

**City of Warwick Planning Board
Meeting Minutes
Wednesday, September 8, 2010**

Members Present: John J. Mulhearn Jr., Chairman
Vincent Gambardella
James Desmarais
Leah Prata
Cynthia Gerlach
Philip Slocum
Rick Robinson
Thomas Kiernan

Also in attendance: Trish Reynolds, Business Development Planner
Eric Hindinger, Assistant City Engineer
Peter Ruggiero, Solicitor

Chairman Mulhearn called the meeting to order at 6:00 P.M.

On the motion of Mr. Gambardella, seconded by Mr. Desmarais, the Planning Board voted five in favor with Mr. Slocum abstaining to approve the August 2010 meeting minutes.

Public Informational Meeting

Major Land Development Project

T-Mobile/St. Clements Telecommunications Facility

Applicant: T-Mobile/St. Clements
Location: 111 Long Street
Assessor's Plat: 363
Lot(s): 3
Zoning District: Residential A-7
Land Area: 15.36+/- acres
Number of lots: 1
Engineer: Advanced Engineering Group
Ward: 7

This application was continued from the August 11, 2010 Planning Board meeting.

The applicant is requesting master plan approval of a Major Land Development Project for the construction of a telecommunications facility consisting of a 110'

Monopole antenna and associated ground equipment on a 40'x 40' leased pad in a Residential A-7 Zoning District.

Attorney Mary Shekarchi represented T-Mobile and asked to withdraw the application without prejudice.

On the motion of Mr. Slocum, seconded by Mr. Robinson, the Planning Board voted unanimously to withdraw the application without prejudice.

Mr. William Russo of 31 Tex Court, Warwick was recognized by the Chairman and submitted a petition in opposition to the proposed telecommunications which was signed by area residents.

Public Meeting

Minor Subdivision

The Keeley Plat

Applicant:	John J. Cooney
Location:	344 Buttonwoods Avenue
Assessor's Plat:	363
Lot(s):	262 & 264
Zoning District:	Residential A-7
Land Area:	16,362 square feet
Number of lots:	2
Engineer:	Flynn Surveys, Inc.
Ward:	6

Attorney John Shekarchi represented the applicant and was requesting preliminary approval to subdivide two (2) lots to create two (2) new lots, one lot with an existing house and one (1) new lot for development in a Residential A-7 Zoning District.

Board member Slocum asked if the subdivision required any relief from the City's zoning or development review regulations.

Attorney Shekarchi responded that the development was in full compliance with the City's regulations.

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) 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.

The Planning Department's 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 note the existing property line to be removed more clearly, show the existing buildings on adjacent properties and include a granite bound set at a common property line.

On the motion of Mr. Desmarais, seconded by Mr. Slocum, the Planning Board voted unanimously to formally adopt the Planning Department's findings and grant preliminary approval with final approval to be through the Administration Officer, upon compliance with the Planning Department's recommended stipulation.

Public Meeting

Minor Subdivision

Pettaconsett Plat

Applicant:	Peter and Marion Lawrence
Location:	228 Pettaconsett Avenue
Assessor's Plat:	296
Lot(s):	684
Zoning District:	Residential A-7
Land Area:	41,348 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	2

Mr. Richard Bzdyra of Ocean State Planners represented the applicant and was requesting preliminary approval to subdivide one (1) lot to create two (2) lots, one lot with an existing house and one (1) new lot for development in a Residential A-7 Zoning District.

Mr. Bzdyra explained that the request was for a minor subdivision to divide a 41,348 square foot lot with 200 feet of frontage to create two new lots one 14,276 square foot lot with 77 feet of frontage and one 27,027 square foot lot with 122 feet of frontage.

Being no 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) 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.

The Planning Department's 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 provide proposed grading, indicate limits of asphalt being removed, include drywells for roof runoff and set a granite bound along a common property line.
- 2) The discrepancy with the abutting "Lufkin Court survey plan" shall be clarified prior to final approval.
- 3) Drip-line tree protection shall be installed around the 36" caliper red oak prior to any site clearing and shall remain until completion of the project.

