

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, July 27, 2016**

**Members Present:**

James Desmarais  
Vincent Gambardella  
Cynthia Gerlach  
Steve Horowitz  
Jeffrey Robert  
Philip Slocum  
Sue Stenhouse

**Member Absent:**

Chelsea Siefert  
Thomas Kiernan

**Also in attendance:**

Patricia Reynolds, Senior Planner  
Lidia Cruz-Abreu, Assistant Administrative Officer  
Eric Hindinger, Engineer Project Manager  
Diana Pearson, City Solicitor

Chairman Slocum called the meeting to order at 6:00 pm.

**Public Informational Meeting  
Major Land Development Subdivision  
Zone Change Recommendation  
Cumberland Farms**

K. Joseph Shekarchi, ESQ, Shekarchi Law Offices, representative for the Applicant stated that due to unexpected issues he requested that the project be continued to the September 14, 2016 Planning Board meeting, with re-notification of abutters.

Mr. Gambardella, seconded by Ms. Stenhouse, made a motion to open the public meeting and continue the public meeting until the September 14, 2016 Planning Board Meeting. All in favor; none opposed.

**Public Meeting**  
**Minor Subdivision**  
**Monroe Street Plat**  
**Preliminary Approval**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices, represented the Applicant, North End Realty, LLC who was requesting Preliminary Approval of a Minor Subdivision to subdivide (1) one existing 14,056 square foot lot to create (2) two new lots, (1) one new 7,055 square foot conforming lot for the development of a single-family dwelling fronting on Monroe Street; and (1) one new 7,001 square foot conforming lot for the development of a single family dwelling fronting on Monroe Street and Oakdale Street.

Mr. Shekarchi indicated that the Applicant had modified the original plan at the Planning Department's request. Mr. Slocum stated that there was a slight irregularity to the proposed line but that he could see that the line had been adjusted to address concerns.

Mr. Roberts asked if the existing structure was being demolished; Mr. Shekarchi responded affirmatively.

Being no further questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

**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. That the proposed development is generally consistent with the Comprehensive Community Plan, and consistent with the existing neighborhood, having lots within the 200' radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located along Monroe Street and Oakdale Street, and is identified as Assessor's Plat: 301, Assessor's Lot: 107.
3. That the subject property consists of (1) one Tax Assessor's lots totaling 14,056 square feet and is zoned A-7 Residential.
4. The Applicant is proposing to subdivide (1) one existing 14,056 square foot lot to create (2) two new lots, (1) one new 7,055 square foot conforming lot for the development of a new single-family dwelling fronting on Monroe Street; and (1) one new 7,001 square foot conforming lot for the development of a new single family dwelling fronting on Monroe Street and Oakdale Street.

5. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance, meeting all of the requirements of the A-7 Residential Zoning District which require a minimum of 70 feet of frontage and lot width on the first street and 80% of the frontage/width requirement along the second street, and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision will have access to City of Warwick Sewer and Water.
7. That there are no wetlands within 200', therefore 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.
8. That there will be no significant negative environmental impacts from the proposed development.
9. That the proposed development possesses adequate and permanent access to Monroe and Oakdale Streets.

#### **Planning Department Recommendations**

The Planning Department recommendation is to grant Preliminary Approval, with Final Approval through the Administrative Officer, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with Appendix B, Minor Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, and shall include at a minimum, but not be limited to:
  - Note modification of the thickness of the perimeter boundary lines, drawn to distinguish them from other property lines
  - Note interior angles
  - Note a clean-out valve and back-water valve outside each of the proposed residential dwellings, in proximity to the foundation. The clean-out valve shall be installed downstream and in close proximity to the backwater valve.
  - Note the cut-off to the existing curb-stop for 44 Monroe Street at the existing water main.
  - Note a minimum of 1" curb-stop for each proposed dwelling.

3. That, prior to Final Approval, the Applicant shall coordinate with the Warwick Sewer Authority and enter into a Developer's Agreement and Work Order for Parcel A, as depicted on the Minor Subdivision plan, entitled The Monroe Street Plat, dated May 21, 2016.
4. That, prior to Final Approval, the Applicant shall coordinate with the Planning Department, prior to the development of a Landscape Plan. The Applicant's Arborist shall determine if the existing tree located along Monroe Street can be adequately preserved and protected during construction, prior to the development of a Landscape Plan. That the Landscape Plan shall include, but not be limited to:
  - Note the Preservation and Protection of existing mature trees that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Monroe Street and Oakdale Street. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
5. That, prior to Final Approval, the Applicant/Developer shall provide deed descriptions for review.
6. That the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation, prior to the recording of the "Final Record Plat".
7. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall plant (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Parcel 1 and Parcel 2 of the Monroe Street Plat. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
8. That the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
9. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Mr. Desmarais, seconded by Ms. Stenhouse, made a motion to adopt the Planning Department Findings and Recommendations, as presented and read, and to grant Preliminary Approval with Final Approval by the Administrative Officer. All in favor; none opposed.

