

**City of Warwick Planning Board
Meeting Minutes
Wednesday, February 12, 2014**

Members Present: Vincent Gambardella
Cynthia Gerlach
Steve Horowitz
John Mulhearn
Laura Pisaturo
Philip Slocum
Sue Stenhouse

Member Absent: James Desmarais
Thomas Kiernan

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

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

The December 2013 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the December meeting minutes, as presented, seconded by Ms. Pisaturo. All voted in favor, none opposed.

Public Informational Meeting

Major Land Development/Subdivision

**Post Road, Lincoln Avenue, Maryland Avenue
Cumberland Farms**

Applicant: First Hartford Realty Corporation
Property Owner: Post Road Car Wash, Inc., Michael Kelly
Location: Post Road, Lincoln Avenue and Maryland Avenue
Assessor's Plat: 310
Assessor's Lots: 286, 287 and 442
Zoning District: AL 286, General Business (GB) and Residential A-7
AL 287, General Business (GB)
AL 442, General Business (GB)
Proposed Zoning: General Business (GB)
Land Area: 1.04 acres
Number of existing lots: 3
Number of proposed lots: 1
Engineer: Garofalo and Associates, Inc.
Ward: 3

K. Joseph Shekarchi, ESQ, represented the Applicant to request Master Plan Approval of a

Major Land Development Project/ Subdivision for the construction of a one story, 4,513 square foot convenience store and a canopy with six (6) fueling pumps. The Applicant was also requesting a zone change for a portion of the parcel, from Residential A-7 to General Business to eliminate the split zoning condition, and modifications from some of the general provisions of the Zoning Ordinance; Special Use Permit for Use Code 421. Gas station (no repairs), with a convenience store, with relief for less than required parking.

Mr. Shekarchi gave a brief description of the project, indicating that the property was the former location of a car wash and was currently vacant. He stated that the application before the Board would require a City Council zone change along with RI Department of Transportation and RI Department of Environmental Management approvals. Mr. Shekarchi further explained that a letter had been sent out the abutters to address any neighborhood concerns. He explained to the Board that this application was not for a 24-hour Cumberland Farms. He explained all of the Cumberland Farms in Warwick are open 5:00 am to midnight, and this Cumberland Farms would be open the same hours. If at a later date, the Applicants were to request 24 hour operations the Applicants would be heard before the City's Licensing Board. Mr. Shekarchi indicated that the City had requested that the rear-portion of the lot be a buffer from the abutting residentially zoned properties and that the Applicant had made modifications to accommodate the Planning Department's request.

Mr. Shekarchi introduced Mr. Steve Garofolo, PE-President, Garofolo Engineers, which was accepted as an expert by the Board. Mr. Garofalo gave a brief description of the property indicated that the project was within a half mile of Rt.37 along a heavily commercial corridor and consisted of three lots totaling 1.04 acres +/- . The parcel was presently vacant and that over the years different types of testing had disturbed the existing pavement. The project would be for a 4,513 square foot Cumberland Farms with six (6) fueling pumps allowing for twelve (12) vehicles and would require relief for two (2) parking spaces. Mr. Garofalo indicated that the development would improve the existing run-off which currently runs primarily onto Post Road, with the residual run-off onto Maryland and Lincoln Avenue. He further explained that there would be a "right-in/right-out" access along Post Road. Mr. Garofalo went on to explain that the project would meet all other zoning requirements and that there would be a 67' buffer from the abutting residential neighborhood; new sidewalks were being proposed for both Maryland and Lincoln Avenues and that the proposed drainage would include trench and catch basins along with roof drains and a water quality structure.

Mr. Slocum and Ms. Pisaturo had concerns regarding the lighting proposed for the rear of the property; Mr. Shekarchi and Mr. Garofalo indicated that the lighting would be minimal to the rear of the property and that all proposed lighting was "directional" pointed away from the residential neighborhood. Mr. Shekarchi explained that the reason for the requested relief for insufficient parking was due to the rear of the property being a buffer zone only and that no parking was proposed along the back of the building.

Ms. Stenhouse had concerns regarding delivery times and the noise associated with deliveries and also if the lighting would be reduced when the store was closed. Mr. Shekarchi and Mr.

Garofalo explained that lighting would be reduced off-hours and deliveries would be from the front of the building only and that deliveries would be twice per week during normal business hours, usually between 9:00 am and 5:00 pm and that delivery trucks were not 18-wheelers, they were no larger than your standard box truck.

