

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, March 9, 2016**

**Members Present:** James Desmarais  
Vincent Gambardella  
Steve Horowitz  
Thomas Kiernan  
Jeffrey Robert  
Chelsea Siefert  
Sue Stenhouse  
Philip Slocum

**Member Absent:** Cynthia Gerlach

**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 September 2015 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the September meeting minutes, seconded by Mr. Gambardella. All voted in favor, none opposed; with Mr. Robert abstaining.

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

**Public Meeting**  
**Minor Subdivision**  
**Cobble Hill Plat**

Applicant:	Cobble Hill Development, LLC Blue Water Realty, Inc.
Location:	790 Cowesett Road
Assessor's Plat:	231
Assessor's Lot:	6
Zoning District:	A-40 Residential
Land Area:	2.32 acres +/-
Number of existing lots:	1
Number of proposed lots:	2
Surveyor:	Scituate Surveys, Inc.
Ward:	9

Mr. Joseph Brennan, ESQ, Shekarchi Law Offices, represented the Applicant, who was requesting Preliminary Approval of a Minor Subdivision. The Applicant proposed to subdivide (1) one existing 2.32 acre +/- lot with an existing single-family dwelling, to create (2) two new lots, (1) one new conforming 50,957 square foot lot with an existing single family dwelling, and (1) one new 50,056 square-foot lot for the development of a single-family dwelling; both lots fronting on Cowesett Road and zoned Residential A-40.

Mr. Brennan gave a brief description of the development indicating that the Applicant had reviewed the Planning Department's Findings and Recommendations and was in agreement with the Planning Department's recommendations.

Mr. Slocum inquired if it was the Applicant's intent to preserve the existing stone walls. Mr. Michael Raimondi, PLS, Scituate Surveys; informed the Board that the walls would be preserved with the exception of the widening of the existing opening to accommodate the driveway. Additionally, Mr. Raimondi indicated that there may be minor disturbance to the interior stone walls due to the On-Site Wastewater Treatment System.

Mr. Brennan indicated that both parcels would meet, at a minimum, all of the requirements of the City's Zoning Ordinance and Mr. Raimondi indicated that the project had received all State approvals.

Mr. Robert asked if the new parcel proposed a circular driveway; Mr. Raimondi indicated that the new parcel would contain a singular driveway.

Ms. Siefert asked what percentage of the parcel was upland; Mr. Raimondi indicated that he believed that approximately 50% of the parcel was upland.

Ms. Siefert indicated that she was concerned that the new property owners may not be aware that the parcel contained a significant wetland area, and therefore may encroach on the wetland area with lawn and accessory dwellings. Planning Staff and Mr. Raimondi informed the Board that

the Applicant would be required to install “Conservation Monumentation” that would identify the area to help deter encroachment into the wetlands.

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 400’ radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located at 790 Cowesett Road, and is identified as Assessor’s Plat: 231, Assessor’s Lot: 6.
3. That the subject property consists of (1) one Tax Assessor’s lots totaling 2.32 acres +/- and zoned A-40 Residential.
4. That the Applicant proposes to subdivide (1) one existing 2.32 acre +/- lot with an existing single-family dwelling, to create (2) two new lots, (1) one new conforming 50,957 square foot lot with an existing single-family dwelling; and (1) one new 50,056 square foot lot for the development of a single-family dwelling.
5. That the A-40 Residential Zoning District requires a minimum of 150 feet of frontage and lot width and a minimum area of 40,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City’s Zoning Ordinance.
7. That the Applicant has received a RI Department of Environmental Management (RIDEM) Joint Permit; On-Site Wastewater Treatment (OWTS) NO. 1535-0554 and Wetlands No. 15-0234 for the development of the proposed single-family dwelling.
8. That the existing dwelling (790 Cowesett Road) will have access to an existing RIDEM-OWTS NO. 9535-3246.
9. That the Applicant has received Kent County Water Approval, No. 938, for both the existing and the proposed single-family dwelling.
10. That the lot is surrounded by a stone wall, which is a tangible link to the City’s colonial agrarian past and, as such, holds a unique historic significance for the City.

11. That stone walls are continuously threatened by both private and public development and need to be protected.
12. That the existing parcel contains large mature trees along Cowesett Road and along abutting property lines.
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.
14. That there will be no significant negative environmental impacts from the proposed development.
15. That the proposed development possesses adequate access to a public street.

### **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 all plans submitted 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 the Applicant shall provide a Final Development Plan that is consistent with the RIDEM-Wetlands Approval No. 15-0234.
3. That, prior to Final Approval, the Applicant shall coordinate with the Planning Department, 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 along Cowesett Road that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Preservation of trees in close proximity to abutting lots.
  - The Developer's Arborist shall be responsible for removing invasive vines and invasive vegetation that is threatening the structural integrity of existing trees.
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Cowesett Road, interior to the existing stone wall. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
5. That the Applicant/Developer shall remove the existing shed located within the front-yard setback of proposed Parcel 2, as depicted on the Minor Subdivision Plan, entitled Cobble Hill Plat, dated December 22, 2015, or relocate the shed to comply with the City's Zoning Board of Review Regulations.

