

William DePasquale, Jr., AICP
Planning Director



Scott Avedisian
Mayor

CITY OF WARWICK
Planning Department
3275 Post Road, Annex; Warwick, RI 02886
Tel. (401) 738-2009
T.D.D. (401) 739-9150

**City of Warwick Planning Board
Meeting Minutes
Wednesday, June 8, 2016**

Members Present:

James Desmarais
Vincent Gambardella
Cynthia Gerlach
Steve Horowitz
Jeffrey Robert
Chelsea Siefert
Philip Slocum

Member Absent:

Thomas Kiernan
Sue Stenhouse

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 6:10 pm.

The August 2015 meeting minutes were presented for review and approval. A motion was made by Mr. Desmarais to approve the August meeting minutes, seconded by Ms. Siefert. All voted in favor, none opposed; with Mr. Robert, Mr. Gerlach, and Mr. Horowitz abstaining.

The February 2016 meeting minutes were presented for review and approval. A motion was made by Mr. Gambardella and Mr. Desmarais to approve the February meeting minutes, seconded by Mr. Horowitz. All voted in favor, none opposed; with Mr. Robert and Mr. Gambardella abstaining.

The May 2016 meeting minutes were presented for review and approval. A motion was made by Mr. Gambardella and Mr. Horowitz to approve the May meeting minutes, seconded by Mr. Horowitz. All voted in favor, none opposed; with Mr. Desmarais and Mr. Kiernan abstaining.

Public Hearing
Major Land Development/Subdivision
1291-1301 Warwick Avenue and Partition Street
Cumberland Farms and Yardworks
Preliminary

Ms. Elizabeth McDonough Noonan, ESQ; Adler, Pollock, and Sheehan represented the Applicant who was requesting Preliminary Approval of a Major Land Development Project/Subdivision for the construction of a one story, 4,250 square foot convenience store, and a 22' x 69' canopy with three (3) fueling pumps (six total fueling positions). An existing landscape/nursery business, Yardworks, will also remain on-site and undergo alterations as part of the proposal. The Applicant was also requesting approval from the Zoning Board of Review for a Special Use Permit for *Section 304.5 More than one nonresidential use or building on a lot*, and for *Use Code 421. Gas station (no repairs), with a convenience store*, and dimensional relief for less than required setback from an abutting residential zone, less than required landscape buffer from an abutting residential zone, less than required landscape buffer along the lot frontage, and less than required parking setback from a building.

Ms. Noonan indicated that the project has received approval from the Zoning Board of Review, indicating that there was an appeal to the Zoning Board Decision from the abutting apartment complex. Ms. Noonan indicated that the Applicant and the Abutter have been in discussion regarding the appeal. Additionally, Ms. Noonan indicated that the project has received all of the required State permits and that the Applicant had reviewed and was in agreement with the Planning Department's Findings and Recommendations.

Mr. Slocum stated that prior to Final Approval a revised plan would be required showing the raised crosswalk, the current plan showed an inlaid crosswalk which was not what the Planning Board approved. Mr. Slocum indicated that pedestrian safety was a priority.

Mr. Greg Avenia gave a brief overview of the project, which consisted of three lots with five access driveways which would be reduced to 2.5 access points. The project would include 37 parking spaces that were inclusive of the pump stations. The parcel had access to gas, water and sewer. Similar to the Apponaug and Lincoln Avenue sites the landscape plan will include a knee wall and plantings, along with non-glare light fixtures. The proposed Pylon Sign would not include a planting bed.

Changes to Landscape Plan being considered:

- Another layer of Evergreens along the dumpster
- Replacement of Cedar fence along abutting property line and along Harkness Street
- Harkness access gate to remain as emergency access only

Ms. Seifert asked that the Applicant consider additional safeguards in the parking lot; like a defined walkway to the parking area, she noted concerns that the raised crosswalk was designed for the pedestrians accessing the Yardwork's and asked that a raised crosswalk to the parking area be considered.

Being no further questions, Mr. Gambardella, seconded by Mr. Horowitz, made a motion to open the Public Hearing. All in favor; none opposed.

Christine Baglioni, ESQ, representing RLL Properties, was concerned with lighting and noise, indicated that she has met with the Applicant's representative regarding landscaping, lighting, and fencing and hopes to have the neighbor concerns addressed.