Mr. Shekarchi introduced Ms. Maureen Chlebek, PE, Senior Project Manager, McMahon Transportation Engineers & Planners, licensed in RI (#5514) and MA, having 29 years of experience and having testified as an expert in several municipalities, including, but not limited to, Narragansett, West Warwick, and Cranston. Ms. Chlebek was accepted as an expert witness before the Board.

Ms. Chlebek explained that she had met with Bob Smith at RIDOT for a preliminary meeting regarding the project and that RIDOT preferred the “right in/right out” proposal. She explained that to accommodate the gasoline use, the project required two driveways for the tanker truck that would make the fuel deliveries.

Mr. Gambardella questioned if the Maryland Avenue access was necessary. Ms. Chlebek indicated that during the traffic study the Maryland Avenue exit was assigned zero trips because most traffic that would be leaving the site to Post Road would use the signaled intersection. Ms. Chlebek stated that the existing signal operates at a Level of Service “C” indicating that cars will not wait through more than two light cycles and that traffic would not choose to and make a left turn out of the site without using the light option.

Ms. Gerlach asked how many feet there would be for vehicles exiting onto Post Road; Ms. Chlebek indicated that there was 100’ from the exit to the lighted signal to allow for an average of five cars to queue at peak.

Ms. Pisaturo indicated that she believed there was a Local Traffic Only sign on Lincoln Avenue and wondered if there was one also on Maryland Avenue.

Mr. Shekarchi responded that he was not sure if there was signage currently at the site but he indicated that his client would gladly put signage at the site if the Board so pleased.

Ms. Gerlach was concerned that if the residential portion of the lot was changed to General Business, that at a later date another development could reduce the rear buffer. Mr. Shekarchi indicated that the City could prohibit such an action by adding a stipulation.

Ms. Pisaturo made a motion, seconded by Ms. Stenhouse, to open the Public Hearing, all in favor, none opposed.

Joanne Hosley, 80 Maryland Avenue, had concerns regarding the location of the access on Maryland Avenue she indicated that a neighboring business, “Gilmore Furniture” loaded their furniture at that location on a daily basis. Mr. Shekarchi explained that the access had been

changed to address these issues.

Robert and Betty Smith, 56 Maryland Avenue, Mr. Smith indicated that there was traffic that entered the area from Hoxie and the area was used as a cut-through. He was concerned that having this type of use would bring additional traffic through the neighborhood. Ms. Smith asked if the Applicant would consider closing the Maryland Avenue access.

Ms. Pisaturo addressed the Smiths asking for clarification regarding the traffic in the neighborhood and its point of origin.

Ms. Gerlach asked the Traffic Engineer if an on-site traffic count had been performed.

Ms. Chlebek responded that a manual traffic count had been performed and that at peak there had been eight or nine vehicles.

Mr. Slocum suggested that there be restrictions regarding the flow of traffic. Mr. Shekarchi explained that the application would need to proceed to the RI Department of Transportation and that although the Planning Board would like to impose traffic flow restrictions, ultimately the RIDOT would determine the traffic pattern.

Mr. Robert McAllister, 23 Camp Yawgoo Road, Rockville RI. Mr. McAllister owns several properties in the area and he had several concerns regarding traffic. He indicated that on Minnesota there were several businesses that required trucking access. Additionally, there was an Elder Care facility in the neighborhood and he was concerned that the queue would delay emergency vehicle access, posing a life safety concern.

Mr. McAllister was concern that the heavy industrial uses in the neighborhood would bring outside vehicle access to the neighborhood and the proposed use would increase the existing traffic concerns. He presented a petition with 66 signatures.

Ms. Donna Palumbo, 75 Maryland Avenue, her property directly abuts the site and she had concerns regarding deliveries. She indicated that currently tractor trailers would park overnight at the site and she questioned if this would continue once the site was developed. Mr. Shekarchi indicated that there was a City Ordinance prohibiting overnight parking, but being that the location was vacant it was hard to prohibit. Ms. Palumbo also had concerns regarding the existing fencing and the Maryland Avenue access. Mr. Shekarchi indicated that the Applicant would be replacing an existing fence and that the area would be heavily landscaped.

There was a discussion regarding the single access point from Post Road to the site. Mr. Shekarchi indicated that because of the existing traffic signal on Post Road, access was prohibited within certain distance from the light.

Ms. Gail Svenson, 68 Maryland Avenue, had concerns regarding the sidewalk location and emissions and air quality. Ms. Svenson also reiterated concerns regarding cut through traffic; it was suggested that the neighbors contact the Councilperson to address existing cut-through concerns.

