

**City of Warwick Planning Board
Meeting Minutes
Wednesday, June 11, 2014**

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

Member Absent: James Desmarais

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

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

**Public Meeting
Minor Subdivision
Preliminary
224 Nausauket Road**

Location: 224 Nausauket Road
Assessor's Plat: 367
Assessor's Lot: 504, 505, 511, & 553
Applicant/Owner: Charles W. Johnson
Zoned: A-7 (Residential)
Land Area: 18,631 Square Feet
Ward: 7
Surveyor: Flynn Surveys, Inc.

The Applicant, Mr. Charles Johnson, represented himself in his project, which was to reconfigure (4) four abutting non-conforming lots to create (2) two lots; (1) one 10,218 square foot lot located at 224 Nausauket Road with an existing dwelling having less than required front yard setback and a garage having less than required front yard and side yard setback, and (1) one new 8,413 square foot lot located along Nausauket Road and Leonard Avenue for the development of a single family dwelling.

Being questions, Planning Staff read the findings and recommendations into the record, 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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, being consistent with the existing neighborhood, having lots within the 200' radius that meet and exceed the A-7 Residential zoning requirements.
2. That the subject property is located along Nausauket Road and Leonard Avenue; and is identified as Assessor's Plat: 367; Assessor's Lots: 504, 505, 511, & 553.
3. That the subject property consists of (4) four Tax Assessor's lot totaling 18,631 square feet and is zoned Residential A-7.
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 subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.
6. That there will be no significant negative environmental impacts from the proposed development.
7. That the property will have access to Municipal Sewer and Water.
8. 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.
9. That the proposed development possesses adequate access to a public street.

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, as part of the final review, the Applicant shall provide a development plan that shall note at a minimum, but not be limited to, dwelling location, existing and proposed grading, location of existing and proposed utilities, and existing and proposed driveway locations.
3. That as part of the final review, the Applicant shall provide, a Stormwater Management Plan, which shall be designed in accordance with Rhode Island Stormwater Design and Installation Standards Manual, dated December 2010, to demonstrate a zero-net runoff from the development. Per the RI Low Impact Development Site Planning Design Guidance Manual, the Design Engineer shall incorporate Low Impact Design (LID) as a first choice, if practicable. This plan shall be subject to approval by the City Engineering Division.
4. That the Applicant shall coordinate with the City's Sewer Authority and Water Division relative to connection, prior to Final Approval.
5. That both the existing and proposed dwelling shall be connected to Municipal Sewer and Water.
6. That the existing dwelling shall be connected to Municipal Sewer and Water, prior to the issuance of a Building Permit for the proposed dwelling.
7. That the existing non-conforming shed shall be moved or removed to conform to the City's Accessory Setback requirements, prior to Final Approval.
8. That the granite bounds, as proposed on the *Minor Subdivision, Johnson Plat*, shall be installed prior to the recording of the "Final Record Plat", or the Applicant shall provide a performance bond.
9. That the Applicant shall install (1) one new street tree on Nausauket Road in front of proposed Lot 1, as shown on the *Minor Subdivision, Johnson Plat*. The Applicant shall coordinate with the Planning Department regarding species.
10. That the dwelling shall be connected to Municipal Sewers, prior to the issuance of a Certificate of Occupancy for the new single family dwelling.
11. That no Building Permit shall be issued, prior to Planning Department review.

Mr. Johnson asked to strike stipulation No. 7, the shed was to remain on the new corner lot that was being created, and therefore the shed no longer would have a rear yard setback

Ms. Pisaturo, seconded by Ms. Stenhouse made a motion to adopt the Planning Department's

findings and to grant Preliminary Approval with the Planning Department’s recommended stipulations, as read and with the amendment to strike Stipulation No. 7. All in favor; none opposed.

Public Meeting
Request for a Zone Change
Recommendation
Lloyd Avenue

Applicant: Robert J. Carberry III
Location: 107 Lloyd Avenue
Assessor’s Plat: 361
Assessor’s Lots: 838
Zoning District: Open Space
Proposed Zoning: A-7 Residential

Mr. Robert J. Carberry, III represented himself, in his Application requesting a recommendation to the City Council for a zone change on Assessor’s Plat 361; Assessor’ Lot 838 from Open Space to A-7 Residential. Assessor’s Lot 838 was inadvertently zoned Open Space during the 1988 Citywide Zone Change. In 1988, the City owned the Tax Title Interest ONLY in the aforementioned lot. The Applicant purchased the lot along with the abutting house lot in August 1992 and was not aware that the property had been rezoned to Open Space until an application was made to the Building Department for a garage and was denied. He further indicated that he had been paying a general real estate tax and not a modified Open Space tax.

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, specifically *Chapter 12, Future Land Use Zoning and Urban Design*, which specifically calls for the protection and support of existing single family dwellings and residential neighborhoods and the minimization of land use conflicts.

- 2. That the proposed development is generally consistent with the existing neighborhood, having lots within the 200’ radius that are zoned Residential A-7 and contain single family dwellings.

