



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

MEMORANDUM

To: Planning Board

From: Planning Department

Date: April 6, 2022

Re: Major Land Development: 175 Post Road Master Plan Application

Location: 175 Post Road
Assessor's Plat: 291
Assessor's Lots: 45 & 74
Applicant: Artak Avagyan and Lee Beausoleil
Zoning: Light Industrial (LI)
Land Area: 15.67 acres
Ward: 6
Engineer: DiPrete Engineering

Project Scope:

The applicant is requesting a Master Plan Approval to allow for the development of four buildings totaling 70,000 square foot of gross floor areas for use as a trades contractor storage development in a Light Industrial (LI) District located at 175 Post Road, AP 291 Lots 45 & 74.

Applicable Regulations:

Development Review Regulations:

- Article 5.3 - Major Land Development Review Master Plan

Zoning Ordinance:

- Section 504 – Freshwater wetlands regulations.
- Section 505 – Landscaping and screening requirements for nonresidential uses.
- Section 701 – Parking Requirements.

Materials provided by applicant:

- Application form, dated December 8, 2021
- Master Plan submission plans for “175 Post Road, Warwick, Rhode Island, Assessor’s Plat 291 Lots 45 & 74”, four sheets, prepared by DiPrete Engineering, 2 Stafford Court, Cranston, RI 02920, dated February 3, 2020, revised February 16, 2021, revised February 16, 2022.
- Master Plan narrative, dated December 16, 2021
- Master Plan re-application narrative, dated February 16, 2022
- RIHPHC Review, dated January 26, 2022
- Flood Hazard Layer Map, dated January 11, 2022

Additional materials:

- RIDEM Letter of Responsibility, dated July 23, 2019
- RIDEM Letter – Pre-application meeting summary, dated September 6, 2019
- Amended Environmental Land Usage Restrictions (ELUR) and Settlement Agreement, recorded in City of Warwick Land Evidence Records on April 15, 2019 on book 9249 pages 258-283
- Interdepartmental Review comments:
 - Fire Marshal
 - Sewer Authority
 - Department of Public Works

Existing Conditions:

The project site is located on the border of Warwick and Cranston, just outside Pawtuxet Village between Post Road and the southern bank of the Pawtuxet River. The parcel is 15.67 acres in size. An industrial building formerly occupied the site but has since been voluntarily demolished by the applicant. Piles of material and parts of the foundation remain on site of the former building. The parcel also contains a small stream and a walking trail that runs along the river, accessible through the parcel’s Post Road frontage.

Applicant's Proposal:

The applicant is requesting to subdivide the parcel into three parcels. Lot 1 is proposed to be 5.98 acres in size and contain four industrial buildings totaling 70,000 square feet in size for the proposed use of contractor storage units. Lot 2 is proposed to be 2.53 acres in size and will remain zoned Light Industrial but is not planned to be developed at this time. Lot 3 is a proposed 7.21 acre parcel that surrounds Lot 1 on three sides and contains the walking trail and open space area. Lot 3 is proposed to be donated to the city or another entity for continued use as walkable open space. The proposed development appears to meet dimensional regulations and no zoning relief or waivers have been requested by the applicant.

Planning Department Review:

The Planning Department has met with the applicant and has reviewed the submitted materials. The subject parcel contains several challenges to overcome in order to be developed, including the proximity to the Pawtuxet River and the presence of the floodway and flood zones on the area intended for development. As proposed, the use is consistent with the comprehensive plan and the Light Industrial (LI) zoning district. The Planning Department has identified several issues of concern present on the site or in the plans that could affect the Planning Board's ability to make the required findings for Master Plan approval:

1. **Signage** – No ground-mounted signage is shown on the submitted plans.
2. **Lighting** – The application does not specify the type or amount of lighting proposed.
3. **Donation of land/trail** – The applicant has discussed with the city the possibility of donating the proposed open space Lot 3 to the city or to another organization to allow for the preservation of the existing walking trail located on the site. The details of how to convey the rights to the use of the trail, whether by right-of-way easement or by transfer of title, have not yet been determined.
4. **Future development of third parcel** – The application contains a proposed second lot for development that would be 2.53 acres in size and would front directly onto Post Road on the east side of the walking trail. The applicant has indicated that there are currently no development plans for that parcel, however it is proposed to remain zoned Light Industrial (LI) and meets the minimum dimensional requirements for that zone. Proposed uses for that parcel have also included multi-unit housing, however that would require a re-zoning of the parcel.
5. **Development within the floodway and wetlands** – Part of the proposed development is located within the Pawtuxet River floodway that occupies the north side of the property. The buildings have been removed from the floodway areas in a revised design, however stormwater measures and impervious parking areas remain within the floodway.