**Public Hearing**  
**Major Land Development**  
**Taco Bell/Benny's**  
**Preliminary Approval**

Mr. Robert Murray, ESQ, represented the Applicant who was requesting Preliminary Approval for the construction of a one-story, 2,060 square-foot fast food restaurant; a 38-seat Taco Bell, with a drive-thru window, to be located within the existing Benny's shopping plaza. Mr. Murray indicated that the Project had received Master Plan approval for this Major Land Development Project from the Planning Board at the October 21, 2015 meeting and Zoning Board of Review Approval, Petition #10353, for a Special Use Permit authorizing Section 304.5 *More than one nonresidential use or building on a lot* (Assessor's Lot 35), and Section 800. *Signs*, for off-site signage to be located on Assessor's Lot 560. Mr. Murray further indicated that the Project had received RIDEM and RIDOT approval and that the project met all the requirements of the Master Plan conditions and that the Applicant had no objections to the Planning Department Findings and Recommendations.

Mr. Murray introduced Mr. Dave Lockwood, President, Lookwood, McKinnan Company. Mr. Lockwood indicated that he was a franchisee for Taco Bell for 27 years with 13 stores located in RI, two being in Warwick. This store will have approximately 38-40 seat facility and will have approximately 40 employees. This store will be slightly smaller than the store on RT. 2.

Mr. Hussain, MHF Design Concepts, indicated that there would be UIC. The project is not proposing new driveways and the RIDOT asked for stop signs, as noted on the plan. The access to Spring Grove will continue as emergency access only.

Ms. Stenhouse questioned the hours of operation; the representative responded that the hours would be from 7:00 am until 2:00 am.

Ms. Gerlach asked what type of lighting existed at the site currently and how the change would impact the residential properties; the representative indicated that a lighting plan was submitted and approved by Planning Staff. Lighting is required for the safety of the customers but there should be no impact on the abutting residential neighborhood.

Mr. Robert questioned if there was a traffic study prepared as part of the application; the representative indicated there had been a submission at the Master Plan phase of the project and that RIDOT had reviewed and approved the plan.

Being no further questions, Ms. Stenhouse, seconded by Mr. Robert, made a motion to open the public hearing; all in favor, none opposed.

Being no testimony, Ms. Stenhouse, seconded by Mr. Robert, made a motion to close the Public Hearing. All in favor; none opposed.

Being no further questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

### **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 City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan) which finds that land development in the future will increasingly involve redevelopment of previously used sites. Over 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important” and when asked what kind of development they would like to see more of in the City, most respondents included neighborhood retail.
2. That Chapter 12 of the Comprehensive Plan, the Future Land Use, Zoning and Urban Design element, states as a Goal, that Warwick has sufficient diversity of land uses to support a strong and stable tax base, and to continue to balance land uses, particularly between regional retail and non-retail commercial uses.
3. That the subject parcel fronts on West Shore Road, and is identified as Assessor’s Plat: 362 Assessor’s Lots: 35 and 560, is zoned General Business, Residential A-40 and A-10, and abuts a Residential A-10 zone to the east, and a Residential A-40 zone to the south. The southern portion of the parcel contains a sensitive environmental wetland area known as the Tuscatucket Brook Watershed.
4. That the proposal received Master Plan approval from the Planning Board at the October 21, 2015 meeting.
5. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance, having received Zoning Board of Review approval, Petition #10353 authorizing a Special Use Permit for Warwick Zoning Ordinance, Section 304.5 More than one nonresidential use or building on a lot (Assessor’s Lot 35), and Section 800. Signs, for off-site signage to be located on Assessor’s Lot 560.
6. That there is one (1) existing retail use on this parcel.
7. That a traffic impact study, prepared by RAB Professional Engineers, Inc., and dated August, 2015, concludes that “...based upon a review of the data collected and the analysis completed as part of this study, it can be concluded that the proposed commercial expansion project has adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area.”
8. That the properties east, west and north of the subject parcel, and fronting on West Shore Road, are general business uses.

9. 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.
10. That the proposed development possesses adequate access to a public street, West Shore Road, and no new curb cuts are proposed for this proposal. The Applicant has received RIDOT Physical Alteration Permit, Application No. 160307.
11. That there will be no significant negative environmental impacts from the proposed development. The Applicant has received RI DEM UIC Permit No. 001701.
12. That sewers are available for the development and are located on Spring Grove Avenue.
13. That water is available for the development through an existing water line on West Shore Road.

### **Planning Department Recommendations**

Planning Department recommendation is to grant Preliminary Plan approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That the Final Plan shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, effective date November 25, 2015.
2. That a Soil Erosion and Sediment Control Permit shall be obtained from the Building Department prior to the commencement of any work on-site; soil erosion and sediment control measures must be properly maintained throughout construction.
3. That the Project Engineer shall inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans. In addition, the Project Engineer shall prepare an as-built plan of the system; highlighting any significant deviations from the approved plan. Changes from the approved design plan will require prior authorization from the Approving Authority.
4. That the Property Owner shall be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System; the Property Owner shall be responsible for the long-term maintenance and operation of the Stormwater Management System and shall submit an annual report detailing all inspections and maintenance performed on the System to the Department of Public Works.
5. That all RI Highway Bounds and permanent survey markers shall be protected throughout and up to the completion of the project (Please note this on the site plans).