On the motion of Mr. Slocum, seconded by Ms. Prata, the Planning Board voted unanimously to formally adopt the Planning Department's findings and grant preliminary approval with final approval to be through the Administration Officer, upon compliance with the Planning Department's recommended stipulations.

Public Meeting

Minor Subdivision

Oakridge Court

Applicant: Brier & Associates Inc. and 5A Builders
Location: Oakridge Court
Assessor's Plat: 345
Lot(s): 856 & 857
Zoning District: Residential A-7
Land Area: 48,495 square feet
Number of lots: 3
Engineer: DiPrete Engineering
Ward: 7

Attorney Sanford Resnick represented the applicant and was requesting preliminary approval to subdivide two (2) lots to create three (3) lots, one lot with an existing house and two (2) new lots for development in a Residential A-7 Zoning District.

Attorney Resnick informed the Board that a recent survey of the property has revealed a lawn area encroachment from one of the abutting neighbors. Attorney Resnick explained that his client intended to address the encroachment with the neighbor and would likely deed to the neighbor the area of the encroachment.

The Attorney then introduced Mr. Eric Prive P.E., of DiPrete Engineering. Mr. Prive explained the details of the subdivision informing the Board that public water was available and that the property had a RIDEM approved water table of 10 feet. Mr. Prive concluded by informing the Board that there were no wetlands on site and that the subdivision was in conformance with the Residential A-7 zoning requirements.

Planning Staff asked the engineer to identify the encroachment area on the plan and asked if the subdivision would still be in conformance with the A-7 regulations if the area of encroachment was deeded to the abutting property owner.

Mr. Prive indicated that the area of encroachment was to the rear of Assessors Lot 849 and Attorney Resnick assured the Planning Board that the subdivision would conform to the zoning regulations even if the property was deeded to the abutter.

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) 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.

The Planning Department's recommendation was to grant preliminary approval with final approval to be through the Administrative Officer, upon compliance with the following stipulations:

- 1) The final plan shall include accommodations to collect additional storm-water runoff resulting from the proposed development and include a granite bound set at the common property lines.
- 2) The proposed driveway for Parcel 3 shall be relocated to the side of Oakridge Court rather than extend off the end of Oakridge Court.
- 3) All existing encroachments shall be resolved by the owners prior to final approval.
- 4) The proposed saw-cut locations must be included on the final plan.

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

Public Hearing

Major Land Development Project

57 Fair Street

Applicant:	House of Hope Community Development Corporation
Location:	57 Fair Street
Assessor's Plat:	292
Lot:	507
Zoning District:	Planned District Residential, A-7, with Historic Overlay
Land Area:	18,572 square feet
Number of Lots:	1
Engineer:	Joe Casali Engineering, Inc.
Ward:	1

Attorney Mary Shekarchi represented the applicant and was requesting preliminary approval of a Major Land Development Project to convert an existing thirteen (13) bed congregate elderly housing facility to a five (5) unit multi-family development, on a lot with less than required area, frontage and width, less than required side setback, and less than required parking and parking setback, and less than required landscape buffer.

Attorney Shekarchi explained that the applicant had received a Master Plan approval from the Planning Board and a City Council Zone Change approving the development with several stipulations. Ms. Shekarchi informed the Planning Board that the applicant has complied with all Planning Board and City Council stipulations and was now seeking preliminary approval.

Board member Slocum asked if there were any material changes to the plan since the Master Plan was approved. Ms. Shekarchi responded that there were no material changes to the plan.

Mr. Peter Hannon who claimed to live at 6 Lawrence Avenue stated that he had not received any notice of the previous Planning Board and City Council hearings. Mr. Hannon was concerned that the property was located in a flood zone and that the increased paving would result in flooding. Mr. Hannon was also concerned that there was insufficient parking for the development.