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.
- 103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zone change from Open Space to A-7 Residential, with the following stipulation:

1. That the Applicant shall merge Assessor's lots 512 and 838 through the Administrative Subdivision procedure as contained in the City of Warwick Development Review Regulations, prior to the issuance of a Building Permit.

Ms. Stenhouse, seconded by Mr. Gambardella 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. All in favor; none opposed.

Public Informational Meeting
Major Land Development/Subdivision
Cumberland Farms - Apponaug

Applicant:	Cumberland Farms, Inc.
Property Owner:	Gray Enterprises, Inc. (Lot 99) Gulf Oil (Lot 97)
Location:	3327 and 3335 Post Road
Assessor's Plat:	244
Assessor's Lots:	97 and 99
Zoning District:	General Business, with an Historic Overlay zone
Land Area:	39,643 sf
Number of existing lots:	2
Number of proposed lots:	1
Engineer:	Garofalo and Associates, Inc.
Ward:	7

Background

Ms. Elizabeth Noonan, ESQ; Adler Pollock & Sheehan represented the Applicant who was requesting Master Plan Approval of a Major Land Development Project/ Subdivision for the construction of a one story, 4,513 square foot convenience store, canopy and fueling pumps.

The Applicant plans to demolish the existing one storey brick building, canopy and gas pumps on Lot 97 as well as the existing building on Lot 99. Following demolition, a new 4,513sf convenience store and a new canopy, measuring 40'x 83', over five new gasoline dispensers (10 fueling positions) will be built. The Applicant is also requesting from the Zoning Board of Review a Special Use Permit for Use Code

421. Gas station (no repairs), with a convenience store, and dimensional relief for less than required front and side yard setback, less than required parking and moveable signage.

Ms. Noonan indicated that the proposal was to raze an existing gas station and a strip plaza on the corner of Centerville Road and Post Road and redevelop the area for a new larger Cumberland Farms with some outdoor seating. Mr. Noonan stated that some of the businesses in the strip mall would be moving down the road to the site of the current Cumberland Farms.

Ms. Noonan indicated that she had read the Planning Department's Findings and Recommendations and that she found them acceptable. She indicated that one of the stipulations referred to a walking path and access to the river along the back of the existing property and that her client would not own the property but she did not foresee any issues.

Ms. Noonan introduced Mr. Gregory Avenia, PE, Garofalo Associates. Mr. Avenia gave a brief overview of the property, stating that the design took the Apponaug By-Pass project into consideration and the traffic flow will be consist with the new traffic pattern. He indicated that the building design was consistent with the historic character of the area and the stone wall and the face of the building would have a blue stone brick veneer and would be surrounded by an iron railing.

Mr. Avenia indicated that the project was designed to meet the RIDEM 2010 Stormwater Managements Requirements and the lighting will be full cut-off and energy efficient lighting.

Ms. Noonan introduced Maureen Chlebek, Mc. Mann & Associates. Ms. Chlebek indicated that the design took both the existing condition and the proposed Apponaug By Pass into consideration. Ms. Chlebek indicated that currently there was a high rate of accidents in the area and that Apponaug by-pass project would significantly reduce those numbers. Currently the Level of Service is "C" and that would become a Level of Service "A" once the circulator project was complete.

Ms. Chlebek indicated that there was sufficient area on-site for traffic flow so as not to restrict access around and through the pumps.

Ms. Gerlach had questions regarding the relief sought. Mr. Avenia indicated that parking proposed was sufficient for the site. He indicated that the parking would include the pump sites; he also indicated that the Applicant was asking for side-yard setback relief, in part, due to a request from the Historic District Commission to address the street edge design.

Ms. Stenhouse had concerns that new outdoor seating may cause parking issues. Ms. Noonan indicated that there were two new locations in West Warwick and Johnston, there has not been an issue with insufficient parking. Ms. Reynolds indicated that the "Village District" was a pedestrian friendly area and that the hope was to foster a more pedestrian use and access and that the site was very close to the State parking lot.

Mr. Horowitz addressed traffic volume concerns. Ms. Chlebek indicated that post By-Pass traffic volumes will decrease by 47%.

Ms. Reynolds indicated that the City would like to acquire a lot in the rear of the property to foster access to the water.

Ms. Stenhouse, seconded by Ms. Pisaturo, made a motion to open the Public Hearing.

Mr. Santoro, 3341 Post Road 43 & 45. Mr. Santoro believed that the parking lot was City owned and that he was concerned that people would park in the vacant lot and take the bus downtown. Mr. Slocum indicated that the lot was State owned but the City plowed the lot. Ms. Stenhouse indicated that there

were many lots similar throughout the State and some lots had restriction to overnight parking and all day parking but not all State owned lots had restrictions.