6. That the exterior lighting, signage and the drive-thru lane, shall be designed to minimize negative impacts on neighboring properties. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.
7. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800.
8. That the proposed water service shall have a turn-off in the sidewalk to allow for ease of access, and a RPZ backflow device shall be installed as per RI Department of Health and Warwick Water Division regulations.
9. That the Project Contractor shall contact the Warwick Water Division a minimum of 48 hours prior to commencement of site work, and coordinate with the Water Division regarding the water installation.
10. That the access to Spring Grove Avenue on the southeast portion of Assessor's Plat 362, Assessor's Lot 35, shall remain closed and used for emergency access only. This shall be noted on the Final plan.
11. That the Applicant has submitted a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. This plan shall be subject to Final Approval by the Administrative Officer.
12. That any further development of the parcel shall be reviewed by the Board in accordance with the City's Development Review Regulations, and shall include improvements to the site driveways and West Shore Road as detailed in the Conclusions and Recommendations of the Traffic Impact Study, prepared by RAB Professional Engineers, Inc., and dated August, 2015.

Mr. Gambardella, seconded by Ms. Stenhouse, made a motion to adopt the Planning Department Findings and Recommendations, as presented and read, and to grant Preliminary Approval with Final Approval by the Administrative Officer. All in favor; none opposed.



**Public Informational Meeting**  
**Major Land Development Subdivision/Zone Change, with waivers**  
**Kilvert Street Solar Park**  
**Master Plan**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was requesting Master Plan Approval of a Major Land Development Project/Subdivision for the development of a 5.4+/- MW solar park for the generation of electric power, with approximately 63 rows of photovoltaic modules (solar panels), associated site improvements, and electrical utility connections. The Applicant is also requesting a recommendation to the City Council to modify the existing zoning on the site to allow for Use Code 608. Electric Power Plant, for solar generation of electric power use only and dimensional waivers from Warwick Zoning Ordinance Section 504 for less than required wetland setback. The Applicant proposed to subdivide one (1) existing, 36.45+/- acre parcel into two (2) new lots, one (1) 23.04 +/- acre lot to provide for the development of a solar park, and one 13.40 +/- acre lot to be designated as a “Lot Not for Development.”

Mr. Slocum indicated that there was a letter received from National Grid that was read into the record. (Exhibit 1)

Mr. Shekarchi indicated that he would address any of National Grid’s concerns as part of the development process.

Mr. Shekarchi indicated that the parcel was contaminated and was a “lot not for development” and the Applicant would assume all the expense and risk to take a portion of the lot and create a solar park on-site. The solar power would then be sold to the grid and the City would receive a credit for a portion of its electrical use. Mr. Shekarchi indicated that the City Council had approved a 25-year agreement for the concept.

Mr. Shekarchi indicated that he had a neighborhood meeting and he was requesting Master Plan and the project would also need to receive City Council Approval and Preliminary and Final Approval from the Planning Board, before any construction would begin. Additionally, he stated that the Applicants had several locations in MA and that N. Providence, Lincoln, and Johnston were in the process of approving solar power.

Ms. Gerlach asked if the property would be regraded and how stormwater would be handled; Dave Potter, PE, Pare Engineering; indicated that there were some areas, that due to site remediation, had steep grades and would need regrading and that they were working with RIDEM regarding stormwater management which would be handle above grade.

Mr. Palumbo, Southern Sky provided information regarding the maintenance and the safety of the site.

Mr. Slocum asked about the noise; Mr. Palumbo indicated that the transformers would not be along a residence and the transformers selected would be quiet transformers and inverters.

Ms. McGovern, Southern Sky showed a video of the solar panels at one of their MA locations.

Ms. Stenhouse asked the value of the package; Mr. Palumbo indicated that it would be approximately \$75,000 over a 25-year period.

There was extensive discussion regarding the details of the agreement.

Being no further questions, Mr. Gambardella, seconded by Ms. Stenhouse, made a motion to open the public hearing; all in favor, none opposed.

Being no testimony, Ms. Stenhouse, seconded by Mr. Gambardella, made a motion to close the public hearing; all in favor, none opposed.

Being no further questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

### **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. That the proposal is generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

*That Part V, Sustainable Systems, states that “access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.”*

That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.

2. That the subject parcel fronts on Kilvert Street, and is identified as Assessor’s Plat: 278 Assessor’s Lot: 146. The development area is zoned General Industrial (GI), and consists of 36.45 +/- acres.
3. That Use Code 608, Electric Power Plant, requires a Special Use Permit (SUP) in a General Industrial (GI) zone.

4. That the proposal is not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring City Council approval for the use, an Electric Power Plant for the solar generation of electricity, in a General Industrial zone, and a waiver from Warwick Zoning Ordinance, Section 504 for less-than- required wetland setback.
5. That the Lot is currently undeveloped. The site is located on the south side of Kilvert Street and is bounded by industrial properties to the east, the T.F. Green Airport Connector to the south, an undeveloped lot to the west, and general industrial properties to the north.
6. That the development of Parcel A will not result in the creation of a lot with such physical constraints to development that building on that lot according to pertinent regulations and building standards would be impracticable; Parcel B will be designated as a "Lot Not for Development."
7. That the Master Plan indicates a wetlands area on the site, therefore the proposal requires approval from the Rhode Island Department of Environmental Management (RIDEM). There are no indications of significant negative environmental impacts from the proposed development at the Master Plan phase.
8. That the proposed development possesses access to a public street, Kilvert Street.
9. That water is available to the site should the applicant decide to add this utility.
10. That there are no sewers associated with the proposed site, and currently no sewer service available. There is no sewer access proposed or required for this use.
11. That there is an existing, recorded (Book 341, Page 13), forty (40') foot wide sewer easement bisecting the parcel north to south.
12. That there is an existing 150' transmission easement with overhead transmission lines, bisecting the site southwest to northeast.
13. That there are no known existing public water or gas utilities located within the parcel.
14. That there is a recorded conservation easement within the parcel where said land was used as a depository for solid waste associated with remediation of the site.
15. That the proposal has received from the Federal Aviation Administration (FAA), a Determination of No Hazard to Air Navigation, Aeronautical Study No. 2016-ANE-2516-OE, dated June 28, 2016.