Additionally, there were concerns that Cumberland Farms would be proposing a car wash. Mr. Shekarchi assured the property owners and the Board that this was a single lot for a single use application.

Ms. Stenhouse made a motion, seconded by Ms. Pisaturo, to close the Public Hearing, all in favor, none opposed.

Mr. Shekarchi addressed the Board indicating that the project would need to proceed to the City Council and the State for required permits and that the application would be back before the Board for Preliminary review. Mr. Shekarchi indicated that, if approved, the project would begin construction in late summer early fall.

Being no further questions, Planning Staff read the 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 Comprehensive Community Plan and, consistent with the principles as proposed in the current Comprehensive Plan update, 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.”
2. That the subject property fronts to the west on Post Road (US Route 1), to the south on Maryland Avenue, and to the north on Lincoln Avenue, and is identified as Assessor’s Plat: 310; Assessor’s Lots: 286, 287, and 442. Lots 287 and 442 are zoned General Business; lot 286 is a split zone, with a combination of General Business and Residential A-7 zoning.
3. 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 286) from General Business and Residential A-7, to General Business, with a Special Use permit for Use Code 421, and relief for less than required parking for the parcel.
4. That this site is in close proximity to City Centre Warwick, a 95 acre area with an approved Master Plan and companion zoning approved in 2012. This plan guides commercial and residential development in order to stimulate economic development in an area that capitalizes on the confluence of air, rail, and roadway access.

5. That a traffic report, prepared by McMahon Associates, and dated December 2013, 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.”*
6. That the properties north and south of the subject parcel, and fronting on Post Road are general business uses.
7. 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.
8. That the proposed development possesses adequate access to public water and sewer.
9. That the proposed development possesses adequate access to a public street.

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 April 1, 1994
2. That the parcel shall receive City Council approval for a zone change from General Business and Residential A-7, to General Business, with a Special Use Permit for use code 421 and a waiver for less than required parking.
3. That prior to Final Approval, the Applicant shall merge Assessor's Plat 310; Assessor's Lots 286, 287 and 442 and record a subdivision, as per the City of Warwick's Development Review Regulations.
4. 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 zero-net runoff from the proposed development. This plan shall be subject to approval by the City Engineer.

5. That all 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.
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.
7. That the Applicant shall install directional/traffic signage on the site at the Lincoln and Maryland Avenue egress points, to discourage cut through traffic in the abutting neighborhoods.
8. 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.
9. 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.
10. That all necessary state permits, including but not limited to RIDEM and RIDOT Physical Alteration Permit, shall be obtained prior to submission to the Planning Board for Preliminary Plan approval; the Project Engineer shall meet with City Engineering staff to review the proposed drainage system, prior to any submittals to RIDEM or RIDOT.
11. That the Preliminary submittal shall include a Landscape Plan, prepared 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 City Landscape Project Coordinator and provide, at a minimum, hardscape along Post Road and substantial landscape screening for area residential properties, as per Warwick Zoning Ordinance, Section 505.1C.
12. That the following information shall be included on the Preliminary Plan submittal
 - a. Confirm bearing indicated on the ALTA/ACSM Plan of Land, Sheet CFG 2.0
 - b. Coordinate Legend with "call-outs" on the site plan.
 - c. Remove Note 4 on Sheet CFG 2.0, as situation does not seem to be present.
 - d. Add a note indicating that all RI Highway Bounds and permanent survey markers shall be protected during construction.
13. That a backflow and cleanout shall be required outside the building; a clean out manhole shall be set as close to the building as possible. The location shall be approved by the Warwick Sewer Authority.
14. That the Project Engineer shall meet with the Warwick Division of Water to discuss new water service and coordinate all proposed work.

15. 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.
16. That all future uses on the parcel shall maintain a 60' landscape buffer from the abutting residential zone.
17. That Warwick Zoning Ordinance, Use Code 420, Car Wash is prohibited as part of this project
18. That these shall be no convenience store deliveries between the hours of 11:00 pm and 5:00 am. There shall be no overnight parking of trucks/trailers on the site.
19. That a Special Use Permit for the gasoline station under Use Code 421 is not required.

There was a conversation regarding the review process and concerns that the City's stipulations would preempt the RIDOT requirements for restrictive signage; the Board deciding to hold any stipulation regarding signage until the DOT reviewed the project.

Ms. Stenhouse, seconded Mr. Horowitz made a motion to adopt the Planning Department's findings and to grant Master Plan Approval with the Planning Department's recommended stipulations, as read and amended. All in favor; none opposed.