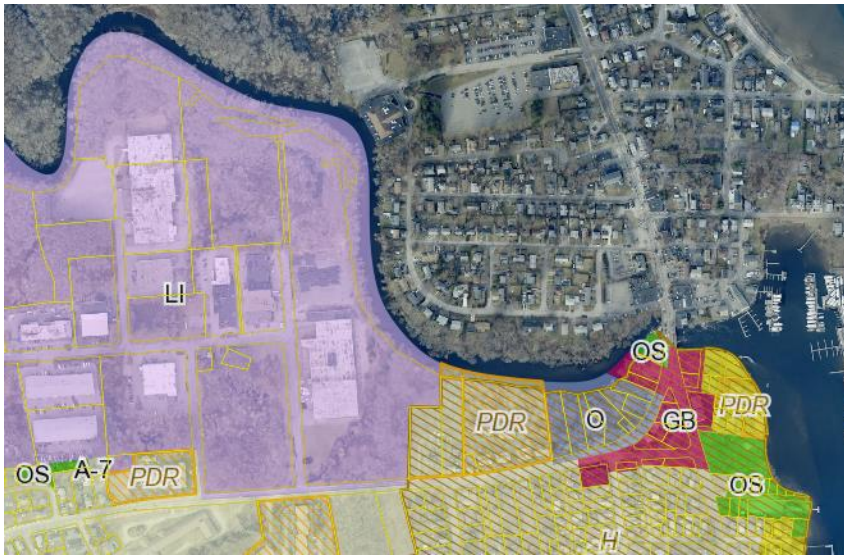
6. **Status of environmental remediation and state permits** – The applicants received in July of 2019 a “Letter of Responsibility” from RIDEM. As of March 2022, the applicants have not performed the required actions specified in the Letter of Responsibility. In addition to the remediation actions, the applicant has not restarted the state permitting process with RIDEM during this iteration of the project. With the existing ELUR on the site, the wetlands, and the floodways, the application is likely to need multiple permits from RIDEM. State permits are not a requirement for Master Plan approval, they are required at
7. **Minimum landscaping buffer standards** – To meet the requirements of Section 505 of the Warwick Zoning Ordinance, the applicant will need to incorporate a 10-foot wide landscape buffer across the entire frontage of the lot, with the exception of curb cuts. There are additional landscaping requirements for non-residential uses that abut a residential zoning district or PDR, including a 20-foot landscaped buffer and a fence or evergreen hedge.
8. **Potential excess of parking** – The applicant has proposed an amount of parking that meets the requirements of the zoning ordinance. The proposed use may not need as much parking as is prescribed by the zoning ordinance. In the interest of reducing development within the floodway, a plan for less required parking spaces could be considered as an alternative.
9. **Lot 74** – Lot 74 is a small rectangular parcel that appears to be a former street or right-of-way. The lot cannot be built upon and should be absorbed into one of the new proposed parcels as a part of this proposed subdivision.

Findings:

This project was before the Planning Board for a pre-application meeting in July of 2020. A previous Master Plan application was submitted to the Planning Department in February of 2020, however that application was deemed incomplete and was not re-submitted. The second and current Master Plan application was submitted on December 27, 2021 and was certified complete by the Planning Department on February 18, 2022. State law requires that the Planning Board render a decision within 90 days unless extended by written waiver from the applicant. In order to approve the Master Plan application, the Planning Board would need to make the following findings of fact (supported by legally competent evidence on the record) relative to the proposed development:

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;

3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
5. All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.



Zoning excerpt of surrounding area