



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

January 2023

RE: Assessor's Plat 268, Assessor's Lot 305
Williamsburg Drive/Jefferson Boulevard

The following is the decision on your application for Master Plan Approval of a Major Land Development Project as heard by the Warwick Planning Board at the regularly scheduled meeting held on December 14, 2022 and January 11, 2023.

The Applicant is proposing to construct a Pet Lodge/Kennel and Veterinary Hospital on the property. The pet lodge includes an office and administration building with both an indoor building and an outdoor recreational area and a separate building for the Veterinary Hospital. A full access driveway is proposed off Williamsburg Drive and an egress driveway (right turn only) is proposed for Jefferson Boulevard. Primary ingress/egress to be through a two-way curb-cut on Williamsburg Drive, secondary, southbound only egress onto Jefferson Boulevard.

After completion of the Public Informational Meeting, for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Informational Meeting, found this proposal to be inconsistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements of the City's Development Review Regulations, and Subdivision of Land*, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposal is inconsistent with the *City of Warwick, Comprehensive Plan 2033*, as the applicant has failed to satisfactorily address issues and present reasonable mitigation measures where there are the following inconsistencies:
 - a. *Chapter 4, Natural Resources* section of the *Comprehensive Plan* states as a goal that Warwick's natural resource systems, sensitive water resources and natural habitats be preserved and protected for future generations, with a companion policy to "*protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas.*"(4.20) The Applicant's proposal is to maximize the development on the subject lot, which, would necessitate regrading and filling adjacent to a state recognized, high-value wetland resource. The Applicant has not presented any design solutions/alternatives that would reduce the proposed development footprint to provide additional protection to the Three Pond wetland system. Without any design alternatives, the Board was not satisfied that this inconsistency has been properly addressed and mitigated as no efforts were made to limit filling/regrading required to construct the project as presented. The Board is unconvinced that appropriate mitigation measures have been employed to protect the natural characteristics of the land, topography, and natural values of the freshwater pond and wetland system.

- b. *Chapter 4, Natural Resources* section of the Comprehensive Plan (4.10) identifies the Three Pond Brook system as a “*freshwater wetland of particular importance.*” Due to the Three Pond Wetland system being “a habitat that supports rare species, specifically the Rhode Island Natural Heritage Program’s State-listed Sora Rail (*Porzana Carolina*). Fewer than 10 populations of this species are known statewide and its numbers are continuing to decline, primarily due to habitat destruction. The present configuration of the cattail marsh along with open water at this site favors the presence of not only the Sora, but other noteworthy species, including the Virginia Rail (*Rallus limicola*). The site has already been subjected to repeated alteration.”(4.16) The development footprint, as proposed, includes a footprint that would require alteration and disturbance of lands abutting the wetland resource area, including regrading and/or filling in the an area where the natural topography grades towards the pond. The Board acknowledges that permitting of such activities is within the jurisdiction of the Rhode Island Department of Environmental Management. However, in context of a review of the Comprehensive Plan and the proposed development activities and use, the Board is not satisfied that the Applicant has provided satisfactory evidence to mitigate wetland system impacts. No alternative site design was presented by the Applicant that would limit filling/grading in the area closest to the Pond. A reduced development footprint would potentially alleviate some of these concerns. Nor was satisfactory evidence provided that suitable controls would be in place to prevent liquid animal waste from impacting the Pond habitat and water quality. Therefore it was determined that the Applicant failed to provide for the control, protection and abatement of adverse impacts to the high value natural system.
 - c. Chapter 12, *Future Land Use, Zoning and Urban Design* also includes a Policy of “*protecting and supporting existing residential neighborhoods by preventing commercial intrusion in to residential neighborhoods*” (12.30). The Board considered testimony from both the Applicant and residents regarding the project’s ability to contain the noise emanating from the facility. Wethersfield Commons Board members and residents contended that the incessant cacophony of up to 150 barking dogs will unduly impair the quality of life for the adjacent community. Residents living on the opposite side of the Pond also argued that acoustical properties related to water allow the sound to travel farther and that the quiet enjoyment of their residences will be adversely impacted by the noise. The Applicant submitted an “Acoustical Study and Design Evaluation” conducted by Brooks Acoustic Corporation (Vernon, CT). The study concluded that “the proposed facility as designed for this site will be in compliance with the requirements of the City of Warwick Noise Ordinance, Section 40-13.” Finding the estimated sound levels to be well below the maximum permissible noise level of 60dBA at the property line and consistent with or below prevailing background sound levels in the area. The Planning Board contemplated the data and findings contained in the study, questioned the test scenarios utilized to generate the report and failed to be satisfied that the report adequately addressed expected noise emanating from the facility, particularly the negative impacts on the abutting residences. The Board agreed with the abutters that multiple barking dogs housed out of doors during the day is inimical to the public health, safety and general welfare of the surrounding residences.
2. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
 - a. The subject parcel is located within a General Industrial (GI) zoning district.

- b. Table 1. Use Regulations in the Warwick Zoning Ordinance identifies Use Code 407: *Veterinary Establishment and Kennel*, as a use that is allowed by-right in a GI Zoning District.
3. That there will be no significant negative environmental impact from the proposed development.
 - a) As noted above, (1. a and b.) the Applicant failed to provide the Board with adequate information to ensure that the Three Ponds wetland system will not be adversely impacted by the proposed filling, grading and disturbance immediately adjacent to the high-value wetland habitat. The Rhode Island Department of Environmental Management Natural Heritage Program inventoried habitats where rare species are found and has identified the Three Pond System as “*a site of particular interest in Warwick.*” (4.16). The Comprehensive Plan recommends that this site could benefit from additional protection such as “redirecting intensive development, establishment of buffer zones and other activities” (4.16). The Applicant failed to address the concern or attempt to redesign the site to accommodate a smaller development footprint to mitigate the concerns of the Board and the inconsistency with the Comprehensive Plan.
4. That the development, as proposed, 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 in consideration of the following:
 - a. The development, as proposed, is contained on a single lot (AP 268/ Lot 0305) and the Applicant has sufficiently demonstrated, at the Master Plan level of review, that the lot can appropriately support some development while remaining in conformance with pertinent regulations and building standards. The Board was not supportive of the extent of the proposed development footprint on the subject lot.
5. That the proposed development possesses adequate and permanent access to a public street:
 - a. The property fronts on Jefferson Boulevard and is proposed to have access to a both Williamsburg Drive and Jefferson Boulevard.

Based on the foregoing findings of fact, on a motion by Member, seconded by Member the Warwick Planning Board voted to adopt the above findings and deny Master Plan approval for the reasons contained herein.

Sincerely,

Philip Slocum, Chair
Warwick Planning Board