### **Planning Department Recommendations**

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

1. 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 and Providence Plantations, Effective November 25, 2015.
2. That the parcel shall receive City Council approval for the use (Electric Power Plant for the solar generation of electricity, a Special Use Permit in a General Industrial zone) and a waiver for Warwick Zoning Ordinance Section 504 for less than required wetland setback.
3. That, as part of the Final Approval, the Property Owner shall record a subdivision as per The City of Warwick's Development Review Regulations. This plan shall include a Record Plat name and Record Lot designations.
4. That all survey monumentation shall be set prior to the recording of the Final subdivision plan.
5. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development.
6. That the Project Engineer shall meet with the City of Warwick Department of Public Works (DPW) Engineering staff to review the proposed drainage system prior to submission to Rhode Island Department of Environmental Management (RIDEM) or Rhode Island Department of Transportation (RIDOT).
7. That the Operation and Maintenance Plan for the proposed stormwater collection system shall be included in the Preliminary submission.
8. That all necessary state permits, including but not limited to RIDEM, and RIDOT Physical Alteration Permit (PAP), shall be obtained prior to submission to the Planning Board for Preliminary approval.
9. That the Preliminary Plan shall indicate the proposed relocation of the storm sewer and shall be completed prior to the commencement of any other work. The Project Engineer shall submit calculations demonstrating that the proposed pipe is adequately sized to convey up to a 100 year storm event.
10. That the gravel access drive shall be constructed in a manner that will not impact the structural integrity of the Warwick Sewer Authority's (WSA) sewer pipe, and be able to support large trucks and sewer maintenance equipment.

11. That the sewer manholes shall remain intact, and there shall be clear, unimpeded access for routine and emergency WSA Operation and Maintenance (O & M) equipment.
12. That the Applicant shall have a pre and post construction CCTV inspection conducted of WSA's sewer line within the limit of the work and provide the WSA with video copies of said inspections.
13. That the Project Engineer shall provide detailed drawings related to the proposed storm drain crossing WSA's sewer line.
14. That a 15' wide access gate shall be installed at the Kilvert Street end of the proposed gravel access drive for WSA use.
15. That the Applicant shall coordinate with National Grid for any work within the transmission easement and determine an access point to the power grid and submit written approval from National Grid, prior to Preliminary approval.
16. That the Preliminary submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. Said plan shall be subject to approval by the Administrative Officer and provide, at a minimum, substantial screening along Kilvert Street.
17. That the Applicant shall replace the chain link fencing noted along the frontage on the plan with decorative fencing, color and style to be approved by the Administrative Officer, prior to Preliminary Approval.
18. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.
19. That a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number.
20. That the solar park shall not be used for displaying any advertising.
21. That the Applicant shall submit a detailed report of the proposed operational characteristics of the solar park, concerning the means and methods planned to minimize or avoid off-premises impacts. Said report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and details of any proposed identification signage.

22. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park. The Applicant shall submit an Existing Condition site plan, indicating the areas of vegetation to be cleared.
23. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
24. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.
25. That the Applicant shall provide a “Glare Analysis” that utilizes the Solar Glare Hazard Analysis Tool to ensure that there will be no negative impact. Said analysis shall be submitted to both the FAA and RIAC for review and approval.

Ms. Stenhouse, seconded by Mr. Robert, made a motion to adopt the Planning Department Findings and Recommendations, as presented and read, and to grant Master Plan Approval. All in favor; none opposed.

**Recommendation to the City Council**  
**Request for a Zone Change to allow for an Electric Power Plant (Use Code 608),**  
**for the Solar Generation of Electricity within a General Industrial Zone**

Mr. Joseph K. Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant which was requesting a recommendation to the City Council for a Zone Change to all for an Electric Power Plant (Use Code 608), for the Solar Generation of Electricity within a General Industrial Zone.

Being no questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

**Planning Department Findings**

The Planning Department finds the proposed zoning modification to be generally consistent with Article 1 “Purposes and General Statements of the City’s Development Review Regulations, and,

1. That the proposal is generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

*That Part V, Sustainable Systems, states that “access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.”*

That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.

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.
  - E.) The availability and capacity of existing and planned public and/or private services and facilities;
  - F.) The use of innovative development regulations and techniques.
- 103.10 Promote a high level of quality in design in the development of private and public facilities.
- 103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

### **Planning Department Recommendation**

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested zone change, with the following stipulations:

1. That the allowed use on proposed Parcel A, as shown on the Final Plan approved by the Planning Board, shall be restricted to the solar generation of electric power.

2. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.
3. That a sign shall be posted on the facility and shall display the name of the owner and/or operator of the facility and provide a twenty-four (24) hour emergency contact number.
4. That the solar park shall not be used for displaying any advertising.
5. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park.
6. That the Applicant shall submit a detailed report of the proposed operational characteristics of the solar park, concerning the means and methods planned to minimize or avoid off-premises impacts. Said report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and details of any proposed identification signage.
7. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six (6) months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
8. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.
9. That there shall be strict compliance with the Final Plan, as approved by the Planning Board. Any changes to said plan shall require review by the Planning Board or Administrative Officer to the Board.

Ms. Stenhouse, seconded by Mr. Desmarais, made a motion to adopt the Planning Department Findings and Recommendations, and to forward a positive recommendation to the City Council for the requested Zone Change. All in favor; none opposed.



**Public Informational Meeting**  
**Major Land Development Subdivision/Zone Change w/Waiver**  
**West Shore Road Solar Park**  
**Master Plan Approval**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented that Applicant who was requesting Master Plan Approval of a Major Land Development Project/Subdivision for the development of a .9+/- MW solar park for the generation of electric power, with approximately 42 rows of photovoltaic modules (solar panels), associated site improvements, and electrical utility connections. The Applicant is also requesting a recommendation to the City Council to modify the existing zoning on the site to allow for Use Code 608. Electric Power Plant, for solar generation of electric power use only, and dimensional waivers from Warwick Zoning Ordinance Section 504 for less than required wetland setback; Section 300, Table 2A for less than required front and rear setback from Valley Street (an unimproved City street); and Section 505.1 for less than required landscape buffer. The proposed development is sited on three (3) Assessor's Lots, with a combined area of approximately 10.57+/- acres. The Applicant is proposing to merge the three (3) existing lots, to create one (1) Lot for the development.

Mr. Shekarchi gave a brief description of the location of the Project area indicating that the parcel contains wetlands and paper streets, thereby making the parcel constrained for other types of development. Mr. Shekarchi indicated that there would not be solar panels that would encroach on the wetlands and paper streets.

Ms. Gerlach asked if the area would require grade changes, Mr. David Potter indicated that there would be minimal grade changes.

Ms. Stenhouse asked if there was a vegetative buffer; Mr. Shekarchi indicated that the area was 330' from the closest residential property and that there was existing vegetative buffer but that more would be added, if necessary.

Ms. Gerlach asked if there would be an educational component. Mr. Palumbo indicated that they were working on an educational component.

Being no further questions, Ms. Stenhouse, seconded by Mr. Gambardella, made a motion to open the public hearing; all in favor, none opposed.

Mr. Steve Laprocina, 3589 West Shore Road, has concerns regarding signage, noise and location of the inverters and especially the fans constantly. He is concerned that he does not have a sufficient buffer area that can be adequately vegetated. He wants to make sure that the inverters are moved away from the neighbors and that he has adequate buffering. Mr. Palumbo indicated that the converts have been moved. Mr. Laprocina indicated that there were some archeological artifacts on-site. Mr. Slocum indicated that he was aware of the concerns and that the Applicant would be avoiding any areas of concern. Mr. Laprocina wanted to have the opportunity to review the Landscape Plan when it was available for review. Planning Staff indicated that he would be able to view the plan and he could provide suggestions regarding species and type.

Mr. Roy Hodge, 95 Valley, he was especially concerned because he had the closest residential property to the site and was very concerned about the noise. He indicated that the airplane noise was intermittent but that this would be all-day, every-day and could potentially impact his quality of life. Mr. Shekarchi indicated that he would have sufficient vegetative buffering and that the panels should not be visible to him. Mr. Potter indicated that the top of the panels will be approximately 15' below Mr. Hodge's property. Additionally, the existing buffering would be protected during the construction process. Mr. Palumbo indicated that he would be doing a noise study and that they would work to reduce any noise impact on the residential neighborhood. Mr. Hodge asked if the fence would be along his property line. Mr. Potter indicated that the fence would be along the solar park.

Ms. Kelly Hodge, 95 Valley, stated that she is the closest point to the solar park and will not have the same type of buffer as some of her neighbors. She purchased her home six years ago and is concerned that this will devalue her home and quality of life. Mr. Shekarchi indicated that the Applicant would provide sufficient buffering to address neighborhood concerns.

Mr. Laprocina indicated that a prior developer had created the pit and that the area continues to erode; he feels that the erosion and the area should be filled, prior to this project taking place.

Randy Hamil, Coventry, feels that the area has been a dump since 1961 and the area will be cleaned up by this development.

Being no further testimony, Ms. Stenhouse, seconded by Mr. Gambardella, made a motion to close the Public Hearing. All in favor; none opposed.

