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**CITY OF WARWICK**  
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**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, October 12, 2016**

**Members Present:**

James Desmarais  
Vincent Gambardella  
Cynthia Gerlach  
Philip Slocum  
Sue Stenhouse  
Benny Bergantino  
Steven Catalano

**Member Absent:**

Steve Horowitz  
Thomas Kiernan

**Also in attendance:**

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

The July 2016 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the July meeting minutes, seconded by Mr. Desmarais, Mr. Catalano, and Mr. Bergantino. All voted in favor, none opposed.

The September 2016 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the September meeting minutes, seconded by Mr. Desmarais, Mr. Catalano, and Mr. Bergantino. All voted in favor, none opposed.

Chairman Slocum called the meeting to order at 6:05 pm.

**Public Informational Meeting**  
**Major Land Development/Street Abandonment/Zone Change Recommendation**  
**Cumberland Farms/Lambert Lind Highway-Soule Street**  
**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 construction of a one story, 4,786 square foot convenience store, and a 22' x 69' canopy with

three (3) fueling pumps (six total fueling positions). The Applicant was also requesting a recommendation to the City Council for a zone change on a portion of the development parcel, from Residential A-7 to General Business, with waivers for a Special Use Permit 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, and a recommendation to the City Council for an abandonment of a portion of Soule Street, which is located within the proposed development area.

Mr. Shekarchi gave a brief history of the project indicating that project would be an “Old New England Style” Cumberland Farms and that the Applicant had coordinated with members of the Pontiac Mill Association along with members from RIDOT and the Planning Department. Additionally, Mr. Shekarchi indicated that the Applicant had coordinated with Mr. Trillo an abutter and owners of an abutting bicycle shop to address and resolve any concerns.

Mr. Shekarchi stated that the Applicant was seeking Master Plan Approval along with favorable recommendation from the Planning Board for a Zone Change and a street abandonment.

Mr. Catalano inquired about the required setback from the residential zone. Mr. Shekarchi indicated that the Applicant was not requesting relief from the Planning Board, only from the City Council.

Mr. Greg Avenia, PE, Garofalo & Associates, Inc.; indicated that required setback was 40’ and that the Applicant was proposing 20’. Mr. Avenia also noted that the existing condition was 14’. Mr. Shekarchi indicated that the Applicant would provide proper screening and buffering indicating that the Applicant had read the Planning Department’s Findings and Recommendation and was in agreement.

Mr. Shekarchi introduced the traffic engineer, Ms. Maureen Chlebek, PE, McMahon Associates, Inc.; Mr. Slocum indicated that he was concerned with cut-thru traffic on the former Soule Street. Mr. Avenia and Ms. Chlebek indicated that a raised crosswalk was added to address this concern.

Ms. Chlebek presented the RIDOT requirements and indicated that any delay would be internal to the site and would not impact the existing roadway. Additionally, Ms. Chlebek gave a brief description of the signalized intersection.

Ms. Stenhouse addressed concerns regarding delivery vehicle circulation and delivery hours. Ms. Chlebek and Mr. Avenia stated that site circulation had been reviewed, which included oil delivery tanks and the site could accommodate larger delivery vehicles, with Mr. Avenia indicated that the isle width was slightly larger than required.

Mr. Gambardella questioned if the pump stations were included in the parking calculation. Mr. Avenia indicated that the project required 26 spaces and that 34 were being proposed which included the pump stations.

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

Mr. Christopher Mulhearn, ESQ, 55 Pine Street, Providence RI, represented Dr. Farina, an abutter at 65 Fessenden Street; Mr. Mulhearn indicated that his client's property was a split zone and that with the appropriate relief he had the potential to develop three single family residences. Mr. Mulhearn indicated that the zone change would change the character of the area. Additionally, relief requested would cause a hardship on his client's property as would the abandonment of Soule Street, if his client were decide to subdivide his property. Additionally, Mr. Mulhearn stated that he did not believe that the requirements of the Special Use Permit could be met.

Mr. Desmarais asked Mr. Mulhearn if his client had ever proposed a project on his property; Mr. Mulhearn indicated that his client had not.

Being no further questions, Mr. Gambardella, seconded by Mr. Desmarais and Mr. Catalano, made a motion to close the Public Comment. All in favor; none opposed.