**Request for a Zone Change
Recommendation**

Applicant:	First Hartford Realty Corporation
Property Owner:	Post Road Car Wash, Inc., Michael Kelly
Location:	1556, 1558 and 1560 Post Road
Assessor's Plat:	310
Assessor's Lots:	286, 287 and 442
Total area:	1.04 acres
Zoning District:	General Business (GB) and Residential A-7
Proposed Zoning:	General Business (GB), authorizing <i>Use Code 421, Gas station (no repairs), with a convenience store</i> , with modifications from some of the general provisions of the Zoning Ordinance; Special Use Permit for a waiver for less than required parking.

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 subject property fronts to the west on Post Road (US Route 1), to the south on Maryland Avenue, and to the north on Lincoln Avenue, and is identified as

Assessor's Plat: 310; Assessor's Lots: 286, 287, and 442; lots 287 and 442 are zoned General Business, lot 286 is a split zone, with a combination of General Business and Residential A-7 zoning.

2. 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 286) from General Business and Residential A-7, to General Business, for Use Code 421, and relief for less than required parking for the parcel.
3. That the properties north and south of the subject parcel, and fronting on Post Road are general business uses.
4. That the proposal was reviewed by the following City Departments and Commissions: Public Works, Building, Water, Sewer, Tax Collection, Fire, Warwick Land Trust, Conservation Commission and Historic District Commission, all expressing no comments or concerns.

The Planning Department finds the proposed zone change to be in compliance with the City's Comprehensive Plan, and the principles of the Comprehensive Plan update, including the Goals and Policies Statement and the Implementation Program, the Land Use Element, and the Economic Development element, including, but not limited to,

- Promote an economic climate which increases quality job opportunities and over economic well being of each municipality and the state.
- Assist in forming an economic base capable of providing a desirable standard of living creating job opportunities, and fulfilling reasonable government tax needs.
- To make efficient use of available land and proper reuse and expansion of existing land uses.
- Provide sites suitable for various commercial and industrial activities in relation to projected needs within Warwick's land use planning program.
- Foster commercial development that is balanced, well integrated and provides a benefit to the community.
- Maximize employment opportunities for Warwick residents including: disadvantaged minority groups, the unemployed and under-employed.
- Encourage commercial and industrial development in Warwick that emphasizes business retention and expansion.

The Planning Department also finds this proposal 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.

Planning Department Recommendations

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zone change for the parcel from General Business and Residential A-7 to General Business, authorizing the gas station/convenience store use, with a waiver for less than required parking, with the following stipulations:

1. That prior to Final Approval, the Applicant shall merge Assessor's Plat 310; Assessor's Lots 286, 287, 442 and record a subdivision, as per the City of Warwick's Development Review Regulations.
2. That all 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.
3. That the Applicant shall install signage on the site at the Lincoln Avenue and Maryland Avenue egress points to discourage cut through traffic in the neighborhoods.
4. That the Applicant shall provide substantial landscape screening to the north, south and west of the parcel as a buffer to the abutting residential uses. A landscape plan shall be prepared by a Rhode Island Registered Landscape Architect and approved by the City of Warwick Landscape Project Coordinator.
5. That all future uses on the parcel shall maintain a 60' landscape buffer from the abutting residential zone.
6. That Warwick Zoning Ordinance, Use Code 420, Car Wash is prohibited as part of this project
7. That there shall be no convenience store deliveries between the hours of 11:00 pm and 5:00 am. There shall be no overnight parking of trucks/trailers on the site.
8. That a Special Use Permit for the gasoline station under Use Code 421 is not required.

Ms. Gerlach, seconded Mr. Gambardella made a motion to adopt the Planning Department's findings and to forward a favorable recommendation to the City Council with the Planning Department's recommended stipulations, as read and amended. All in favor; none opposed.

Other Business

Annual Election of Officers

There was a brief discussion regarding the procedure and regulations regarding the election of officers.

Mr. Mulhearn made a motion to waive the 2-year term limitation of the Development Review Regulations, specifically Section 8.1.2 and submitted Mr. Slocum for Planning Board Chair and Mr. Gambardella for Vice-Chairman, seconded by Mr. Horowitz, all in favor none opposed.

Actions by the Administrative Officer

A list of approved and recorded Administrative subdivisions were presented to the Board for informational purposes.

On a motion by Ms. Pisaturo, seconded by Ms. Stenhouse, the meeting was adjourned at 7:45 pm. All in favor none opposed.