Planning Staff read the Planning Department Findings and Recommendation into the record, which were as follows:

### **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. That the proposal is generally consistent with the City of Warwick, *Comprehensive Plan 2033*, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

- a. That Part V, Sustainable Systems, states that “*access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.*”
  - b. That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.
2. That the subject parcel fronts on West Shore Road, and on the unimproved portions Valley Avenue, and Bingham Street, and is identified as Assessor’s Plat: 346 Assessor’s Lots: 23, 38 and 39. The development area is zoned Residential A-7.
3. That Use Code 608. Electric Power Plant, is not an allowable use within a Residential zone.
4. That the proposal is not in compliance with the standards and provisions of the City’s Zoning Ordinance therefore requiring City Council approval for the use, an electric power plant for the solar generation of electricity, in a residential zone, and waivers from Warwick Zoning Ordinance Section 504 for less than required wetland setback, Section 300, Table 2A for less than required front and rear setback from Valley Street (an unimproved City street), and Section 505.1 for less than required landscape buffer along the frontage of the unimproved streets, Valley Avenue and Bingham Street.
5. That the Lot is currently undeveloped. The site is located on the north side of West Shore Road and is bounded by the Amtrak Rail line to the west, residential properties to the east, and commercial properties to the south.
6. 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.
7. That the Master Plan indicates a wetlands area on the site, therefore the proposal requires approval from the Rhode Island Department of Environmental Management (RIDEM). There are no indications of significant negative environmental impacts from the proposed development at the Master Plan phase.
8. That the proposed development possesses access to a public street, West Shore Road. The Applicant is proposing to utilize two (2) existing curb cuts for ingress/egress.
9. That water is available to the site should the applicant decide to add this utility.

10. That there are no sewers associated with the proposed site, and currently no sewer service available. There is no sewer access proposed or required for this use.

### **Planning Department Recommendations**

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

1. That the 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 and Providence Plantations, Effective November 25, 2015.
2. That the parcel shall receive City Council approval for the use (Electric Power Plant for the solar generation of electricity within a residential zone) and waivers for Warwick Zoning Ordinance Section 504 for less-than-required wetland setback; Section 300, Table 2A for less-than-required front and rear setback from Valley Street (an unimproved City street); and Section 505.1 for less-than- required landscape buffer along the frontage of the unimproved City streets, Valley Avenue and Bingham Street.
3. That, prior to Final Approval, the Property Owner shall merge Assessor's Plat 346, Assessor's Lots 23, 38 and 39, and record a subdivision as per The City of Warwick's Development Review Regulations. This plan shall include a Record Plat name and Record Lot designations.
4. That all survey monumentation shall be set prior to the recording of the Final subdivision plan.
5. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development.
6. That the Project Engineer shall meet with the City of Warwick Department of Public Works (DPW) Engineering staff to review the proposed drainage system prior to submission to Rhode Island Department of Environmental Management (RIDEM) or Rhode Island Department of Transportation (RIDOT).
7. That the Operation and Maintenance Plan for the proposed stormwater collection system shall be included in the Preliminary submission.
8. That all necessary state permits, including, but not limited to RIDEM, and RIDOT Physical Alteration Permit (PAP), shall be obtained prior to submission to the Planning Board for Preliminary approval.

9. That, prior to development of the Preliminary Plan, the Applicant shall consult with Public Archaeology Lab (PAL) regarding survey work previously conducted in the vicinity of the site, as per the recommendation of Rhode Island Historic Preservation and Heritage Commission (RIHP&HC).
10. That, prior to Preliminary approval, the Applicant shall obtain a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA) for the proposed development.
11. That the Applicant shall provide a “Glare Analysis” that utilizes the Solar Glare Hazard Analysis Tool to ensure that there will be no negative impact. Said analysis shall be submitted to both the FAA and RIAC for review and approval.
12. That the parcel abuts the Amtrak rail corridor to the west. In order to verify that the solar installation will have no adverse effect, that, prior to Preliminary approval, the Applicant shall notify Amtrak of the proposal, and present verification from the rail authority indicating no adverse effect.
13. That the proposed transformers/inverters for the solar farm shall maintain a noise level at or below 55dB and there shall be no greater than a 3dB change in amplitude (the minimum audible difference perceptible to the average person) measured along the entire eastern property line which abuts the existing residential properties (Valley Avenue, Brett Court, West Shore Road, and Bingham Street). The petitioner is responsible to fund and submit a *noise study*, conducted by an environmental professional, measuring pre-background sound with the post construction as-built conditions that illustrates adherence with this stipulation. Said study shall be submitted to the Building Inspector and Administrative Officer to the Planning Board within 90 days of the solar park becoming operational.
14. That the Preliminary submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. Said plan shall be subject to approval by the Administrative Officer and provide, at a minimum, substantial screening along West Shore Road, and within the parcel for the neighboring residential properties.
15. That the Applicant shall replace the chain link fencing noted along the frontage on the plan with decorative fencing, color and style to be approved by the Administrative Officer, prior to Preliminary Approval.
16. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.

17. That, a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number.
18. That the solar park shall not be used for displaying any advertising.
19. That the Applicant shall utilize measures that minimize impacts on neighboring properties to the maximum extent possible. To this end, the Applicant shall submit a detailed report of the proposed operational characteristics of the solar park, including key features of the inverters (overall size, height and noise level which shall be limited to 55 dBs); and concerning the means and methods planned to minimize or avoid off-premises impacts to the adjoining residential uses. In addition to addressing noise concerns, the report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and details of any proposed identification signage.
20. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park. The Applicant shall submit an Existing Condition site plan, indicating the areas of vegetation to be cleared.
21. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
22. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.
26. That the Applicant shall replace the chain link fencing noted along the frontage on the plan with decorative fencing, color and style to be approved by the Administrative Officer, prior to Preliminary Approval.