Ms. Stenhouse asked if the project would be heard by the Zoning Board of Review. Mr. Shekarchi indicated that the project would not be heard by the Zoning Board of Review but by the City Council.

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 the Future Land Use Map (FLUM) as contained in the Comprehensive Plan 2033, shows this area as a combination of commercial and high density residential uses.

4. That the subject parcel fronts on Lambert Lind Highway (Route 5), West Natick Road and Soule Street, and is identified as Assessor's Plat: 273 Assessor's Lots: 379, 382, 383, 409, 410. The development area is primarily zoned General Business, with Lot 382 and a portion of Lot 383 zoned Residential A-7.
5. That the subject parcel is not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring City Council approval for a zone change for a portion of the parcel, (Assessor's Lot 382 and a portion of Assessor's Lot 383) from Residential A-7, to General Business, with a Special Use permit for Use Code 421, and relief for less than required setback from an abutting residential zone.
6. That the four (4) existing commercial buildings on the site will be razed, and were formerly used as a hair salon, a restaurant, retail, and a vacant commercial building.
7. That there was a gasoline filling station on Assessor's Lot 410 from 1969 to 1982.
8. That the proposed development possesses access to two public streets, Lambert Lind Highway and West Natick Road, with one (1) full service driveway proposed on Lambert Lind Highway, one (1) full service driveway proposed on West Natick road, which will utilize an existing traffic signal.
9. That a traffic report, prepared by McMahon Associates, and dated July 2016, 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."*
10. That the properties north and south of the subject parcel, and fronting on Lambert Lind Highway are general business uses; there is an area of residentially zoned properties to the northwest.
11. 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.
12. That there are no indications of significant negative environmental impacts from the proposed development.

### **Planning Department Recommendations**

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

1. That the Preliminary 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 November 25, 2015.
2. That the parcel shall receive City Council approval for a Zone change for Lots 382 and a portion of Lot 383, and a waiver for a Special Use Permit 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.
3. That prior to Preliminary approval, the Applicant shall receive approval from the Warwick City Council for the abandonment of the requested portion of Soule Street.
4. That prior to Final Approval, the Property Owner shall merge Assessor's Plat 273, Assessor's Lots 379, 382, 383, 409 and 410, and the abandoned portion of Soule Street, 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.
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 DPW Engineering staff to review the proposed drainage system prior to submission to Rhode Island Department of Environmental Management (RI DEM) or Rhode Island Department of Transportation (RI DOT).
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 RI DEM, and RI DOT Physical Alteration Permit (PAP), shall be obtained prior to submission to the Planning Board for Preliminary Plan approval.
9. That the project engineer shall carefully review the access/egress points and internal traffic circulation to ensure the safety of vehicles and pedestrians. The project engineer shall install measures to discourage cut through traffic, including, but not limited to, raised pedestrian crosswalks and signage.
10. That the Preliminary submittal shall include a photometric site plan, indicating provisions to protect the neighboring residential properties from any light emissions from the proposed development. The lighting design shall be Dark Sky compliant, to the extent practicable.

11. 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.
12. That prior to the issuance of any permits for construction of buildings within the project, the Warwick Fire Department shall review the plans for compliance with all life safety codes and issues.
13. That the Applicant shall work with the Administrative Officer to the Planning Board regarding the exterior elevations of the building and canopy in order to design a project that is compatible with, and complimentary to, the abutting residential neighborhood and nearby Pontiac Village.
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, hardscape along Lambert Lind Highway and West Natick Road, and landscape screening for area residential properties.
15. That there is currently no sewer service available, and when sewer service is extended to the site, the Property Owner will be assessed in accordance with Warwick Sewer Authority (WSA) Regulation No. 60. All proposed work shall comply with WSA guidelines.
16. That water is available to the subject property through an existing distribution line on Soule Street. The project engineer shall provide further details.
17. That the existing water line on Soule Street crosses Lambert Lind Highway and provides water and fire protection to existing buildings on Lambert Lind Highway. Any cutting and capping at the existing waterline must provide for a new tie-in to the existing eight inch (8") water line on West Natick Road, approximately 150'; any costs associated with this requirement shall be paid by the Applicant prior to the water line being abandoned in the field.

