



CITY OF WARWICK
OFFICE OF THE CITY CLERK
3275 POST ROAD
WARWICK, RHODE ISLAND 02886
TEL. (401) 738-2006
FAX (401) 732-7640

Frank J. Picozzi
MAYOR

Lynn D'Abrosca
CITY CLERK

TO: BettyAnne Rogers – Sewer
Neal Dupuis - Tax Assessor
Eric Hindinger – Engineer
Fire Chief – Peter McMichael
Historic District Commission – Lidia Cruz-Abreu
Land Trust/Wildlife Cons/ Historical Cemeteries– Sue Cabeceiras
Kyla Jones - Tax Collector
Chief Brad Connor – Police
Building Official – Al DeCorte
Water – Terry DiPetrillo

FROM: Lynn D'Abrosca, City Clerk
Date: May 2, 2022

Subject: to amend the Future Land Use Map (FLUM) as contained in the City of Warwick Comprehensive Plan 2013-2033, "City of Livable Neighborhoods" (Comprehensive Plan)

Applicant: A.R. Building Company, Inc.
Assessor's Plat: 278
Assessor's Lots: Lot 30-42, 103-114, 144-147
Location: Metro Blvd and Kilvert Street – Ward 3
Present Future Land Use Map Classification: Technology-Light Industry
Proposed Future Land Use Map Classification: Mixed Use

Reason for Proposed Change: The Applicant is requesting a recommendation to the City Council for a Comprehensive Plan Amendment to amend the Future Land Use Map (FLUM), specifically for Assessor's Plat 278, Assessor's Lot 30-42, 103-114, 144-147. The FLUM depicts the intended use for these lots front Technology-Light Industry to Mixed Use to permit multi-family residential development.

Please review and comment on the attached application and return to the Clerk's office no later than **May 6, 2022**. Your comments are required so that the City Council may consider this application on **May 16, 2022**. Should you have "no comment" on the attached plan, you are still required to sign off on this memo with a notation that your department does not have any concerns with the application.

Comments: The Warwick Sewer Authority has no objection to this application and no additional comments since providing the attached review of the Master Plan Submission on 3/28/2022.

Date: May 4th, 2022

Director's signature: Bethelina Rogers

For use by Tax Assessor/Collector and Planning Director only (if applicable):

Assessed value of property: _____ Annual taxes: _____

Appraised value of property: _____



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

MEMORANDUM

TO: Al DeCorte, Building
Eric Earle, Engineering
Peter McMichael, Fire
Bradford Connor, Police
BettyAnne Rogers, Sewer
Neal Dupuis, Assessment
Terry DePetrillo, Water

Harbor Management Commission
Historic Cemetery Commission
Historic District Commission
Land Trust
Wildlife & Conservation Commission

FROM: Lidia Cruz-Abreu, Asst. Administrative Officer

DATE: December 9, 2021

SUBJECT: Comprehensive Plan Amendment

Please find attached a sketch of a proposed Comprehensive Plan Amendment to allow for a Zone Change for properties along and abutting Marvin Street, Cottage Street, Thurber Street, Dorrance Street, Graystone Street, Kilvert Street, Metro Center Boulevard, and Airport Connector Road. The Applicant is seeking a Comprehensive Plan Amendment to allow for a Zone Change, (under separate cover) from A-7 Residential, A-7 Planned District Residential and General Industrial to Gateway District, to allow for the development of 240 apartments on Assessor's Plat 278; Assessor's Lot 145. Please review this proposal and forward written comments to this office.

Comments:

The Warwick Sewer Authority has no objection to the Applicant's Comprehensive Plan Amendment to allow for a Zone Change.

The Warwick Sewer Authority reserves the right to comment on future project proposals.

12/10/21
Date

BettyAnne Rogers
Signature

PLANNING DEPARTMENT • THOMAS KRAVITZ, DIRECTOR
3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009

Gary C. Jarvis
Chairman



Frank J. Picozzi
Mayor

BettyAnne Rogers
Executive Director

Dana A. DiScullo
Superintendent

Warwick Sewer Authority
125 Arthur W. Devine Boulevard
Warwick, RI 02886
Voice: (401) 739-4949 • Fax: (401) 739-1414

Date: March 28, 2022

To: BettyAnne Rogers *BAR*
Executive Director

Re: Plat 278 Lots 145

From: Mathew J. Solitro
Collection System /
Project Manager WSA

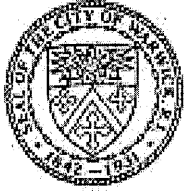
BettyAnne,

Upon review of the "Master Plan Submission" submitted by DiPrete Engineering pertaining to Plat 278 Lot 145 I offer the following:

1. There are no outstanding assessments at this time.
2. We would call your attention to the fact that this project will likely need a pump station.
3. Alteri Way Pump Station is located on Plat 276 Lot 20 and services 124 commercial properties in the park. This station discharges into a 6" PVC force main that is tied into our 48" gravity interceptor.
4. The Kilvert Street Pumping station is located directly across the street on Plat 278 Lot 130. This station services Metro Center Park which discharges into a 6" PVC force main. This main could be tapped to receive flow from the proposed project, DiPrete will need to investigate feasibility.

The WSA reserves the right to revise or revoke our comments or opinions in the event that subsequent examination reveals any data indicated on any plan, form, sketch, etc. to be incorrect or additional information is introduced that necessitates revisions.

Mathew J. Solitro
Collection System / Project Manager
Warwick Sewer Authority



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FROM: Lynn D'Abrosca, City Clerk
Date: May 2, 2022

Subject: to amend the Future Land Use Map (FLUM) as contained in the City of Warwick Comprehensive Plan 2013-2033, "City of Livable Neighborhoods" (Comprehensive Plan)

Applicant: A.R. Building Company, Inc.
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Comments: No comment

Date: 05/06/2022

Director's signature: Eric Hindinger, Engineer Program Manager

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Comments:

Date:

5-2-2022

Director's signature:

Peter McMichael, Fire Chief

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Comments: Property not within a historically zoned area, therefore, the
HDC has no comment.

Date: May 2, 2002

Director's signature: [Signature]
HDC staff

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CITY OF WARWICK

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MEMORANDUM

TO: Al DeCorte, Building
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Terry DePetrillo, Water

Harbor Management Commission
Historic Cemetery Commission
Historic District Commission
Land Trust
Wildlife & Conservation Commission

FROM: Lidia Cruz-Abreu, Asst. Administrative Officer

DATE: December 9, 2021

SUBJECT: Comprehensive Plan Amendment

Please find attached a sketch of a proposed Comprehensive Plan Amendment to allow for a Zone Change for properties along and abutting Marvin Street, Cottage Street, Thurber Street, Dorrance Street, Graystone Street, Kilvert Street, Metro Center Boulevard, and Airport Connector Road. The Applicant is seeking a Comprehensive Plan Amendment to allow for a Zone Change, (under separate cover) from A-7 Residential, A-7 Planned District Residential and General Industrial to Gateway District, to allow for the development of 240 apartments on Assessor's Plat 278; Assessor's Lot 145. Please review this proposal and forward written comments to this office.

Comments:

The Warwick Sewer Authority has no objection to the Applicant's Comprehensive Plan Amendment to allow for a Zone Change.

The Warwick Sewer Authority reserves the right to comment on future project proposals.

12/16/21
Date

BettyAnne Rogers
Signature

PLANNING DEPARTMENT • THOMAS KRAVITZ, DIRECTOR
3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009

From: Warwick Land Trust Chairperson, Leslie Derrig
Date: May 5th, 2022

Subject: to amend the Future Land Use Map (FLUM) as contained in the City of Warwick Comprehensive Plan 2013-2033. "City of Livable Neighborhoods" (Comprehensive Plan)

In February 2022 the Warwick Land Trust issued the following statement in response to the request for a zone change from General Industrial to Warwick Station Gateway and request for amendment to the Comprehensive Plan's future land use map 12.1 for Plat 278, Lots 145, 146 and 147:

"Warwick Land Trust recommends that the Planning Board does not make any zone changes until the remediation site (lots 146 & 147) has been completed, a letter of compliance has been issued, and the environmental land use restrictions have been approved by DEM and made available to the public."