Ms. Jean Johnson explained that the tenants would be disabled individuals and that most would not have cars so there was no need for additional parking.

Mr. Joseph Casali, P.E. explained that the property was not located in a flood zone, that there were no wetlands in the area and that the property had received RIDEM approval for the drainage system which was designed for zero net increase in runoff.

After reviewing the notice cards and identifying a signed notice card for 6 Lawrence Avenue Planning Staff asked Mr. Hannon where he resided. Mr. Hannon stated that he does not live on Lawrence Avenue that the property belongs to his parents and he actually lives in Providence.

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:

1. Generally consistent with the Comprehensive Community Plan.
2. In compliance with the standards and provisions of the City's Zoning Ordinance, having received a City Council Zone Change PCO-12-10 from Residential A-7 to Planned District Residential (PDR) A-7, with relief for less than required area, frontage and width, less than required side setback, less than required parking and parking setback, 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 Preliminary approval with Final approval to be through the Administrative Officer.

On the motion of Mr. Slocum, seconded by Ms. Prata and Mr. Desmarais, the Planning Board voted unanimously to grant Preliminary approval, with Final approval to be through the Administrative Officer.

Public Informational Meeting

Major Land Development Project

Brewed Awakenings Coffee shop/Restaurant

Applicant:	KREG Management, Inc.
Location:	1009 Centerville Road
Assessor's Plat:	241
Lot:	10
Zoning District:	Residential A-15
Proposed Zone:	General Business (GB)
Land Area:	16,971 square feet
Number of Lots:	1
Engineer:	Caito Corporation
Ward:	8

Attorney Sanford Resnick represented the applicant and was requesting master plan approval of a Major Land Development Project and a zone change recommendation to the Warwick City Council to demolish an existing single family dwelling and accessory structures in order to allow for the construction of a coffee shop/restaurant with less than required front setback on a lot with less than required landscape and landscape buffer, less than required parking spaces and less than required setback for signage.

Attorney Resnick briefly described the property as the triangular lot adjacent to the TGIF restaurant and Route 2; he explained that the property was currently occupied with a single family home and out buildings, including a shed and a garage. Attorney Resnick informed the Board that the property was zoned residential and that the applicant desired to rezone the property to General Business to locate a Brewed Awakenings coffee shop on the site. The Attorney informed the Planning Board that the applicant was currently operating three other Brewed Awakenings throughout Rhode Island.

Attorney Resnick explained that the applicant was requesting multiple dimensional relief as a result of the triangular shape of the property which made developing the property impossible to conform to the City's zoning regulations. The Attorney further explained that the proposed coffee shop was more like a restaurant than a typical Dunkin' Donuts and that the parking layout was designed to conform to a restaurant use rather than a fast food establishment.

Attorney Resnick then introduced Mr. Richard Bourbonnais, P.E. from Caito Engineering who reviewed the proposed development plan with the Board. Mr. Bourbonnais explained that the building was located towards Centerville Road with the parking located to the side and rear of the property.

Chairman Mulhearn inquired how the development would address parking, drainage and septic on such a constrained lot.

The engineer informed the Board that the project was at the master plan stage and that the drainage and septic was not yet designed but he thought it could all be accommodated on the site.

Board member Robinson asked how many parking spaces were provided.

The engineer responded that there were 23 parking spaces and that the parking calculation was broken down by office area and restaurant use.

Board member Desmarais asked about the amount of stacking for the drive-through window. Mr. Desmarais was concerned that the queuing would block the internal parking spaces on the property and would spill out onto Centerville Road.

Mr. Paul Bannon, Traffic Consultant from RAB Engineers prepared a traffic analysis for the project and presented a handout addressing peak hour conditions to the Board members.

