



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

April 5, 2022

TPG Dev Con
1140 Reservoir Avenue
Cranston, RI 02920

RE: Assessor's Plat 215, Assessor's Lot 008
1149 Division Street (Route 401)

Dear Applicant:

The following is the decision on your application for Preliminary Plan Approval of a Major Land Development Project heard by the Warwick Planning Board at the regularly scheduled meeting held on April 13, 2022. The Planning Board reviewed your proposal to demolish the existing restaurant building and construct a new 5,500 SF +/- retail gas station/marketplace, with a drive thru window and associated parking/loading areas, on the subject parcel. Proposed access/egress to/ from the site will be provided by two driveways: one right-in only driveway from the westbound side of Division Street (Route 401) and one full access curb cut aligned with the signalized intersection that will allow vehicles to enter or exit the site eastbound or westbound to/from Division Street, or access the on-ramp to Route 4 southbound.

After completion of the Public Hearing, 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 Meeting, found this proposal to be generally consistent 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 generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. The project involves the redevelopment of a property that is currently vacant and unutilized, and proposes substantial landscaping along the public way. *Chapter 12* of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* states that 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is "very important." The project is consistent with this Comprehensive Plan element, provided the landscaping, signage, and building features conform to all current zoning requirements.

PLANNING DEPARTMENT • BRUCE KEISER, DIRECTOR
3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009

- b. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is the “impacts of high traffic speeds.” The site is located directly adjacent to two major state highways (Route 4 and Route 95) with a proposed direct on ramp/off ramp access to both routes. The applicant has completed traffic analysis with proposed appropriate design measures that have been reviewed by and found to be consistent with state requirements by the State of Rhode Island Department of Transportation (PAP Application No. 21-51).
 - c. Although the proposed project abuts parcels to the west currently zoned residential (A40), the actual use on the abutting property is industrial in nature with an electric substation. The abutting parcel to the east is commercially zoned (GB) and areas to the south of the site are associated with the highway on ramps and off ramps. The project is therefore consistent with a stated policy in *Chapter 12* of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.”
 - d. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is “potential impacts of nonresidential development on residential areas...” Although the proposed project abuts parcels to the west currently zoned residential (A40), the parcel contains an electric substation so the actual surrounding land use is industrial and commercial in nature. The closest actual residential dwelling is more than a quarter mile from the site and across an interstate highway. The project is therefore consistent with this Comprehensive Plan element.
 - e. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is “potential impacts of nonresidential development on ... environmentally sensitive areas.” The parcel does not directly abut any areas of special environmental concern. However, the applicant has incorporated appropriate measures to mitigate stormwater runoff, which has been found to be consistent with the State of Rhode Island Pollutant Discharge Elimination System General Construction Permit, and therefore maintains consistency with the Comprehensive Plan.
2. That the proposal is compliant with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
- a. The project received Zoning Board of Review approval (Petition # 10763; January 14, 2022) for a conditional Special Use Permit (SUP) pursuant to *TABLE 1. USE REGULATIONS, Use Code 421. Gas station (no repairs), with a convenience store*
 - b. The project received Zoning Board of Review approval (Petition #10763; January 14, 2022) for all required dimensional variances.

3. That there will be no significant negative environmental impact from the proposed development as the project received approval with conditions from the Rhode Island Department of Environmental Management Office of Water Resources (WQC/STW File No. 21-084; UIC File No. 002044; RIPDES File No. 102195 – Dated June 23, 2021).
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 solely on a single lot (AP 215/Lot 008) and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.
5. That the proposed development possesses adequate and permanent access to a public street (Division Street/Route 401).
 - a. RIDOT acknowledgement (RIDOT PAP Application No 21-51; dated November 15, 2021) that the project has been designed to meet RIDOT design standards and that a Physical Alteration Permit will be issued upon issuance of required DOT bonds for the project.

Based on the foregoing findings of fact, on a motion by XXXXX, seconded by XXXX, the Warwick Planning Board voted XX in favor, XX opposed, to adopt the above findings of fact and grant Preliminary Plan Approval with Final Approval to be completed by the Administrative Officer, with the following stipulations:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island," effective date November 25, 2015.
2. That the Applicant shall submit a Final Land Development Plan that complies with Appendix C, Final Application, of the City's Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. A Soil Erosion and Sediment Control permit must be obtained from the City of Warwick prior to the commencement of any construction activities, including vegetation clearing and earthwork.
4. Soil erosion and sediment control measures must be properly maintained throughout construction.
5. The Design Engineer must inspect the installation of the Stormwater Management System (SMS) and submit a certification that the construction substantially conforms to the approved plans. In addition, the Design Engineer must prepare an as-built plan of the SMS;

highlighting any significant deviations from the approved plan. Changes from the design plan will require prior authorization from the Approving Authority.

6. The Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System. The Property Owner shall be responsible for the operation and maintenance of all proposed stormwater mitigation measures.
7. At a minimum, cleanouts should be installed at all changes in direction for all roof leaders and drain pipes less than 12-inches in diameter. Drain manholes should be utilized for pipes equal or greater than 12-inches in diameter.
8. Full compliance with all conditions and requirements of the State of Rhode Island Department of Environmental Management.
9. Protect all RI Highway Bounds and permanent survey markers throughout the completion of the project. This must be noted on the Final Development Plans.
10. Full compliance with all permit requirements of the West Warwick Sewer Treatment facility (WWTF).
11. Full compliance with all permit requirements of the Kent County Water Authority for water service to the site.
12. That the Final Plan shall include a notation reference to the Zoning Board Conditional Special Use Permit.
13. That prior to the issuance of a Certificate of Occupancy, the Developer must remove all of the existing asphalt parking area that encroaches onto the Narragansett Electric Co. property to the west of the subject lot.
14. Issuance of a Physical Alteration Permit Conditions (Application 21-51) from the Rhode Island Department of Transportation and demonstrated compliance with all conditions.
15. That there shall be no architectural, landscaping, or natural barriers proposed on the plan that prevent easy access of fire apparatus.

Sincerely,

Philip Slocum, Chair
Warwick Planning Board

Cc: Nicole Reilly, DiPrete Engineering
K. Joseph Shekarchi, Esq., Shekarchi Law