Mr. Slocum asked that the developer verify that Hodge's property is not continuing to erode. Mr. Palumbo indicated that he would have his engineer look into the area.

Ms. Stenhouse, seconded by Mr. Horowitz, made a motion to adopt the Planning Department Findings and Recommendations, as presented and read, and to grant Master Plan Approval. All in favor; none opposed.

**Recommendation to the City Council**  
**Request for a Zone Change to allow for an Electric Power Plant (Use Code 608),**  
**for the Solar Generation of Electricity within a Residential Zone**

Mr. Joseph K. Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant which was requesting a recommendation to the City Council for a Zone Change to all for an Electric Power Plant (Use Code 608), for the Solar Generation of Electricity within a Residential Zone.

Being no questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

**Planning Department Findings**

The Planning Department finds the proposed zoning modification to be generally consistent with Article 1 “Purposes and General Statements of the City’s Development Review Regulations, and,

1. That the proposal is generally consistent with the City of Warwick, *Comprehensive Plan 2033*, (Comprehensive Plan), *Part V, Sustainable Systems* which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

That *Part V, Sustainable Systems*, states that “*access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.*”

That Goal 1, of *Part V, Sustainable Systems* states that the City shall implement practices to conserve energy and use renewable energy.

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:

- B.) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.
- G.) The availability and capacity of existing and planned public and/or private services and facilities;
- H.) The use of innovative development regulations and techniques.

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

103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

### **Planning Department Recommendation**

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested zone change, with the following stipulations:

1. That the allowed use shall be restricted to the solar generation of electric power.
2. That the proposed transformers/inverters for the solar farm shall maintain a noise level at or below 55dB and there shall be no greater than a 3dB change in amplitude (the minimum audible difference perceptible to the average person) measured along the entire eastern property line which abuts the existing residential properties (Valley Ave, Brett Court, West Shore Road and Bingham Street). The petitioner is responsible to fund and submit a *noise study*, conducted by an environmental professional, measuring pre-background sound with the post construction as-built conditions that illustrates adherence with this stipulation. Said study shall be submitted to the Building Inspector and Administrative Officer to the Planning Board within 90 days of the solar park becoming operational.
3. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.
4. That, a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number.
5. That the solar park shall not be used for displaying any advertising.



6. That the Applicant shall utilize measures that minimize impacts on neighboring properties to the maximum extent possible. To this end, the Applicant shall submit a detailed report of the proposed operational characteristics of the solar park (and inverters), including key features concerning the means and methods planned to minimize or avoid off-premises impacts to the adjoining residential uses. In addition to addressing noise concerns, the report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and any proposed identification signage.
7. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park.
8. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
9. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.
10. That there shall be strict compliance with the Final Plan, as approved by the Planning Board. Any changes to said plan shall require review by the Planning Board or Administrative Officer to the Board.

Ms. Stenhouse, seconded by Mr. Desmarais, made a motion to adopt the Planning Department Findings and Recommendations, and to forward a positive recommendation to the City Council for the requested Zone Change. All in favor; none opposed.

**Public Hearing**  
**Major Land Development/Street Abandonment**  
**Enterprise Rent A Car Company**  
**Preliminary Plan**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was requesting Preliminary Approval of a Major Land Development Project for the redevelopment of a portion of Hallene Road and the two (2) abutting parcels to support retail vehicle fleet storage, vehicle maintenance, and administrative offices for Enterprise. The existing building at 101 Hallene Road will be modified to accommodate the Enterprise vehicle maintenance operations and administrative offices, with employee and visitor parking located around the building.

The rental vehicle fleet will be stored primarily on the Airport Road lot, and an ancillary vehicle fleet fueling station will be constructed.

The existing buildings and infrastructure associated with the former operation of a public works yard, had been demolished to accommodate the proposed development. The proposed development will be sited on two (2) Assessor's Lots: Assessor's Plat 311, Assessor's Lot 251, and Assessor's Plat 321, Assessor's Lot 001, with a combined area of approximately 8.5 acres. The site is located west of the intersection of Post Road and Airport Road, and is zoned Light Industrial (LI). The proposal has received approval from the Zoning Board of Review, Petition #10366, authorizing a Special Use Permit for the ancillary fueling station, and dimensional relief for the size of the vehicle storage parking spaces, less-than-required parking aisle width within the vehicle storage area, an entrance driveway with greater-than-allowed width, and less-than-required interior landscape islands.

Mr. Shekarchi indicated that the "Dome" has been removed and donated to an organization that can reuse the "dome" elsewhere. Mr. Shekarchi indicated that he had read the Planning Department Findings and Stipulations and had no objections.

Ms. Gerlach asked if there were provisions for snow storage. Sam Hemingway, PE; indicated that the snow would be stored along the perimeter of the property and due to the unique use there will be sufficient area for snow storage.

Being no further questions, Ms. Stenhouse, seconded by Mr. Desmarais, made a motion to open the public hearing; all in favor, none opposed.

Ray Sheraton wanted access to the signalized intersection, but it appeared that there would be no access to the signalized intersection. Mr. Shekarchi indicated that at prior meetings the abutters had requested that there be no access to the signalized intersection.

Being no questions, Ms. Stenhouse, seconded by Mr. Desmarais, made a motion to close the public hearing; all in favor, none opposed.

