

**Meeting Notice  
City of Warwick  
Planning Board**

**Date:** Wednesday, March 1, 2006

**Time:** 7:00 p.m.

**Location:** Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886

Review and acceptance of February 2006 meeting minutes.

**Public Meeting**

**Minor Subdivision**

**Poplar Avenue**

**Applicant:** Richard and Dorothy Landry

**Location:** 11 Poplar Avenue

**Assessor's Plat:** 331

**Lot(s):** 158, 159, 160 & 161

**Zoning District:** Residential A-7

**Land Area:** 20,253 square feet

**Number of lots:** 2

**Engineer:** Waterman Engineering Co.

**Ward:** 4

The applicant is requesting preliminary approval to subdivide four lots to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-7 zoning district.

**Planning Department Findings**

The Planning Department finds this 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 and permanent access to a public street.

### **Planning Department Recommendation**

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

- 1) That the City Engineer shall approve the final development plan prior to recording.

### **Public Meeting**

### **Minor Subdivision**

### **The Meadow View Plat**

<b>Applicant:</b>	Anthony Menard
<b>Location:</b>	70 State Street, Meadow View Avenue and Hazel Street
<b>Assessor's Plat:</b>	357
<b>Lot(s):</b>	459, 460, 461, 462 & 463
<b>Zoning District:</b>	Residential A-10/A-7
<b>Land Area:</b>	16,381 Square Feet
<b>Number of lots:</b>	2
<b>Engineer:</b>	Flynn Surveys Inc.
<b>Ward:</b>	5

The applicant proposes to subdivide five lots totaling 16,381 square feet to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-10 Zoning District in accordance with Zoning Ordinance Section 405.3 (C) "Subdivision of Merged Lots."

### **Planning Department Findings**

The Planning Department finds this 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 and permanent access to a public street.

### **Planning Department Recommendation**

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

- 1) That sedimentation and erosion control measures shall be shown and detailed on a final development plan.
- 2) That the proposed dwelling shall be at least 3 feet above the maximum seasonal high ground water elevation as determined by the designer.
- 3) That the large oak tree located on lot 2 near Meadow View Avenue is to be preserved or in the alternate two 2½" to be approved by the City's Landscape Coordinator are to be planted in its place.
- 4) That both properties shall be connected to the Warwick Sewer System prior to the issuance of a Certificate of Occupancy.

### **Public Meeting**

### **Minor Subdivision**

### **Stoppard – Spooner Plat**

<b>Applicant:</b>	Sundown Corporation
<b>Location:</b>	77 Spooner Avenue
<b>Assessor's Plat:</b>	269
<b>Lot(s):</b>	21
<b>Zoning District:</b>	Residential A-10
<b>Land Area:</b>	22,459 square feet
<b>Number of lots:</b>	2
<b>Engineer:</b>	Alpha Associates, LTD
<b>Ward:</b>	3

The applicant is requesting preliminary approval to subdivide one lot to create two new lots, one lot with an existing dwelling to be relocated in accordance with the City's Zoning Regulations and one new lot for development on an existing street in a Residential A-7 zoning district.

### **Planning Department Findings**

The Planning Department finds this 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 and permanent access to a public street.

### **Planning Department Recommendation**

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

- 1) That the proposed dwelling shall be at least 3 feet above the maximum seasonal high ground water elevation as determined by the designer.
- 2) That the developer shall confer with the City’s Landscape Project Coordinator to determine the feasibility of tree preservation on the site prior to final approval.
- 3) That both properties shall be connected to the Warwick Sewer System prior to the issuance of a Certificate of Occupancy.
- 4) That the City Engineer shall approve the final development plan prior to recording.

