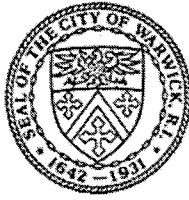


DONALD G. MORASH, JR.
CHAIRMAN



JOSEPH J. SOLOMON
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 921-9534

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JANUARY 15, 2019 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 15, 2019 at 6:00 P.M. in the Lower Level Conference Room, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash, Jr.

The Secretary called the roll and noted the following members present:

Donald G. Morash, Jr. - Chairman
Everett O'Donnell
Beverly Sturdahl
Julie Finn
George Shuster

Also present: Louis DeSimone, Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. Petition #10573 - Advance Real Estate Development, 202 Bald Hill Rd., Warwick, RI, was being continued.

The Chairman called the first petition.

EXTENSION OF GRANT

Petition #10519

Ward 9

5790 Post Rd.

The petition of Town Line Properties, LLC, 946 Centerville Rd., Warwick, RI, request a dimensional variance to construct a new 21,025 sq. ft. retail commercial building. Proposed commercial building having less than required rear yard setback, less than required parking, and less than required aisle width in the parking area. Also seeking a use variance to install a free-standing sign containing an electronic message board, proposed sign being larger than allowed by Ordinance. Assessor's Plat 214, Lots 44 & 50, zoned General Business (GB).

John C. Revens, Jr. Esq. was present and representing the petitioner.

Mr. Revens stated this is a request for a one year extension previously granted by the Board. He stated the petitioner is still working on the engineering, architecture, and other issues related to the design of the structure.

The Chairman stated this is not a public hearing, so there will be no further testimony taken.

Everett O'Donnell made a motion to approve the Extension for one year, seconded by Beverly Sturdahl, and passed unanimously by the Board that the Extension be GRANTED.

REGULAR DOCKET

Petition #10572

Ward 1

42 South Fair St.

The petition of Pawtuxet Centerville Associates, LLC, 946 Centerville Rd., Warwick, RI, requests a dimensional variance to construct a 22' x 36' two-story single family dwelling with a detached garage on Parcel A, and a 20' x 34' two-story single family dwelling with a detached garage on Parcel B. Petitioner will demolish the existing dwelling on Parcel A, and sub-divide (1) one lot to create (2) two new 7,354 sq. ft. lots. Subject parcels having less than required lot width, frontage and less than required front yard setback. Assessor's Plat 292, Lot 433 – Parcel A & B, zoned Residential A-7/Historic.

John C. Revens, Jr. Esq., was present and representing the petitioner.

Daniel Geagan from the Planning Department read the comments into the record.

Mr. Revens stated the subject property was originally platted as two separate parcels of land. The surrounding area is a mix of single and multi-family dwellings of varying styles and character.

The applicant received Master Plan Approval on December 12, 2018, to sub-divide the lot into two lots. The intent is to demolish the existing dwelling located on Parcel "A". The applicant is proposing to construct a two story 22' x 36' single family dwelling with a detached garage on Parcel "A", and two story 20' x 34' single family dwelling with a detached garage on Parcel "B". Both dwellings will conform to the Historical character of the surrounding area.

Mr. Revens stated more than half of the single family dwellings in the immediate area are located on lots that are either the same size, or smaller than these lots.

On October 17, 2018, the Historic Commission approved the footprint locations on the proposed and approved Master Plan as presented on the site plan prepared by Ocean State Planners, dated October 3, 2018.

Mr. Revens stated the proposal is to construct the two new dwellings closer to the street to keep the houses in character with the village neighborhood. They are seeking relief from the front yard setback, and for the subject lots having less than required lot width and frontage.

Mr. Revens stated his daughter will be living in one of the homes, she is not a real estate agent. He stated his daughter is present if the Board has any questions for her.

Everett O'Donnell asked if they were responsible for installing the sidewalk. Mr. Revens stated the sidewalk is existing, and it will be retained.

Mr. Revens stated he has Mr. DiGregorio present to testify as a Real Estate expert.

Robert DiGregorio, 333 Centerville Rd., Warwick, RI, was present and sworn in by the Chairman.

Everett O'Donnell made a motion, seconded by George Shuster and passed unanimously by the Board to accept Mr. DiGregorio as an expert Real Estate witness.

Robert DiGregorio stated there was a mix of single family and multi-family, older homes on this street.

Mr. Revens asked Mr. DiGregorio if he was familiar with the deeds to this property, which indicate these were originally two lots, and if the deeds Mr. Revens had copies of, were copies of the actual deeds. Mr. DiGregorio responded he is familiar with the deeds and the copies Mr. Revens had, were in fact copies of the actual deeds.