Connie Luk, 25 Blanchard Ave; stated that there was a gap in the fence on Harkness which allowed people to cut-through her yard. Ms. Luk indicated that she planted arborvitae but continued to have cut-through pedestrian traffic. She was concerned that the new business would have more pedestrian traffic. Mr. Slocum stated that the project before the Planning Board would not impact the area. The fence was being moved but the fence may not address her concern.

Being no further testimony, Mr. Gambardella, seconded by Mr. Robert and Ms. Siefert, 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.

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 Chapter 9, Transportation and Circulation, of the Comprehensive Plan seeks to reduce traffic congestion along east/west routes and major commercial corridors by consolidating and/or eliminating curb cuts.
4. That the Future Land Use Map (FLUM) as contained in the Comprehensive Plan, shows this area as mixed use, abutting areas of high density residential.
5. That the subject parcel fronts on Warwick Avenue and Partition Street, and is identified as Assessor's Plat: 308 Assessor's Lots: 418, 419, and 548. Lots 418 and 419 are split zones, with a combination of General Business and Residential A-7 zoning, and lot 548 is zoned General Business, and abuts a lot zoned Residential A-7, with a PDR overlay.
6. That the properties north and south of the subject parcel, and fronting on Warwick Avenue are general business uses.
7. That this proposal received Master Plan approval at the October 21, 2015 meeting of the Planning Board.

8. That a traffic report, presented as part of the Master Plan review, prepared by McMahon Associates, and dated September 2014, concludes that *"With the predominately pass-by nature of the proposed Cumberland Farms convenience store and gasoline station, the project will not result in a significant impact on the overall traffic operations of the study area roadways....due to the nature of the convenience market with gas station sites, patrons will seek out the most efficient routes for entering and exiting a site. Based on the analysis results presented in this report, the proposed development of Cumberland Farms is expected to have a minimal impact on the operations of the study area roadways and the site access modifications will improve overall access and safety."*
9. That the proposed development is in compliance with the standards and provisions of the City's zoning ordinances, having received approval from the Zoning Board of Review, Petition No. 10352, for a Special Use Permit for Section 304.5 More than one nonresidential use or building on a lot, and for Use Code 421. Gas station (no repairs), with a convenience store, and dimensional relief for less-than-required setback from an abutting residential zone, less-than-required landscape buffer from an abutting residential zone, less-than-required landscape buffer along the lot frontage, and less-than-required parking setback from a building.
10. That Zoning Board Petition No. 10352, has been appealed and that appeal is currently pending.
11. That there will be no significant negative environmental impacts from the proposed development.
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, because the three (3) existing lots will be merged into one (1) lot that exceeds the minimum lot area, frontage and lot width, and accommodates the setbacks for the proposed mixed uses on the lot, a landscape/nursery business and a convenience store/gas station.
13. That the proposed development possesses adequate and permanent access to two (2) public streets, with one (1) full service access drive on Partition Avenue, and two (2) full service access drives on Warwick Avenue.
14. That the proposal has received approval from Rhode Island Department of Transportation, Physical Alteration Permit (PAP) No. 151201, dated February 29, 2016.

Planning Department Recommendations

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

1. That the Final Plan shall 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.
2. That as part of the Final Recording, the Applicant shall record a subdivision merging the three (3) existing lots (Assessor's Plat 308, Assessor's Lots 418, 419 and 548) to create one (1) new lot for the development, and that the subdivision shall comply with The City of Warwick's Development Review Regulations Governing Subdivisions Land

Development Projects and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.

3. That a Soil Erosion and Sediment Control Permit shall be obtained from the Building Department prior to beginning any site work; and soil erosion and sediment control measures shall be properly maintained throughout construction.
4. 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.
5. That the Project Engineer shall prepare and submit to the City's Engineer and the Property owner, an as-built plan of the Stormwater Management System, highlighting any significant deviations from the approved plan. Any changes from the approved design plan will require prior authorization from the approving authority.
6. That the Project Engineer shall provide to the Property Owner a copy of 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 said system to the Department of Public Works.
7. That all Rhode Island Highway bounds and permanent survey markers shall be protected throughout construction to the completion of the project; that shall be noted on the site plan.
8. That the Department of Public Works recommends that the cleanout at the northwest corner of the proposed Cumberland Farms be located approximately ten (10') feet to the north, into area of the proposed bio-retention basin, and be fitted with an appropriate grate in order for it to serve as an emergency outfall for the basin.
9. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800. LED signage may be utilized for gas/fuel price information only. LED advertising message boards are prohibited.
10. That all exterior lighting and signage shall be contained on site and 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.
11. That all two-way travel lanes shall have a minimum of 24 feet of unobstructed width and an unobstructed vertical clearance of 13'6", and that all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded access by fire apparatus.
12. That, prior to the issuance of any permits for construction of buildings within the project, the Warwick Fire Department shall review all plans for compliance with all life safety codes and issues.
13. That because the central parking aisle also serves as the driveway to the western portion of the parcel for landscape vehicle use, the central pedestrian crosswalk shall be

constructed as an elevated table, or by using cobblestone pavers, or similar, in order to provide for pedestrian safety and to maintain traffic control. The project engineer shall submit a detail of the pedestrian crosswalk and the paving material to the Administrative Officer for review and approval, prior to Final Approval.

14. That the site access to Harkness Street shall remain closed and shall be for used emergency vehicle access only. This shall be noted on the Final Plan, and appropriate site signage installed, prior to the issuance of a Certificate of Occupancy (CO) for the development.
15. That the existing wood stockade fence along the western property line (abutting Harkness Street) shall be removed from the City Right of Way, and replaced on the subject parcel. The replacement fence installation shall include the installation of a new gate, constructed of such materials and equal in height to the new replacement fence so as to shield the subject parcel from the view of abutting properties, and to be installed at the Harkness Street driveway location. A notation shall be included on the Final Plan, that the fence and gate will be properly maintained by the Property Owner or the Applicant, and subject to verification of maintenance by the building official or his/her designee. The height, style and material of the fence and gate, shall be approved by the Administrative Officer, and the fence shall be installed prior to the issuance of a CO for the development.
16. That the Project Engineer shall coordinate with the Warwick Sewer Authority to install the proposed sewer tie in as depicted on the Site Utility Plan, submit projected flows to the Warwick Sewer Authority, and comply with all industrial pretreatment requirements. This project shall be subject to Warwick Sewer Authority Inspection Fees.

Ms. Siefert, seconded by Mr. Desmarais, made a motion to adopt the Planning Department's Findings and to grant Preliminary Approval with the Planning Department's Recommendations. All in favor; none opposed.

Major Land Development/Subdivision
2680 and 2690 West Shore Road
Link Commercial Properties, LLC
Preliminary

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was requesting Preliminary Approval of this Major Land Development Project-Subdivision for the construction of two (2) new retail buildings, totaling 17,968 square feet, on the parcel located at 2680 and 2690 West Shore Road.

Mr. Shekarchi stated that the Applicant had received all State Approval for the Dollar General/O'Reilly stores. Mr. Shekarchi indicated that the Applicant reviewed the Planning Department recommendations and had no objections.

Mr. Robert asked if the RIDOT had reviewed and approved the curb-cut and Ms. Siefert indicated that she had asked for painted crosswalks between the buildings. Mr. Shekarchi indicated that RIDOT had reviewed the project and had issued a PAP for the project and that the Applicant would include the painted crosswalk to the final plans.

Being no further questions, Ms. Siefert, seconded by Mr. Horowitz, made a motion to open the public hearing. All in favor; none opposed.

Being no testimony, Mr. Gambardella, seconded by Ms. Siefert, 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.

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, 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 include neighborhood retail. This proposal is also consistent with the Comprehensive Plan, Chapter 9, Transportation and Circulation, which seeks to reduce traffic congestion along east/west routes and major commercial corridors by consolidating and/or eliminating curb cuts.
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 Future Land Use Map (FLUM) as contained in the Comprehensive Plan, shows this area as mixed use, abutting areas of low and medium density residential.
4. The southern portion of the parcel contains a sensitive environmental wetland area known as the Tuscatusket Brook Watershed.
5. That the subject parcel fronts on West Shore Road, is identified as Assessor’s Plat: 362 Assessor’s Lots: 34 and 595. The proposed development area is zoned General Business, and the southern portion of AL 595 is zoned Residential A-40 (Tuscatucket Brook area). The parcel abuts a residential zone (A-10) to the southwest.
6. That this Project received Master Plan approval at the January 13, 2016 meeting of the Planning Board.
7. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance.
8. That the existing buildings on the parcel have been demolished.
9. That a Traffic Impact and Access Study, prepared by VHB, and dated October, 2015 concludes that “*The traffic volumes projected to be generated by the proposed*

development on West Shore Road are not expected to have a significant impact on traffic operations at the study area intersections. The projected increase in traffic is well within the daily fluctuations in traffic on the study area roadways...The proposed development is therefore not projected to have any noticeable impact to traffic operations.”

10. That the proposed development possesses adequate access to a public street, with one (1) full movement curb cut provided on West Shore Road.
11. That the Applicant has received approval from the Rhode Island Department of Transportation, Physical Alteration Permit No. 160127.
12. That the properties east and north of the subject parcel, and fronting on West Shore Road, are general business uses. The properties west of the parcel are zoned residential, and are predominately single-family dwellings.
13. 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, as the Applicant is merging two (2) parcels to create one (1) parcel for the development.
14. That the Rhode Island Historic Preservation and Heritage Commission (RIHPHC) has determined that this project will have no effect on any significant archaeological sites.
15. That there will be no significant negative environmental impacts from the proposed development, the proposal having received Coastal Resources Management Council (CRMC) Assent No. A2016-01-065.
16. That public water and sewer are available for the proposed development.

Planning Department Recommendations

The Planning Department recommendation was to grant Preliminary approval, with Final approval to be through 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 April 1, 1994.
2. That as part of the Final Recording, the Applicant shall record a subdivision merging the two (2) existing lots (Assessor's Plat 362, Assessor's Lots 32 and 595) to create one (1) new lot for the development, and that the subdivision shall comply with The City of Warwick's Development Review Regulations Governing Subdivisions Land Development Projects and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.
3. That a Soil Erosion and Sediment Control Permit shall be obtained from the Building Department prior to beginning any site work; and soil erosion and sediment control measures shall be properly maintained throughout construction.

4. 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.
5. That the Project Engineer shall prepare and submit to the City's Engineer and the Property owner, an as-built plan of the Stormwater Management System, highlighting any significant deviations from the approved plan. Any changes from the approved design plan will require prior authorization from the approving authority.
6. That the Project Engineer shall provide to the Property Owner a copy of 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 said system to the Department of Public Works.
7. That all Rhode Island Highway bounds and permanent survey markers shall be protected throughout construction to the completion of the project; that shall be noted on the site plan.
8. That the Final Plan shall indicate the current flood zone, datum and flood limits as shown on FIRM Panel 0133 H, dated September 18, 2013.
9. That the Final Plan shall include a notation that the eastern access to West Shore Road from Assessor's Plat 362, Assessor's Lot 595 (abutting Assessor's Plat 362, Assessor's Lot 560), shall remain closed and used for emergency access only.
10. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800, and shall be reviewed and approved by the Administrative Officer prior to the issuance of a building permit.
11. That the exterior lighting and signage 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.
12. That the existing 2" meter pit may be utilized; the Applicant shall install an approved RPZ backflow device in both buildings, in accordance with state statute.
13. That if the existing ¾" service is not utilized, it shall be cut and capped at the distribution main.
14. That each retail space shall have a separate inspection manhole and sanitary line exiting to the manholes. All sewer manholes and covers shall comply with Warwick Sewer Authority (WSA) specifications.
15. That a cleanout and separate backwater valve shall be installed outside and near the foundations of each building and shall be installed on each individual sanitary line exiting the buildings.

16. That, prior to Final Approval, the Landscape Plan shall be subject to approval by the Administrative Officer and provide, at a minimum, hardscape along West Shore Road and site lighting.
17. That the project shall be limited to retail use. No restaurant use or drive thru shall be allowed, without the Administrative Officer, Planning Board and/or Zoning Board of Review, as necessary.
18. That the Final Plan shall indicated the location of (2) two pedestrian crosswalk, (1) one from West Shore Road and (1) one between the two proposed retail buildings.
19. That any further development of the parcel shall be reviewed by the Planning Board in accordance with the City's Development Review Regulations.

Ms. Siefert, seconded by Mr. Gambardella and Ms. Gerlach, made a motion to adopt the Planning Department's Finding, as read and amended, and to grant Preliminary Approval with the recommended stipulations. All in favor; none opposed.

The Board was advised of actions by the Administrative Officer.

On a motion by Ms. Siefert, seconded by Mr. Robert, the meeting was adjourned at 7:00 pm. All in favor; none opposed.