**Public Hearing**

**Major Land Development Project**

**Brinker, On the Border Restaurant**

Applicant:	Brinker Rhode Island, Inc.
Location:	650 Bald Hill Road, RI Mall
Assessor's Plat:	264
Lot(s):	001
Zoning District:	General Business
Land Area:	20.3 +/- acres
Number of lots:	1
Engineer:	Bohler Engineering
Ward:	8

The applicant is requesting Master Plan approval of a Major Land Development Project to construct a new 6,032 square foot restaurant within the existing parking facilities at the Rhode Island Mall Shopping Center on a lot with two existing restaurants and a retail shopping mall with less than required parking and landscaping.

**Planning Department Findings**

The Planning Department finds this 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 a variance to construct a restaurant on a lot with two existing restaurants and a retail shopping mall with less than the required parking and landscaping.
- 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**

Planning Department recommendation is 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 construct a restaurant on a lot with two existing restaurants and a retail shopping mall with less than the required parking and landscaping.
- 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 applicant shall install a separate fire line and a separate domestic line off the existing water loop and that the applicant shall install an RPZ backflow device on the domestic service and a double check on the fire service.
- 4) That there shall be a Fire Department Connection (FDC) located on the building within 100' of a hydrant and that the existing hydrant shall have a minimum flow of 1,000 GPM.
- 5) That the engineering consultant shall provide existing flows and projected flows to the Warwick Sewer Authority, as well as sampling manholes and any other pretreatment requirements.
- 6) That the applicant shall provide a sewer use agreement and an easement from the owners of the property and the pump station.

### **Public Hearing**

### **Major Subdivision**

### **Wild-Subdivision**

<b>Applicant:</b>	Karen and Kenneth Wild
<b>Location:</b>	3372, 3376, & 3378 West Shore Road
<b>Assessor's Plat:</b>	364
<b>Lot(s):</b>	15 & 485
<b>Zoning District:</b>	Residential A-10
<b>Land Area:</b>	1.29 acres
<b>Number of lots:</b>	3
<b>Engineer:</b>	Alpha Associates, Ltd.
<b>Ward:</b>	7

The applicant is requesting master plan approval of a Major Subdivision to reconfigure two lots

with three existing single family dwellings to allow for the creation of three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback in a Residential A-10 Zoning District.

### **Planning Department Findings**

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

- 1) Consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City’s Zoning Ordinance therefore requiring a Zoning Board of Review approval to have three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback.
- 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**

Planning Department recommendation is 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 three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback.
- 2) That all three dwellings shall be connected to the Warwick Sewer System.
- 3) That the existing evergreen hedges along the proposed driveways shall be maintained and expanded to provide screening of the driveways from the abutting properties.
- 4) That the proposed new curb cuts require a RIDOT, Physical Alteration Permit which shall include the permanent closure of the existing curb cut located between proposed “Parcel A” and “Parcel B.”

**Public Hearing**

**Major Land Development Project/Zone Change**

**Bayside Condominiums**

**Applicant:** Centerville Builders Inc.  
**Location:** Post Road  
**Assessor's Plat:** 366  
**Lot(s):** 5, 6 & 66  
**Zoning District:** General Business & Residential A-40  
**Proposed Zone:** Planned District Residential A-10/Open Space  
**Land Area:** 1.6 Acres  
**Number of lots:** 2  
**Engineer:** Garofalo & Associates, Inc.  
**Ward:** 7

The applicant is requesting Master Plan approval of a Major Land Development Project/Subdivision and recommendation for a zone change. The applicant is requesting to subdivide three lots to create two new lots, one lot "not for development" to be zoned Open Space and one lot to be zoned Planned District Residential (PDR) A-10 to allow for a 10-unit multi-family development with less than required side-yard setback.

**Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring a City Council Zoning Change to Planned District Residential A-10 with less than the required side-yard setback and Open Space.
- 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**

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

- 1) That the applicant shall receive a City Council Zone Change to PDR A-10 with less than the required side-yard setback and Open Space.
- 2) That parking areas shall be screened from Post Road with a mix of evergreen trees and shrubs.
- 3) That tree drip-line protection shall be depicted on the preliminary plan which shall include protection of existing wooded areas behind the proposed buildings.
- 4) That a sewer sampling manhole to be approved by the Warwick Sewer Authority shall be will be required for each building.
- 5) That the developer shall provide a projected sewer flow analysis and sewer impact study performed by a Professional Engineer and approved by the Warwick Sewer Authority prior to preliminary approval.
- 6) That the preliminary plans shall include the intersection of Post Road and Cowesett Road including the existing traffic signals.
- 7) That the proposed buildings shall be at least 3 feet above the maximum seasonal high ground water elevation, as determined by the designer.
- 8) That a storm water management plan must be designed in accordance with all state and local regulations which shall consider a proprietary pre-treatment unit for the proposed storm water.
- 9) That no large trees shall be located in proximity to the proposed underground detention system.

### **Planning Department Findings for the Zone Change**

The Planning Department found the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element, the Natural Resources, Open Space and Recreation Element and the Housing 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 Provide 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.
- (B) The natural characteristics of the land including its suitability for use based on soil characteristics, topography, and susceptibility to surface or ground water pollution.
- (C) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands.
- (D) The values of unique or valuable natural resources and features.
- (E) The availability and capacity of existing and planned public and/or private services and facilities.
- (F) The need to shape the urban and suburban development.

103.6 Provide for the control and preservation and promotion of open space.

103.8 Promote a balance of housing choices, for all income levels and groups.

103.10 Promotes a high level of quality in design in the development of private and public facilities.

103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

### **Planning Department Recommendation for the Zone Change**

Planning Department recommends favorable action to the Warwick City Council for a Zone Change with all of the stipulations recommended for Master Plan approval.

## **Public Hearing**

### **Major Land Development Project**

#### **Waverly Place**

**Location:** Waverly St. & West Shore Rd.  
**Assessor's Plat:** 333;  
**Assessor's Lot:** 237, 239-245, & 261  
**Applicant:** Hugh Fisher  
**Zoned:** General Business & A-7 (Residential)  
**Area:** 1.33 acres  
**Ward:** 4  
**Engineer:** DiPrete Engineering Associates, Inc.

The applicant is requesting preliminary approval to merge nine lots to allow for the development of a 14-unit condominium complex in a Planned District Residential (PDR) A-7 Zoning District.

#### **Planning Department Findings**

The Planning Department finds this 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 subdivision possesses adequate and permanent access to a public street.

#### **Planning Department Recommendation**

Planning Department recommendation is to grant preliminary approval contingent upon receipt of a RIDOT, Physical Alteration Permit with final approval to be through the Administrative Officer with the following stipulations:

- 1) That the applicant shall record and Administrative Subdivision merging all subject lots as a condition of final approval.
- 2) That a minimum 2 foot stone and mortar wall to be constructed along the easterly property line to ensure that storm-water runoff does not flow onto adjacent property shall be approved by the City Engineer and included on the final plan.
- 3) That catch basin details to be approved by the City Engineer shall be included on the final plan.
- 4) That the final plan shall include the “Sequence and Staging of Land Activities” to be approved by the City Engineer which shall include stripping of loam, sub-grade, fill material and rough grading to ensure the integrity of the proposed drywells.
- 5) That sheet 3 of 7 shall include a saw cut detail along the northerly edge of Waverly Street.
- 6) That the final plan shall include a note that the contractor shall obtain a Soil erosion and Sediment Control Permit prior to any construction activity on the property.
- 7) That the final plan shall include a note that all construction shall be in compliance with National Flood Insurance Program (NFIP) for the 100-year flood plane.

**Public Meeting**

**Request for Extension**  
**Major Subdivision**

**Mellen Plat**

<b>Applicant:</b>	Francis and Denise Galligan
<b>Location:</b>	148 George Street
<b>Assessor’s Plat:</b>	295
<b>Lot(s):</b>	136 & 137
<b>Zoning District:</b>	Residential A-7
<b>Land Area:</b>	10,000 square feet
<b>Number of lots:</b>	2
<b>Engineer:</b>	Ocean State Planners, Inc.
<b>Ward:</b>	2

The applicant is requesting an extension of a Master Plan approval of a Major Subdivision to subdivide one conforming parcel consisting of two undersized lots with less than the required

land area and an existing dwelling to create two undersized nonconforming lots with less than the required area, frontage and lot width in a Residential A-7 zoning district.