Being no questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record; which were as follows:

### **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, which finds, that to the extent practicable, "outside the fence" airport-owned property should be reused as taxable property by the City. The Comprehensive Plan cites land use issues on Airport Road as:
  - Potential traffic impacts of future development or redevelopment.
  - Updating the function and appearance of the area.

2. That the subject parcel fronts on Airport Road, Hallene Road and Evergreen Avenue, is identified as Assessor's Plat 311, Assessor's Lot 251, and Assessor's Plat 321, Assessor's Lot 001, and is zoned Light Industrial (LI).
3. That the existing buildings located on Assessor's Plat 321, Assessor's Lot 001, including the dome building and a one-story stone building, have been demolished to provide for the development.
4. That this proposal received Master Plan approval at the February 10, 2016 Planning Board meeting.
5. That the Applicant received approval from the City Council for the requested abandonment of a portion of Hallene Road, PCO-8-16, dated May 17, 2016.
6. That there will be no access to Evergreen Street from the proposed development.
7. That there is a signalized entrance to the parcel at Airport Road that will be evaluated as part of the Rhode Island Department of Transportation (RIDOT) Physical Alteration Permit (PAP) application, as the project will utilize this site access location for both the office and fleet storage operations.
8. That the intersection of Airport Road and the proposed site driveway is part of an ongoing Rhode Island Department of Transportation (RIDOT) pilot project extending from Post Road to Warwick Avenue that includes installation of an Adaptive Signal Control System (Adaptive Signals) within the corridor. This system retimes itself according to real-time traffic conditions on the Airport Road corridor, continuously optimizing the phasing and timing. The traffic impacts and optimized signal timings for the Enterprise project have been fully integrated into that project.
9. That the proposal is in compliance with the standards and provisions of the City's Zoning Ordinance, having received Zoning Board of Review approval, Petition #10366 for: a Special Use Permit for Use Code 421. Gas Station (no repairs), and dimensional relief for the size of the vehicle storage parking spaces, less than required parking aisle width within the vehicle storage area, an entrance driveway with greater than allowed width, and less than required interior landscape islands.
10. That the Applicant has submitted a traffic impact summary, prepared by Fuss & O'Neill, and dated July 19, 2016.
11. That T.F. Green Airport is located directly south of the parcel.
12. 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.

13. That the proposed development possesses adequate access to two (2) public streets, Hallene Road and Airport Road.
14. That there will be no significant negative environmental impacts from the proposed development.
15. That public water and sewer are available for the proposed development.

### **Planning Department Recommendations**

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 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 and Providence Plantations, Effective November 25, 2015.
2. That a Soil Erosion and Sediment Control Permit shall be obtained from the Building Department prior to the commencement of any site work; soil erosion and sediment control measures shall be properly maintained throughout construction.
3. That the Project Engineer shall inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plan. Additionally, the project engineer shall prepare an as-built plan of the system, highlighting any significant deviations from the approved plan. Changes from the approved design plan require prior authorization from the Approving Authority.
4. That the Property Owner shall be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System and shall be responsible for the long-term maintenance and operation of the Stormwater Management System, and shall submit an annual report detailing all inspections and maintenance performed on the system to the Department of Public Works.
5. That all RI highway bounds and permanent survey markers shall be projected throughout and up to the completion of the project. This shall be noted on the Final Plan.
6. That the survey plan shall indicate the ties to existing monumentation on Airport Road.
7. That, according to Sheet 7 of the Warwick Sewer Authority Contract #6 plans, there is a 30' wide easement along Airport Road (Occupasstuxet Road). This shall be indicated on the Final Plan set.
8. That the Applicant shall provide archival quality and digital photo documentation of the dome structure to the Planning Department, prior to Final Approval.

9. That the existing two (2") inch main and ¾" service shall be cut off at main and capped at the water main on Airport Road.
10. That the Project Contractor shall coordinate all work with the Warwick Water Division.
11. That there shall be no architectural, landscaping or natural barriers to prevent easy access of fire apparatus.
12. That The Landscape Plan shall be subject to final approval by the Administrative Officer and provide, at a minimum, fencing and gate details and site lighting.
13. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800.
14. That the City shall maintain the perpetual right to use any or all of the abandonment for the maintenance of any existing utilities or the installation of new utilities as needed in the future.
15. That as part of the Final approval, an Administrative Subdivision meeting the standards as set forth in the *"Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review"* must be recorded for City Assessor's Plat 311, Assessor's Lot 251, and Assessor's Plat 321, Assessor's Lot 001, incorporating the portion of the Hallene Road abandonment. That the Applicant shall comply with all of the City Council stipulations relative to the abandonment order for Hallene Road.
16. That, prior to Final Approval, the Applicant shall post a bond for the reconstruction of the terminus of Hallene Road, the amount to be determined by the Department of Public Works.

Mr. Desmarais, seconded by Ms. Stenhouse, made a motion to adopt the Planning Department Findings and Recommendations, as presented and read, and to grant Preliminary Approval with Final Approval through the Administrative Officer. All in favor; none opposed.

The Board was advised of actions by the Administrative Officer.

On a motion by Ms. Stenhouse, seconded by Mr. Horowitz, the meeting was adjourned at 8:20 pm. All in favor; none opposed.