Carol Pratt, Chapmans Avenue, addressed the Board indicating that she owned a business in Apponaog for 18 years; she is also a member of the Historic District Commission and past President of the AAIA. Ms. Pratt stated that she had been in the Piezoni's restaurant for lunch and that most of the people in the State lot were patrons of the restaurant. She indicated the in the past if there were any issues with the parking they were addressed to ensure that Apponaog be a pedestrian friendly village. Additionally, she indicted that she had been present at two meetings with the Cumberland Farms Applicant and she was very pleased with the manner that the Applicant had addressed their concerns. She indicated that the AAIA was very pleased with the design and 100% behind the project.

Mr. Chris Stowe, 20 Centerville Road, addressed the Board asking if the facility would have an auto repair on-site. He questioned the location of the underground storage tanks. Mr. Stowe indicated that there had been monitoring wells along his property to ensure that there would not be any underground leakage. Mr. Avenia indicated that the new underground tanks are double walled and have monitoring around the tanks. Mr. Stowe was also very concerned that the project would bring people to his property. He has had issues, in the past, with people parking and staying overnight. He stated that there was a significant grade change and had safety concerns with this becoming an access to the water. Ms. Reynolds indicated that the access point would be along the current Cumberland Farms and would not have access from Mr. Stowe's property. She also indicated that the City was looking into the possibility of having water access but that this was at the very preliminary stages.

Being no further testimony, Ms. Stenhouse, seconded by Mr. Mulhearn, made a motion to close the Public Meeting and asked to have the staff 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

1. Generally consistent with the Comprehensive Community Plan, which finds that land development in the future will increasingly involve redevelopment of previously used sites and calls for the City to work to create and support village centers, and preserve and enhance the City's open space, recreation and water resources. 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 is a corner lot and is located in the south west corner of the intersection known as Apponaug Four Corners, and is identified as Assessor's Plat: 244 Assessor's Lots: 97 and 99 and are zoned General Business with a Historic Overlay.
3. Not in compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring Zoning Board of Review for a Special Use permit for *Use Code 421*, and relief for less than required front and side yard setback, less than required parking, and moveable signage.
4. That this parcel is located within historic Apponaug Village, and is in close proximity to the village center which was rezoned in 2011 to Village zoning in order to revitalize economic development.
5. That a traffic report, prepared by McMahon Associates, and dated February 2014, 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 Project Engineer has contacted Rhode Island Department of Transportation and is coordinating the site design with the design of the Apponaug Circulator project, which is scheduled to begin construction this year.
7. That the properties north and south of the subject parcel, and fronting on Post Road are general business uses. This parcel does not abut any residentially zoned properties.
8. That the proposal has been designed in order to meet the requirements of the City’s Historic District Commission. In accordance with preservation authority review, the building is sited within the front yard setback to maintain a defined street edge, and an outdoor seating area is incorporated to provide activity and street life to the Village area.
9. That the project was reviewed by the Warwick Historic District Commission and approved at the March 19, 2014 meeting.
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 the proposed development possesses adequate access to a public street.
12. That the proposed development has access to public water and sewer.

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 prior to Preliminary Approval, the Applicant shall receive Zoning Board of Review approval for a Special Use Permit for Use Code 42I, and relief for less than required front and side yard setback, less than required parking and moveable signage. LED signage shall be utilized for gas/fuel price information only. LED advertising message boards are prohibited
3. That prior to Final Approval, the Applicant shall merge Assessor’s Plat 244, Assessor’s Lots 97 and 99, and record a subdivision as per The City of Warwick’s Development Review Regulations. This subdivision may include a provision for the donation of land along the southern portion of the parcel and abutting Hardig Brook. This shall be reviewed by the Land Trust and the City Council.
4. That all proposed site design shall be coordinated with RIDOT to be compatible with the Apponaug Circulator Long Tem Improvements project.

5. 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.
6. That prior to Preliminary Approval, 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. This plan shall be subject to approval by the City Engineering Division. Prior to submission to RIDEM or RIDOT, the City's Engineering Division shall review and approve the proposed drainage system design.
7. That prior to Preliminary Approval, the Applicant shall submit an Operation and Maintenance Plan for the proposed storm water collection system.
8. That prior to Preliminary Approval, the Applicant shall receive all required State and City permitting, including, but not limited to RI DEM and RI DOT Physical Alteration Permit
9. That the Preliminary submittal shall include a Landscape Plan, prepared by a registered Rhode Island Landscape Architect. Said plan shall be subject to approval by the Planning Department and provide, at a minimum:
 - a. Tree protection of the root zones of the existing trees along the western property line.
 - b. Additional large deciduous shade trees planted along the southwestern area, evergreen shrubs to the property line area, and a shade tree on Centerville Road, to the western side of the curb cut.
10. That prior to Preliminary Approval, the Applicant shall receive approval from the Kent County Water Authority. The Project Engineer shall coordinate with the Warwick Division of Water regarding an existing major transmission line located in Centerville Road.
11. 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.

Ms. Pisaturo, seconded by Ms. Stenhouse to adopt the Planning Department Findings and Recommendations, as read and amended. 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 7:10 pm. All in favor, none opposed.