### **Planning Department Findings**

The Planning Department finds 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.

### **Planning Department Recommendation**

The Planning Department recommendation is to grant the extension to expire on March 1, 2007.

### **Public Meeting**

### **Request for Extension** **Major Land Development Project**

### **Winfield Place**

<b>Applicant:</b>	K. Joseph Shekarchi
<b>Location:</b>	686 Commonwealth Avenue
<b>Assessor's Plat:</b>	247
<b>Lot(s):</b>	47
<b>Zoning District:</b>	Residential A-10
<b>Land Area:</b>	2.059 Acres
<b>Number of lots:</b>	2
<b>Engineer:</b>	Walker Engineering Ltd.
<b>Ward:</b>	8

The applicant is requesting an extension of a Master Plan approval of a Major Land Development Project to subdivide one lot and create two lots, one conforming lot with an existing dwelling and one new lot for the development of a nine-unit residential condominium complex with less than the required frontage and lot width in a Residential A-10 zoning district.

## **Planning Department Findings**

The Planning Department finds 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.

## **Planning Department Recommendation**

The Planning Department recommendation is to grant the extension to expire on May 5, 2007.

### **Public Meeting**

### **Request for an Amendment to the City's Zoning Ordinance**

#### **Zoning Ordinance PCO-17-98**

**Applicant:** Ives Bluff, LLC  
**Location:** Old Forge Road  
**Assessor's Plat:** 209,  
**Assessor's Lot(s):** 1 and 6  
**Zoning District:** Planned District Residential (PDR) A-10/A-40

The applicant desires to amend the existing Zoning Ordinance PCO-17-98 to allow eight residential condominiums to be located in eight detached single family style structures. In addition the development would contain a swimming pool, associated parking spaces, lighting, landscaping, a walking path, gazebo and stairway with access to the shore.

## **Planning Department Findings**

The Planning Department finds that the original Master Plan approval and Zone Change authorized 42 residential condominium units only and did not include a swimming pool with associated parking and a gazebo with access to the shore. The Planning Department recommends that the Planning Board address only the elements approved in the original Master Plan and not additional unauthorized elements. As a result, the Planning Department recommends a positive recommendation for the request to allow eight condominium units in detached single family style structures along with all previously existing stipulations only and not for additional elements not included in the approved Master Plan.

The Planning Department finds the proposal 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 Housing 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 Provide 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.
  - (F) The need to shape the urban and suburban development.
- 103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommends favorable recommendation to the Warwick City Council for the requested zoning amendment.

## Street Abandonment

### Seaview Drive

**Petitioner:** William White III  
**Location:** Assessors Plat: 375 See attached map.  
**Ward:** 6

**Reason for Abandonment:** That portion of Seaview Drive Avenue has ceased to be useful to the public as a highway, street or drift way. The petitioner's residence is currently encroaching onto the city right-of-way. The petitioner is requesting the abandonment in order to relieve the existing encroachment.

**Recommendation:** Whereas there is a concern on a matter of apportionment of requested abandonment and in keeping with the true integrity of abandonment rights

Whereas there is no credible reason or benefit for the City to reapportion, vacate, or abandon an irregular part of the ROW and left retained with reduced inherent rights of dimensions, use, and possible loss of public improvement

And whereas there is no creditable reason that this portion of road ceases to be useful to the City and the only true benefit of this abandonment is a private matter, albeit the hardship of certain issues that existed for over a hundred years

Therefore the DPW opinion is not to abandon said portion of Seaview Drive, but in its stead grant an easement (along with all proper agreements) to owner of adjacent property until such time hardship dissolves or City needs to expand on its infrastructure it has a right to.