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

**Street Abandonment**  
**A portion of Soule Street**

**Petitioner:** TMC CF of New England, LLC  
**Location:** Abutting Assessors Plat: 273,  
Assessor's Lots 379, 382, 383, 409, and 410  
**Ward:** 8  
**Reason:** The Applicant is requesting an abandonment of a portion of Soule Street to provide for the assemblage and redevelopment of the abutting lots. The abandonment of a portion of Soule Street will enable allow the Applicant to merge the five (5) abutting Lots to provide for the development of convenience store, 6 fueling pumps, associated parking and landscaping.  
**Recommendation:** The City's Engineering Division, Sewer Authority, Water Division, Fire Department, Tax Assessor, Conservation Commission, Historic District Commission, Cemetery Commission and Land Trust have reviewed the proposal and have no objection to the proposed abandonment.

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the project indicating that the Applicant proposed to abandon a portion of Soule Street as part of the Cumberland Farms application.

Being no further questions, Planning Staff read the Planning Department's Recommendations into the record.

**Planning Department Recommendations**

The Planning Department recommends the Planning Board forward a positive recommendation to the City Council for the requested abandonment of the certain portion of Soule Street, with the following stipulations:

1. 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.
2. That, as per City Council Ordinance, PCO-42-09 No. 0-01-2, the Applicant shall provide a summary appraisal of the fair market value of the highway or driftway sought to be abandoned, prior to submission to the City Clerk for the requested abandonment.
3. That an Administrative Subdivision meeting the standards as set forth in the "*Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review*" must be completed by the Applicant and recorded for the abandoned portion of Soule Street and Assessor's Plat 273, Assessor's Lots 379, 382, 383, 409 and 410, if the abandonment is approved by the City Council, prior to Final Approval.

4. That the Administrative Subdivision Plan shall include the Record Name and Record Lots (A and B, e.g.)

Ms. Stenhouse, seconded by Mr. Desmarais, made a motion to adopt the Planning Department's Findings, as presented and read, and to forward a positive recommendation to the City Council for the abandonment of a portion of Soule Street, with the Planning Department's recommendations. All in favor; none opposed.

**Recommendation to the City Council**  
**Request for a Zone Change**

<b>Applicant:</b>	TMC CF New England, LLC
<b>Location:</b>	Soule Street
<b>Assessor's Plat:</b>	273
<b>Assessor's Lots:</b>	382, and a portion of 383
<b>Zoning District:</b>	Residential A-7
<b>Proposed Zoning:</b>	General Business
<b>Waivers:</b>	A Special Use Permit for <u>Use Code 421. Gas station (no repairs), with a convenience store</u> , and dimensional relief for less than required setback from an abutting residential zone.

Mr. Joseph K. Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant indicating that the Cumberland Farm Project was consistent with the City's Comprehensive Plan.

Being no further questions, Planning Staff read the Planning Department's and 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 the City's Engineering Division, Sewer Authority, Water Division, Fire Department, Tax Assessor, Conservation Commission, Historic District Commission, Cemetery Commission and Land Trust have reviewed the proposal and have no objection to the proposed zone change

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 need to shape and balance urban and suburban development;
  - G.) 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.
- 103.12 Provide for coordination of land uses with contiguous municipalities, other municipalities, the State, and other agencies.

#### **Planning Department Recommendation**

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested zone change from Residential A-7 to General Business, with waivers for a Special Use Permit 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, with the following stipulations:

1. That the Applicant shall receive approval from the City Council for the abandonment of the requested portion of Soule Street.
2. That an Administrative Subdivision meeting the standards as set forth in the "Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review" must be completed by the Applicant and recorded for the

abandoned portion of Soule Street and Assessor's Plat 273, Assessor's Lots 379, 382, 383, 409 and 410, prior to Final Approval. This plan shall include a Record Plat name and Record Lot designations.

3. That the project engineer shall carefully review the access/egress points and internal traffic circulation to ensure the safety of vehicles and pedestrians. In particular, the northbound movement of the egress onto Lambert Lind Highway and the westbound traffic entering the site from West Natick Road shall be reviewed. The project engineer shall install measures to discourage cut through traffic, including, but not limited to, raised pedestrian crosswalks and signage.
4. That all exterior lighting and signage shall be contained on site and designed to minimize negative impacts on neighboring properties.
5. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.
6. 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.

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

The Board was advised of actions by the Administrative Officer.

On a motion by Ms. Stenhouse, seconded by Mr. Gambardella, the meeting was adjourned at 6:45 pm. All in favor; none opposed.