A public records request, comprehensive review of the remediation regulations, and discussions with environmental engineers has yielded many concerning aspects of the 36-acre brownfield, including lots 146 (solar farm) and 147 (wetlands). DEM remedial regulation requires that this property be subject to an Environmental Land Use Restriction (ELUR), which cannot be issued until remediation compliance goals have been met. The Remedial Action Work Plan put forth by Southern Sky Renewable Energy and approved by DEM states:

"The ELUR for the entire property will: Restrict the property use to commercial/industrial use only (i.e., no residential activity is allowed)"

To provide clarity, this property has not met its remediation compliance goals, specifically containments in monitoring wells that exceed Ground Water B limits. Therefore, it remains as active remediation site subject to the Remediation Action Work Plan (RAWP) approved by DEM. A remedial action closure report and Environmental Land Use Restriction can NOT be issued until compliance goals are met. DEM has not issued a Letter of Compliance (LOC) or a No Further Action. Most importantly, contaminated soil stored on-site (recorded as a conservation easement) limits this property to industrial/commercial use only, with no residential activity.

With these facts, it would be irresponsible for the zoning board to approve a zone change which would broaden the scope of the land usage beyond general industrial. The current proposal by AR builders fails to disclose these facts, looks to circumvent regulations, and has the potential to negatively impact the health and wellbeing of the citizens of Warwick and therefore should be denied. It is imperative that no zone change be considered until DEM approval and the finalized Environmental Land Use Restriction (ELUR) has been issued for public review.

The Warwick Land Trust had previously researched this parcel last year when we were given the opportunity to discuss with A.R. Building Company their plans for a zoning change and usage of the property.

We had discussed the Plat 278: Lots 30-42, 103-114 & 144-147. The property had previously been categorized as a Brownfield (hazardous site) and a wetlands. Originally the WLT had wanted to request that the owner consider deeding the wetlands and unusable land to the land trust and then we thought it would be too dangerous for us to own property designated as a Haz waste parcel, unless we knew what the Haz waste is and had tests done.

Our meeting notes on the 1-25-22 meeting are as follows:

Present at meeting: Warwick Planning Department, John Bolton – Attorney representing Developer, Emily Mitchell – AR Development Team, Brandon Carr – DiPrete Engineering, Susan Cabeceiras - Warwick Planning Department, Lidia Cruz-Abreu – Warwick Planning Department,

- I. Discussion/Action Comprehensive Plan Zone Change 240 unit apartment complex Kilvert St and Metro Center Blvd Plat 278, Lot 145; Plat 278 Lots 30-42, 103-114, 144-147
- II. Discussion/Action Zone Change, Industrial to Gateway; 240 unit apartment complex Kilvert St and Metro Center Blvd Plat 278, Lot 145; Plat 278 Lots 30-42, 103-114, 144-147.

John Bolton, attorney, clarified the zone changes by stating that it includes lots owned by the city. The city wishes to change the zoning to Gateway. He clarified the proposed project is for 240 units with parking.

Leslie Derrig asked John Bolton regarding current zoning and why wetlands in the lots need rezoning. John Bolton replied it is zoned as General Industrial.

Lidia Cruz-Abreu shared her computer screen to show the zoning. She explained it has been an “Industrial Zone” for years. To have residences built the zoning needs to change. For the zoning to change, it has to happen to all the lots together, cannot have floating zones. All areas would be zoned “Gateway” if approved.

Michael Zarum asked about the differences between Gateway vs. Residential zoning. John Bolton said the City’s Planning Dept. decided Gateway Zoning would be better for this project. Brandon Carr added that expanding the existing Gateway zoning from adjacent lots was preferable.

Nathan Cornell proposes that Lot 147 be zoned as Open Space and given to the city. Leslie Derrig agrees and asks the developer to consider wetlands as Open Space. John Bolton would consider this option and present to client. Emily Mitchell clarified that Lot 147 is not under control of AR Development; they are only planning to build on Lot 145. Lot 146 is a Solar field.

Michael Zarum asked why Master Project Plans were not provided. Lidia Cruz-Abreu replied they are not needed for this discussion. Michael asked if there will be a public hearing on project, given the amendments to the comprehensive plan.

