

**City of Warwick Planning Board
Meeting Minutes
Wednesday, January 14, 2015**

Members Present: Vincent Gambardella
Steve Horowitz
Laura Pisaturo
Philip Slocum
James Desmarais
Thomas Kiernan
Cynthia Gerlach

Members Absent: John Mulhearn
Sue Stenhouse

Also in attendance: Patricia Reynolds, Senior Planner
Lidia Cruz-Abreu, Planning Specialist
Eric Hindinger, Engineer Project Manager
Diana Pearson, Solicitor

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

Chairman Slocum noted that there were no prior meeting minutes available to review at this time.

Public Meeting
Minor Subdivision
975 West Shore Road-Preliminary

Location: 975 West Shore Road & Hart Avenue
Applicant: MIKENT Inc.
Assessor's Plat: 332
Assessor's Lot(s): 855
Zoning District: Village
Land Area: 13,714 square feet
Surveyor: East Greenwich Surveyors, LLC
Ward: 4

Attorney Joseph Brennan from the office of Attorney K. Joseph Shekarchi represented the applicant, MIKENT Inc., which is seeking Preliminary Approval for a Minor Subdivision. Keith Sullivan, project contractor for MIKENT, was also present.

Attorney Brennan explained that the subject property is located at 975 West Shore Road and Hart Avenue. The Applicant wishes to subdivide (1) one existing lot to create (2) two new lots; (1) one conforming lot fronting on West Shore Road with an existing single-family dwelling and (1) one new conforming lot fronting on West Shore Road and Hart Avenue for the development of a new single-family dwelling.

Attorney Brennan indicated that there were no objections to the Planning Department's recommendations. However, he indicated that the Applicant would seek relief from Recommendation #10, which requires the existing large mature evergreen tree on the northeast corner of the proposed new lot be preserved and protected during construction. He indicated that he has spoken extensively with Mr. Sullivan about this and the belief is that construction work will ruin the tree's root system and the tree will die. He indicated that the Applicant is willing to try to save the tree if possible but if that cannot be done, it will be replaced with whatever is deemed appropriate by the City's Planning Department and landscape architect.

Chairman Slocum reminded those present for the record that Village District zoning requires more involvement and review from the City. Attorney Brennan indicated that that was understood and the Applicant is willing to work with the City on architectural design and other requirements.

Language for an amendment to Recommendation #10 was also discussed.

There being no further questions, The Board heard the Planning Department recommendations, 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 at 975 West Shore Road & Hart Avenue and is identified as Assessor's Plat: 332, Assessor's Lot: 855.
3. That the subject property consists of (1) one tax assessor's lot totaling 13,714 square feet, zoned Village.

4. That the Applicant proposes to create (2) two new lots; (1) one new conforming lot fronting on West Shore Road with an existing single-family dwelling and (1) one new conforming lot fronting on West Shore Road and Hart Avenue for the development of a single-family dwelling.
5. That the Village District requires a minimum of 40 feet of frontage and lot width and a minimum area of 6,000 square feet per individual lot.
6. That Village Zoning provides for residential units in the village center to meet a variety of housing needs, and provide a customer base to support local businesses.
7. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance, PCO-6-11, Village Zoning, as approved by the Warwick City Council on October 20, 2011.
8. That the property will have access to public water and sewer.
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.
11. That the proposed development will not be injurious to neighboring properties of the general welfare of the surrounding community.
12. That the proposed development will be compatible with and enhance the use or value of the existing properties within the Village.