6. That, prior to Final Approval, the Applicant shall provide deed descriptions for review.
7. That, prior to Final Approval, the Applicant shall coordinate with the Historic District Commission regarding any alteration to the existing stone walls.
8. That, prior to the recording of the Final Record Plat, the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation.
9. That the Final Record Plat shall note "Conservation Monumentation" along the Wetland Buffer. Specific locations and quantity to be determined by the Administrative Officer.
10. That, prior to the issuance of a Certificate of Occupancy, for the single-family dwelling proposed on Parcel 2 of the Final Record Plat, both the existing and proposed dwellings shall be connected to Kent County Water.
11. That, prior to the issuance of a Certificate of Occupancy, for the single-family dwelling proposed on Parcel 2, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.
12. 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 Cobble Hill Plat. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
13. That the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.

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

**Public Meeting**  
**Minor Subdivision**  
**Lavado Plat**

Applicant:	Isaac Lavado
Location:	Formerly 2766 West Shore Road
Assessor's Plat:	362
Assessor's Lot:	448
Zoning District:	A-7 Residential
Land Area:	19,502 square feet
Number of existing lots:	1
Number of proposed lots:	2
Surveyor:	Ocean State Planners, Inc.
Ward:	6

Mr. Richard Bzdyra, PLS, Ocean State Planners, Inc.; represented the Applicant, Mr. Isaac Lavado who was requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (1) one existing 19,502 square foot lot, formerly containing a single-family dwelling, to create (2) two new lots, (1) one new 9,101 square-foot conforming lot for the development of a single-family dwelling; and (1) one new 10,401 square-foot conforming lot for the development of a single family dwelling; both lots fronting on West Shore Road and zoned Residential A-7.

Mr. Bzdyra informed that Board that the area was Zoned Residential A-7 and that that the Applicant was proposing two fully conforming lots. Additionally, Mr. Bzdyra indicated that one of the parcels contained an easement to a property, (Assessor's Plat 362, Assessor's Lot 561) to the rear which has been in existence since the 1950's. Mr. Bzdyra indicated that he proposed 3-point turnaround areas to prevent vehicles from backing onto West Shore Road. Mr. Bzdyra noted that he had addressed one of the recommendations by incorporating a portion of the proposed driveway with the existing driveway. Mr. Bzdyra indicated that he had applied for a Physical Alteration Permit with the RI Department of Transportation (RIDOT-PAP) and expected full approval prior to permitting. Planning Staff informed the Board that the project required RIDOT-PAP prior to Final Approval.

Mr. Slocum indicated that he had concerns regarding the easement; specifically, the shared portion. Planning Staff informed the Board that as part of the Final review, the Applicant would be required to provide a detailed easement agreement, including the maintenance of the shared easement.

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 West Shore Road, and is identified as Assessor's Plat: 362, Assessor's Lot: 448.
3. That the subject property consists of (1) one Tax Assessor's lot totaling 19,502 square feet and zoned A-7 Residential.

4. That the Applicant is proposing to subdivide (1) one existing 19,502 square foot lot, formerly containing a single-family dwelling, to create (2) two new lots, (1) one new 9,101 square-foot conforming lot for the development of a single-family dwelling; and (1) one new 10,401 square-foot conforming lot for the development of a single-family dwelling; both lots fronting on West Shore Road.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.
7. That proposed Parcel B, as depicted on the Minor Subdivision Plan, entitled Lavado Plat dated November 25, 2015, contains a 15' by 130' right-of-way easement for access to Assessor's Plat 362, Assessor's Lot 561.
8. That the existing parcel contains large mature trees along West Shore Road.
9. That the subdivision will have access to Municipal Sewer and Water.
10. 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.
11. That there will be no significant negative environmental impacts from the proposed development.
12. That the proposed development possesses adequate access to a public street.

#### **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 all plans submitted 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 the proposed driveway on Parcel B, as depicted on the Minor Subdivision Plan, entitled Lavado Plat dated November 25, 2015 revised March 2, 2016, shall be incorporated with the existing driveway servicing Assessor's Plat 362, Assessor's Lot 561; further identified as 2762 West Shore Road.

3. That the Applicant/Developer shall provide a Final Development Plan and Record Plat which shall note at a minimum, but not be limited to:
  - Note tie to existing Monumentation.
  - Note tie to existing Field Stone Bound Found.
  - Note 6" SDR 35 proposed sewer laterals.
  - Note a backwater valve outside each of the proposed residential dwellings, in proximity to the foundation.
  - Note a clean out downstream from, and near, the backwater valve.
  - Note to cut-off the existing curb-stop at the existing 12" water main.
  - Note a minimum of 1" curb-stop for the proposed curb-stops.
4. That, prior to Final Approval, the Applicant shall coordinate with the Planning Department, 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 along West Shore Road that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Preservation of vegetation in close proximity to abutting lots.
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along West Shore Road. 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, prior to Final Approval, the Applicant/Developer shall provide a meets and bounds description of the right-of-way easement and a maintenance plan for the shared portion of the driveway on Parcel B, as depicted on the Minor Subdivision Plan, entitled Lavado Plat dated November 25, 2015, revised March 2, 2016, which shall be reviewed and approved by the Planning Board Solicitor; and recorded as part of the Final Record Plat.
7. That the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation, prior to the recording of the "Final Record Plat".
8. 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 Lavado Plat. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
9. That the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
10. That, prior to the issuance of a Certificate of Occupancy, for the proposed single-family dwelling on Parcel 2, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Mr. Robert indicated that there was a Bill currently in the State House of Representatives that would require that monetary responsibility is addressed in easement verbiage.

Ms. Stenhouse, seconded by Ms. Siefert, made a motion to adopt the Planning Department's Findings and Recommendations, as 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. Kiernan, the meeting was adjourned at 6:35 pm. All in favor; none opposed.