Lidia Cruz-Abreu replied that these are amendments to components that happen 4 times a year and do not require a public hearing like changes to Comprehensive Plan.

Kate Fitzpatrick expressed concerns on environmental waste on solar field. Emily Mitchell replied that is not the lot we are developing.

Lidia Cruz-Abreu added that the lots are being rezoned together to avoid spot-zoning and continue the City Center Gateway Zoning through Lots 144-147.

Kate Fitzpatrick expressed concerns of developing Residential in an area that is basically Industrial and building next to a brown field (solar field). Brandon Carr clarified that the site for proposed development is a former gravel site, and there are no environmental implications, DEM has done full environmental diligence. Lot is also not adjacent to solar field.

Kate Fitzpatrick expressed concerns of foot traffic going through solar field. Also about low-income housing next to a former brown field and exposing vulnerable populations to industrial sites.

Michael Zarum asked Brandon Carr to explain the topography of Lot 145. He explained that site is pretty much flat, slightly higher than the wetlands, water heads southwest.

Nathan Cornell emphasized that not all the lots need to be zoned Gateway and Lot 147 should be re-zoned Open Space.

Lidia Cruz-Abreu showed on the lot map that the surrounding properties are zoned General Industrial. John Bolton added that they only need zone changes to Lot 145 but the City is requesting the rezoning of adjacent properties. Lidia Cruz-Abreu asked about improvements to the area as result of project. Emily Mitchell replied that it would be 280 units, 3 buildings, 1-2 bedroom studios, market rate. It will bring new residents into Warwick. Michael Zarum said that constituents ask him about other amenities in the project like playgrounds or parks. Brandon Carr replied there will be a pool, common rooms, outdoor recreation areas, but not public playground or park. Residents will be young single people or older residents. There will be a sidewalk on Kilvert Street. Possible bike access and road improvement. John Bolton added that it will be non-transient population that will add an economic boost.

Leslie Derrig asked to refocus on the rezoning in question. She doesn't want to rezone General Industrial if not needed. Emily Mitchell mentioned there is no intention of developing the wetland areas. Nathan Cornell asked that the wetlands be carved out as Open Space. John Bolton commented that legally it would be a challenge but there are probably simpler ways to protect the wetlands area. Aaron Schurman asked of concerns of future development into wetland areas. Brandon Carr said that due to wetland restrictions and rezoning it won't be developed. He added that General Industrial is more permissive zoning than Gateway.

We suggested to the owner that he do a Hazardous Waste test and a soil test to determine the soil's contamination and get back to us with the results. We also reached out to DEM to ask if they had any knowledge of the contaminates; neither has gotten back to us with the results.

Many questions came as a result of this discussion and were passed on to Lidia Cruz-Abreau. These requests were for:

1) Clarification on of the specific language in Agenda Item III); Specifically, the language of "Comprehensive Plan Zone Change". We requested to have this before the 12/28 WLT meeting the following:

1.1) Is the Applicant's request limited to zone change(s) as outlined in Lidia's email* (*The Applicant is seeking Zone Change, from A-7 Residential, A-7 Planned District Residential and General Industrial to Gateway District, to allow for the development of 240 apartments on Assessor's Plat 278; Assessor's Lot

145.); AND are those requests consistent with the current Warwick Comprehensive Plan in the opinion of qualified (AICP) Planning Department Staff; or

1.2) Is the Applicant requesting, or is the Planning Department, also requesting a "**Comprehensive Plan Change**", and why?

2) Please furnish all members of the Warwick Land Trust with the following document(s) mentioned in the WLT 12/28/2021 and not provided to WLT members with the agenda or prior to the planned meeting where Discussion/Action is on the agenda:

2.1) A copy of the **Comprehensive Plan Zone Change draft language** as requested / proposed by the Applicant and / or the Planning Department regard the subject application.