Mr. Revens asked that these deeds be marked as Petitioner's Exhibit #1.

Mr. Revens submitted a color coded plat map marked as Petitioner's Exhibit #2, showing the similarities in size of the lots in the surrounding area to the subject property.

Mr. Revens submitted the Master Plan Approval Decision Letter showing the approval to sub-divide the lots, marked as Petitioner's Exhibit #3.

Mr. Revens submitted the Decision Letter from the Historic District Commission, marked as Petitioner's Exhibit #4. That decision is limited to approval of site plan only, it does not approve the design of the new houses or the demolition of the existing house.

Mr. DiGregorio stated this will not have an adverse impact on the neighborhood. He believes the two new dwellings will enhance the area. He stated they will not be cookie cooker homes, they will be two distinctly different style homes, in line with the architecture of the homes in the area.

The Chairman stated this is pretty straightforward.

George Shuster thought the design was great, and believes this type of redevelopment in the Village is what the Comprehensive Plan would seek out.

The Chairman asked if there was anyone present to speak in opposition of the petition.

Elaine Prior, 24 So. Fair St., Warwick, RI, was present in objection of the petition and sworn in by the Chairman.

Ms. Prior stated she wasn't objecting to the two lots, or the two dwellings, she is concerned with how wet the lot is. She stated all the homes on that street have flooded at one time or another, and she is afraid water will back up into their yards.

The Chairman stated he wasn't sure what the stipulations were relative to rain gardens or containing water from the property. Daniel Geagan from the Planning Department stated the Planning Board found there are no wetlands present in the area. Mr. Geagan stated it is a requirement that you can't shed water from your property onto anyone else's.

Mr. Revens stated they hired GRA Engineering, and they are in the process of preparing a drainage plan according to State law, possibly with a small rain garden in the rear to retain the water.

The Chairman asked if there was anyone else present in objection of the petition.

Carol-Anne Buckley, 52 So. Fair St., Warwick, RI, was present in objection and sworn in by the Chairman.

Ms. Buckley stated she is not here for an objection to the properties, perhaps a caution to the tidal waves of ground water coming in. She is comfortable with the design of the dwellings, and the idea of a rain garden. She mentioned she never heard the concept that an old New England Village has to be compact.

The Chairman asked if there was anyone else to speak in opposition or in favor of the petition. There being none, George Shuster made a motion, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10574

Ward 9

300 Toll Gate Rd.

The petition of East Coast Labs, LLC, 172 Taunton Ave., East Providence, RI, and Vancass Holdings, LLC & San Pier Realty, Inc., 200 Watch Hill, East Greenwich, RI, request a special use permit to occupy tenant space as a Medical Marijuana Analytical Laboratory. Assessor's Plat 246, Lot 329, zoned Office (O).

Stephen J. Sypole, Esq. was present and representing the petitioner.

Matthew Madison, Petitioner, 535 Roosevelt Ave., Central Falls, RI, was present and sworn in by the Chairman.

Mr. Sypole stated his client is applying for a special use permit under section #308 of the Use Table. He is fully licensed by the Department of Business Regulation as a medical marijuana analytical laboratory. He is currently located in East Providence, and has been since 2011. The petitioner is looking to move his business to Warwick, because the city is much more supportive to the industry, and he will be closer to his clientele.

Mr. Sypole stated the tenants in the building are similar medical offices. The petitioner would occupy Suite #LL-1 in the lower level of the building. He stated there will be no growing or sales. They will have two full time employees, and one or two part time employees. The lab will be testing products for cultivators selling their product to dispensaries, or individuals with medical marijuana cards.

Mr. Madison stated most people have the testing done to find the correct dosage. They provide analytical chemistry as well as other testing.

George Shuster asked the petitioner why his attorney believes East Providence is less supportive of the medical marijuana industry, than Warwick is. Mr. Madison stated he spoke with East Providence City Hall and they have an Ordinance against medical marijuana in general, it doesn't matter what type of business it is.

George Shuster asked who regulates the lab. The petitioner stated they are heavily regulated by the DBR but will be transitioning into a Department of Health regulated environment. The license will be issued by the Department of Health and they regulate what the lab can test.

Attorney Sypole stated there are fifteen labs existing in the city currently. He submitted a copy of these licenses issued through the DBR, marked as Petitioner's Exhibit #1.

The attorney stated there are no plans for signage or changes to the exterior of the building.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 7:02 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman