

**City of Warwick Planning Board
Meeting Minutes
Wednesday, March 13, 2013**

Members Present: Philip Slocum, Chairman
Vincent Gambardella, Vice Chairman
Laura Pisaturo
James Desmarais
Steve Horowitz
Cynthia Gerlach

Member Absent: Thomas Kiernan
John Mulhearn
Sue Stenhouse

Also in attendance: William J. DePasquale, Jr. Administrative Officer
Lidia Cruz-Abreu, Planning Specialist
Eric Hindinger, Engineer Project Manager
Peter Ruggiero, Solicitor

Chairman Slocum called the meeting to order at 6:07 pm.

The Chairman made an announcement that the Major Potter Road application had been withdrawn and would **NOT** be heard.

The February 2013 meeting minutes were presented for review and approval. A motion was made by Mr. Gambardella, seconded by Mr. Horowitz to approve the February meeting minutes, as presented. All voted in favor; with Ms. Pisaturo and Mr. Desmarais, abstaining.

Public Hearing

Major Subdivision

Julian Road-Hidden Oaks-Preliminary

Location: 103 Florin Street, 21 & 31 Bunting Road, & Julian Road
Applicant: Kenneth Edward & Sandra Lee Olson
Michael C. Carreiro & Jennie A. McDowell
Paul & Elena Gallucci
Assessor's Plat: 340
Assessor's Lot(s): 291, 666, & 667
Zoning District: A-7 & A-10 Residential
Land Area: 4.80 acres
Surveyor: DiPrete Engineering
Ward: 3

Mr. Sanford Resnick, ESQ represented the Applicant, Sturbridge Home Builders. He explained that the project had received Master Plan Approval at the September 2012 Planning Board meeting, and that the application was to create a total of twelve lots; one lot would be a non-buildable drainage lot; two lots with existing residential structures were being enlarged to address encroachment issues; and nine new lots for the development of new single family dwellings.

Mr. Resnick informed the Board that he had read the Planning Department's recommended stipulations and concurred, with the exception of Stipulation No. 5, which he would like to address with the Board at a later point in the hearing.

Mr. Resnick introduced Mr. Eric Prive, PE, DiPrete Engineering. Mr. Prive gave a brief description of the proposed drainage and stormwater management system proposed for the development. He explained that the development, as proposed, would meet RIDEM Stormwater Management Manual guidelines. He further explained that each lot will have an individual stone trench drywell along the rear property line, which will collect stormwater run-off from the grassy areas and lawns graded to infiltrate stormwater on-site and prevent run-off. He explained that the road would be mitigated by a sediment forebay within the cul-de-sac and a larger infiltration area along the rear of the proposed cul-de-sac. The development run-off into the Bunting Road culvert will decrease; there will be less run-off post development than the current condition. He explained that the project has received all required state permits, including but not limited to RIDEM WETLAND, RIPDES & UIC.

Ms. Pisaturo asked if all the neighborhood issues had been addressed and if so what they were. Mr. Resnick indicated that there had been some drainage and privacy issues and that he believed that all issues had been addressed.

Ms. Pisaturo made a motion to open the public hearing, seconded by Mr. Desmarais.

Mr. Peter Schreiber, 112 Julian Road, addressed the Board with questions and concerns regarding utility connections and privacy screening/fencing.

After a brief discussion between Board members, City representatives and the Project Attorney and Project Engineer, Mr. Slocum addressed Mr. Schreiber utility concerns indicating that National Grid made the determination relative utility connections, and Mr. Prive, Project Engineer indicating that in the area of Mr. Schreiber's property there was no proposed stone trench and there would be no need to remove all vegetation.

Mr. Russell Garrett, 35 Rodney Road, also addressed the Board regarding privacy concerns.

Ms. Gerlach made a motion to close the public hearing, seconded by Mr. Horowitz.