Mr. Bannon informed the Board that the queuing was in conformance with the RIDOT standards. Mr. Bannon also explained that there were three other Brewed Awakenings in Rhode Island and that two of the three were located in shopping plazas without a drive through. Mr. Bannon explained that he had performed an analysis of the other Brewed Awakenings and had concluded that the business was not a typical coffee shop like a Dunkin' Donuts but was more of a destination that does not rely on its drive-through business.

Mr. Bannon explained that the proposed business would average 60 to 70 drive-through vehicles while a Dunkin' Donuts type use would average in excess of 170 vehicles per hour (VPH).

Board member Slocum asked what the level of service (LOS) for the roadway would be.

Mr. Bannon responded that the roadway would function at a LOS C. Mr. Bannon then discussed proposed mitigation measures for Centerville Road which were intended to accommodate the proposed coffee shop, as well as, provide relief for existing businesses located across Centerville Road. Mr. Bannon recommended altering the left turn queuing lane on Centerville Road to reduce the queue and incorporate a dual center turning lane which would provide a protected turning area for vehicles attempting to access businesses located along that section of road.

Board members expressed concerns about the traffic on that section of Centerville Road.

Chairman Mulhearn inquired whether a professional office may be a more appropriate use of the site because it would have less traffic than a coffee shop.

Chairman Mulhearn asked why the applicant was not utilizing the traffic signal at the TGIF driveway for access.

Attorney Resnick responded that there were multiple businesses with several cross easements that would have to be reviewed and renegotiated and that it was an almost impossible situation.

Board member Slocum expressed his concern about the access to the site and also the amount of zoning relief being requested. Mr. Slocum stated that he believed that the applicant was attempting to insert a square peg into a round hole.

Being no further questions or comment the Planning Board then accepted public comment.

Mr. Richard Tamorelli of SAS Shoes explained that his customers were having difficulty accessing his property and that the proposed center turn lane would provide relief to his customers. Mr. Tamorelli stated that he had no objection to the Brewed Awakenings.

Mr. Jim Lynch from Dunkin' Donuts was concerned about the traffic in the area and was in favor of the dual turning lane.

Being no further 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. 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-15 to General Business, with relief for less than required front setback, less than required landscape and landscape buffer, less than required parking spaces and less than required setback for signage.
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-15 to General Business, with the necessary relief.
2. That a Storm-water Management Plan shall be designed to demonstrate zero-net runoff from the development.

3. That all necessary State permits, including but not limited to Rhode Island Department of Transportation (RIDOT) Physical Alteration Permit, RI Department of Environmental Management (RIDEM) Underground Injection Control (UIC) Permit and RIDEM Onsite Wastewater Treatment System (ISDS) Permit are required prior to preliminary plan submission.
4. That all plans shall comply with Section 3.02C of the Procedural & Technical Standards for the practice of Land Surveying in the State of Rhode Island, effective April 1, 1994.
5. 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.
6. That the applicant shall complete all necessary roadway improvements on Centerville Road as presented in the Traffic Impact Study, prepared by RAB Professional Engineers and dated May, 2010, in order to address the level of service (LOS) at the project driveway.

On the motion of Mr. Desmarais, seconded by Mr. Mulhearn the Warwick Planning Board voted five in favor with Mr. Robinson and Ms. Gerlach opposed and Mr. Kiernan abstaining to DENY the Master Plan approval for this project.

In denying the application the Planning Board determined that the proposed development and use was too intense for the property thereby necessitating excessive zoning relief. The Board also determined the drive-thru queuing was inadequate, would ultimately interfere with customer's ability to access/exit the proposed parking spaces and that the queue could potentially spill out onto and interfere with vehicular traffic on Centerville Road.

Request for a Zone Change

Applicant:	KREG Management, Inc.
Location:	1009 Centerville Road
Assessor's Plat:	241
Assessor's Lot:	10
Zoning District:	Residential A-7
Proposed Zoning:	General Business

The Planning Board did not consider the request for a zone change because the Master Plan was denied.

Being no further business the meeting was adjourned at 7:40 P.M.