2.2) A copy of the Applicant's Application submission checklist and Project Narrative

We also noted to Lidia:

I am also making note that to comply with state law, including the city in processing the Applicant's request, all must comply with RIGL Title 45 Chapter 22.2, the Rhode Island Comprehensive Planning and Land Use Act. i.e., Zoning and Zoning changes are to be made compliant and consistent with the current comprehensive plan, NOT make the Comprehensive Plan consistent with what an applicant requests for Non-Compliant Zoning or Land Use Application where land use and districts are already covered in the Current Comprehensive Plan.

We also requested:

Please also furnish WLT members who are asked to comment on the subject Application, with web links to a) The Warwick Comprehensive Plan and also to b) RI General Laws on Comprehensive Planning and the Rhode Island Comprehensive Planning and Land Use Act, as WLT members cannot make an informed decision or opinion without considering those documents for the agenda discussion.

Here are the links to officially get out to WLT members, along with the agenda listed comprehensive plan change language:

<https://www.warwickri.gov/planning-department/pages/comprehensive-plan>

<http://webserver.rilin.state.ri.us/Statutes/TITLE45/45-22.2/INDEX.htm>

Regarding Lidia's role as AAO/Planning board and her email dated December 9, 2021, Subject "Zone Change Sign-Off AR Builders", Who was that email request sent to, and is the Applicant's Zone Change Application on file with the Planning Department or with the Zoning Department?

Since nothing has been answered or returned to us, it is hard for us as a Land Trust to make an accurate conclusion as to how we stand on this without the above information. However, we can say what the Comprehensive Plan specifically states, is highlighted in yellow, and that alone would be considered as a reason not to change the zoning. Also, without having tested the soil for what has been previously noted, we would not accurately form a decisive evaluation.

In conclusion, there are a lot of issues that need to be answered before anyone can render a decision, for that reason, the Land Trust is not in favor of this zoning change.

Kind regards,

Leslie A. Derrig

Land Trust Chairperson

Lesderr08@gmail.com

Office: +1.401.603.0787 | Mobile: +1.516.458.4181



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

To: Warwick City Council Members
Warwick Planning Board
Warwick Planning Committee
Mayor Frank Picozzi
Susan Cabeceras
Lydia Cruz-Abreu, Asst. Admin. Off.
Land Trust Members
Wildlife & Conservation Commission

Al DeCorte, Building
Eric Earle, Engineering
Peter McMichael, Fire
Bradford Connor, Police
Betty Ann Rogers, Sewer
Harbor Management
Historic District Commission
Historic Cemetery Commission

Subject: Comprehensive Plan and Zone Changes, including Plat 278, lots 145, 146 & 147

In response to the request for a zone change from General Industrial to Warwick Station Gateway and request for amendment to the Comprehensive Plan's future land use map 12.1, the Warwick Land Trust issues the following statement.

Warwick Land Trust recommends that the Planning Board does not make any zone changes until the remediation site (lots 146 & 147) has been completed, a letter of compliance has been issued, and the environmental land use restrictions have been approved by DEM and made available to the public.

This motion was passed unanimously in the February 25, 2022 meeting, based on new information presented. New information from public records requests and communication with DEM brought to light that **the proposed 240 apartment building on Lot 145 would abut an active remediation site.** Lots 146 (solar farm) and 147 (wetlands) comprise a 36-acre remediation site. This site has not yet met its compliance goals and hasn't received a Letter of Compliance or a no further action (NFA). Furthermore, the soil easement on the solar farm, requires the site to have an environmental land use restriction (ELUR), which has not been released/approved by DEM. In short, this project has not been completed and is still an active remediation site. It is important to know what restrictions (ELUR) will be placed on the land prior to rezoning.

In addition, the Warwick Land Trust would like to rescind the letter dated Dec. 9, 2021, signed by Susan Cabeceras, on behalf of the WLT. The following motions were rescinded based on the above new information.

RECINDED: "Motion that there is a consideration for Lot 147 to be zoned as Open Space when remaining lots in proposal are rezoned Gateway. Additionally, if the City Council finds it suitable, that Lot 147 is deeded to the city."

RECINDED: "motion that the motion put forward by Nathan Cornell would apply to both Zoning Change requests."

Sincerely,

Leslie A. Derrig

Leslie Derrig, Chair
Warwick Land Trust



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Comments: NA

Date: 3/2/22

Director's signature: *M. Allen*

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