Planning Department Recommendation

The Planning Department's 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 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 prior to Final Approval, the Applicant shall provide a Final Plan, which shall include, but not be limited to:
 - Note Abutting Structures
 - Note Existing and Proposed Contours (NAVD88)
 - Provide a Sewer Easement for 975 West Shore Road
 - Note Existing and Proposed onsite water collection
 - Note aerial encroachments and provide easements for said encroachments
 - Note Existing Monumentation
 - Note Plat Title and Record Lots
 - Note that buildings and structures constructed in whole or in-part in flood hazard areas, shall be designed and constructed in accordance with Section R322 of the 2013 RI One and Two-family Building Code (SBC-2-2013)
3. That all Monumentation shall be installed prior to the recording of the “Final Record Plat”.
4. That the Final Plans shall meet all requirements of the City of Warwick Land Development Regulations, including but not limited to required statements.
5. That the proposed sewer easement shall be deed restricted to prohibit the construction of any permanent structure, including, but not limited to, fencing.
6. That prior to the recording of the “Final Record Plat” the Sewer Authority shall approve the proposed sewer easement verbiage and deed restrictions.
7. That any alteration to West Shore Road shall require a RI Department of Transportation Physical Alteration Permit (RIDOT-PAP), prior to Final Approval.
8. That any alteration to Hart Avenue shall require a City of Warwick Physical Alteration Permit (PAP), prior to receiving a Building Permit.
9. That prior to Final Approval, all water service shall be coordinated through Warwick Water.
10. That the existing large mature evergreen tree on the northeast corner of the proposed new lot shall be preserved and protected during construction with drip line tree protection consisting of 2”x2”x6” tree stakes and plastic orange snow fencing in a 10’ diameter. Installation of fencing shall be verified and approved by the City Landscape Project Coordinator, prior to the issuance of a Building Permit. If, in the opinion of the Administrative Officer, this condition cannot be met, then the Applicant shall work with the Planning Department for a suitable landscape solution and plan, with final approval through the Administrative Officer.

11. That a 2”-2.5” caliper tree shall be planted in front of 975 West Shore Road, prior to the issuance of a Certificate of Occupancy for the new Proposed Dwelling. Applicant shall coordinate with the City’s Landscape project coordinator regarding species and location, prior to planting.
12. That, to the maximum extent practicable, the Applicant shall propose LID site planning and design strategies, to reduce the stormwater run-off.
13. That the existing and proposed dwelling shall be connected to Municipal Sewer and Water, prior to the issuance of a Certificate of Occupancy for the new proposed single-family dwelling.
14. That the Applicant shall coordinate with the Planning Department regarding the design standards for the proposed single-family dwelling. The project shall be in compliance with the *City of Warwick Zoning Ordinance, Section 508.1, Site and Performance Standards for the Village Zone.*
15. That the Applicant shall submit a materials list and a window and door schedule for review and approval by the Planning Department, prior to Final Approval.
16. That the Applicant shall maintain strict compliance with the Final Building Plans, as approved by the Administrative Officer. Compliance shall be verified prior to the issuance of a Certificate of Occupancy.

Mr. Horowitz made a motion to accept the Recommendations as presented, read, and amended. Mr. Gambardella seconded the motion. All voted in favor; none were opposed.

Public Meeting
Minor Subdivision
110 Second Point Avenue-Preliminary

Location:	110 Second Point Avenue and Glenco Road
Assessor’s Plat:	359
Assessor’s Lot:	554
Applicant/Owner:	Shoreline Properties
Zoned:	A-7 & A-40 (Residential)
Land Area:	1.60 Acres
Ward:	5
Surveyor:	East Greenwich Surveyors, LLC
Engineer:	TJB Engineering, LLC

Rick Casella of Shoreline Properties, LLC and Joseph Catelli, Shoreline’s owner, were present.

It was noted that the Applicant had previously been before the Board relative to this proposal.

Mr. Casella explained that the proposal is to reconfigure (1) one 1.60 acre split zone lot to create (4) four lots; (3) three new lots for the development of single family dwellings in an A-7 zone; and (1) one 40,104 square foot lot, to be preserved as a lot not for development, in an A-40 zone. An existing single-family dwelling will be razed.

The Applicant also presented photographs that demonstrated significant clean-up of the property, as previously stipulated, has taken place.

It was explained that the owners of Lots 1-3, through the formation of a Homeowners' Association, will share equally in Lot 4, which will be preserved as open space. Deed restrictions will be recorded as part of the subdivision and A-40 Zoning will be retained. It was further discussed that it had been proposed that the City purchase Lot 4; however, required testing of the land would have been cost-prohibitive for the Applicant. Lot 4 was not apportioned to the separate landowners as it would have placed an undue tax burden on them.

