 79,021.00

Prior to adjourning, Board member Slocum publicly thanked Mr. Thomas and Mr. Iacobucci for their dedication and contributions to the Planning Board. Mr. Thomas has been appointed to the Sewer Board of Review and Mr. Iacobucci has been appointed to the Zoning Board of Review. As a result, this was the final Planning Board meeting for Mr. Thomas and Mr. Iacobucci.

Being no further business the meeting was adjourned at 7:15 P.M.