Mr. Desmarais and Ms. Pisaturo addressed Project representatives regarding the privacy/screening concerns. Mr. Resnick indicated that there would be an infiltration system that would run along the northern property line and that fencing or plantings could potentially interfere with the drainage system.

Mr. Prive indicated that the infiltration system was proposed approximately 5 feet off of the property line to address the potential of future fencing or screening. Ms. Pisaturo asked Mr. Resnick of the potential of fencing or a natural buffer to address the neighbors concerns.

Being no further questions or testimony, Mr. Slocum asked to have the Planning Department findings and recommendations read 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 further we find:

1. That the subject property is located at 103 Florin Street, 21 & 31 Bunting Road, and Julian Road and is identified as Assessor's Plat: 340, Assessor's Lots: 291, 666, & 667.
2. That the subject property consists of three (3) tax assessor's lots totaling 4.80 acres; the lot fronting on Florin Street is zoned Residential A-7; the lots fronting on the Julian Road extension; and Bunting Road are zoned Residential A-10.
3. That the Applicant proposes to create (11) eleven conforming lots; (1) one new conforming lot fronting on Florin Street; (8) eight new conforming lots fronting on a new street, the Julian Road extension and (2) two conforming lots with existing structures fronting on Bunting Road, and one City drainage lot.
4. 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.
5. That the A-10 Residential Zoning District requires a minimum of 100 feet of frontage and lot width and a minimum area of 10,000 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 Master Plan Approval at the September 2012 Planning Board meeting.
8. That Assessor's Plat: 340; Assessor's Lots: 666 and 667 have been incorporated into the application to address encroachments onto Assessor's Lot 291.
9. That the Applicant has received RIDEM-Wetlands, Insignificant Alteration Permit/Approval No. 12-0169; RIPDES File No. 100986; and UIC File No. 001550; indicating that there will be no significant negative environmental impacts from the proposed development.

10. That the property has outstanding sewer assessments.
11. That the property will have access to public water and sewer.
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.
13. That the proposed development possesses adequate access to a public street.

Planning Department Recommendations

That the Planning Department's recommendation was to grant a Preliminary Approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That prior to Final Approval the *Hidden Oaks Plat Homeowner's Association Documents* shall be reviewed and approved by the City's Engineer Project Manager and the Administrative Officer.
2. That the Homeowner's Association shall be solely responsible for the operation and maintenance of the *Sediment Forebay and Infiltration Basin A*, as shown on the "*Hidden Oaks Preliminary Plan*", last revision dated February 19, 2013.
3. That the Homeowner's Association shall be solely responsible for the maintenance and repair of the "*Perimeter underground infiltration trench and yard inlet drain piping drainage system*" included on all record lots as shown on the "*Hidden Oaks Preliminary Plan*", last revision dated February 19, 2013. That the Homeowner's Association documentation shall include language that protects this perimeter "*underground piping drainage system*" from damage that may occur from the installation of fencing, plantings or trees that are customarily positioned along property lines.
4. That the maintenance and repair of the proposed stone drywells for roof drainage situated on individual private lots, shall be the sole responsibility of the property owner.

Mr. DePasquale addressed Board offering the following revised Stipulation No. 5:

5. That the underground infiltration system located on Record Lot 10 entitled "drainage lot" as depicted on the "*Hidden Oaks Preliminary Plan*", last revision date February 19, 2013, shall include a 15' wide Access & Maintenance easement located on abutting record lot 6 so as to provide access to the drainage structure for maintenance and repair.