Discussion also took place relative to the delinquent sewer bill, which shall be paid prior to project commencement.

There being no further questions, the Planning Board adopted the Planning Department's Findings as presented for 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 further finds:

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 or exceed the A-7 Residential zoning requirements.
2. That the subject property is located along Second Point Avenue and Glenco Road and is identified as Assessor's Plat: 359; Assessor's Lot: 554.
3. That the subject property consists of (1) one Tax Assessor's lot totaling 1.60 acres and is zoned Residential A-7 & A-40.
4. That the A-7 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.
5. That the A-40 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 received Preliminary Approval at the July 9, 2014 Planning Board Hearing, with Final Approval before the Planning Board with stipulations.
8. That the Applicant has received Assent No. A2014-09-062 from the Coastal Resources Management Council (CRMC) File No. 2014-09-062, with stipulations.
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 property will have access to Municipal Sewer and Water.
11. That the proposed development possesses adequate access to a public street.

The Planning Department Recommendation was read into the record by Planning staff:

Planning Department Recommendation

The Planning Department's recommendation is to grant Final Approval, 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 revised Final Plans, which shall include, but not be limited to:
 - Elevations of the lowest living space (including the basement) for the proposed single-family dwellings which shall be at least 3feet above the maximum high groundwater elevation
 - Curb to curb restoration shall be required in all the locations of the proposed utilities. An even saw-cut shall transverse the pavement. The interface between new and old pavement shall be completed with a smooth transition. The patch area must be properly compacted and a permanent patch shall not be installed prior to a 90-day settlement period. If, based on layout, restoration is required the Applicant shall provide a Performance Bond
 - Note a minimum curb stop size of 1"
3. That, prior to the recording of the Final Record Plat, the Applicant's legal counsel shall provide revised Homeowners' Association (Association) Restrictive Covenant Documents and Restrictive Deeds for the development.
4. That, prior to the recording of the Record Plat, the delinquent Sewer Assessment balance of \$6,390.05 shall be paid and the Applicant shall enter into an agreement with the Sewer Authority/Board regarding the remaining balance.

5. That the Applicant shall provide a revised Final Record Plat that shows the Monumentation to the south-east corner of Parcel 4, as identified on the Final Plan Second Point Road Subdivision Plan, dated January 6, 2015.
6. That the Applicant shall provide a Performance Bond for the installation of Monumentation, prior to the recording of the "Final Record Plat".
7. That the Applicant shall preserve all existing large mature trees within the 100' CRMC buffer and the 25' CRMC setback. The proposed silt fencing shall be securely staked and shall remain intact during the entirety of the construction activities to serve as dripline tree protection, which shall be noted on the plan. No topsoil shall be removed from root zone of these trees.
8. The Applicant shall install (4) four new 2"-2.5" caliper deciduous shade trees; (3) three on each of the lots fronting on Second Point Road and (1) one on Glenco Road. The Applicant shall coordinate with the Planning Department regarding species and specific location prior to purchasing trees and trees shall not be planted until all construction equipment has been removed from the site.

Chairman Slocum expressed concern relative to the language in the Planning Department's Recommendation #3* because it specifies the present amount of the sewer assessment balance to be paid in full. He suggested amending the language in the event that interest should accrue prior to the stated amount being paid.

The following amended language was proposed to Recommendation #3*:

That, prior to the recording of the Record Plat, the delinquent Sewer Assessment balance shall be paid and the Applicant shall enter into an agreement with the Sewer Authority/Board regarding the remaining balance.

Mr. Desmarais then made a motion to approve the Planning Department Recommendations, as read and amended. Mr. Kiernan seconded the motion. All voted in favor; none were opposed.

There being no further business, Ms. Pisaturo made a motion to adjourn the meeting. Mr. Desmarais seconded the motion. All were in favor; none were opposed.

The meeting adjourned at 6:29 p.m.

(* Recommendation was inadvertently listed as #3 in the Agenda. It is actually Recommendation #4).