- a. The Applicant shall include this 15' wide Access & Maintenance easement in the "Hidden Oaks Plat Homeowner's Association Documents" requiring the said easement be kept free and clear of all obstructions both permanent and temporary including but not limited to: irrigation, sheds, pools, play structures, landscaping etc.
 - b. The "Hidden Oaks Plat Homeowner's Association" shall be responsible for maintaining the 15' wide Access & Maintenance easement, and this shall be indicated in the Association's documents.
 - c. The Applicant shall record a deed restriction on Record Lot 6, for the 15' wide Access & Maintenance easement prohibiting all obstructions, permanent and temporary. The deed restrictions shall remain on Record Lot 6, until such time as the City of Warwick no longer has drainage structures/features located on abutting Record Lot 10.
 - d. The Applicant shall install a fence/physical barrier along the northern border of the Access & Maintenance easement located 15' north of the southerly property line of Record Lot 6, as depicted on the "*Hidden Oaks Preliminary Plan*", last revision dated February 19, 2013, to act as a physical barrier to the City's "*Access & Maintenance Easement*", and to clearly demark the easement for potential buyers of record lot 6. The site plan shall be amended depicting said fencing/barrier and the fence/barrier shall be erected in conjunction with the installation of the drainage improvements.
6. That the Project Engineer shall review all aspects of the drainage system, including but not limited to, access, grading, piping, drywells, structures, yard drains and infiltration basin.
 7. That any deviation from the approved "Final Plan" shall be reviewed and subject to approval by the Administrative Office, prior to construction.
 8. That an "as-built" plan must be prepared showing grading, drainage, structures, road layout, bound locations and utility locations etc., prior to the final surety bond being released.
 9. That the final "Record Plat" shall show interior angles as required per the City's Development Review Regulations, Appendix C, Checklist of Required Information, Item No. 10.
 10. That the final "Record Plat" shall be reviewed and approved by the City's Surveyor, prior to Final Recording.
 11. That the Applicant shall contact the City's Landscape Project Coordinator, prior to site clearing to inspect tree protection, as detailed on the landscape plan prepared by Ray DiPrete dated January 8, 2013.
 12. That the Applicant shall preserve the existing grade and topsoil within the drip line tree protection area.

13. That the tree located in the drainage area within the cul-de-sac island, as detailed on the landscape plan prepared by Ray DiPrete dated January 8, 2013, shall be changed to a 2-2.5” caliper London Plane Tree. In the event that the aforementioned tree cannot be located within the cul-de-sac island, the tree shall be relocated to another location on the property.
14. That the Project Engineer shall verify all sewer main line elevations in the field, prior to final sewer design.
15. That the subdivision is subject to an inspection fee of \$150.00 per 100 feet of sewer pipe installed.
16. That the subdivision is subject to the Sewer Authority’s Inflow-Infiltration Regulations.
17. That all dwellings shall have a backflow preventer.
18. That the Applicant shall use “Mueller Hydrants” on the Julian Road extension.
19. That the water valves shall be “right on” valves.
20. That the Applicant shall contact the Water Division 48 hours in advance to inspect the installation of the new water main and to witness the pressure test and the chlorination/disinfection process.
21. That the Applicant shall pay all outstanding liens on the property, including, but not limited to taxes and sewer assessments, prior to the recording the Record Plat.
22. That the Applicant shall provide a surety bond in the amount of \$443,480 prior to recording the “Record Plat”.
23. That a “payment in lieu of open space” shall be required for (8) eight lots in accordance with the City’s Development Review Regulations and City’s Comprehensive Plan Recreation and Open Space Element.

Mr. Slocum asked Mr. Resnick if he had any concerns or issues regarding the amended Stipulations No. 5. Mr. Resnick accepted the stipulation, as amended.

After brief discussion, Ms. Pisaturo made a motion, seconded by Mr. Desmarais to formally adopt the Planning Department’s Findings and Recommendations, as read, with the following amendment, Stipulation No. 24.

24. That the Applicant shall address screening concerns by and between the subject property and the adjoining properties located along the Northerly property line. The proposed screening improvements shall be subject to approval by the Administrative Officer.

All present Planning Board members voted in favor; none opposed.

On a motion by Ms. Pisaturo, seconded by Mr. Desmarais, the meeting was adjourned at 6:55 pm.