



## CITY OF WARWICK

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**FRANK J. PICOZZI, MAYOR**

**City of Warwick  
Planning Board Meeting  
Minutes  
May 12, 2021**

**Members Present:** Valerie Bataille  
Benny Bergantino  
Vincent Gambardella  
Cynthia Gerlach  
Michael Holmes  
Michael Penta  
Linda Polselli  
Philip Slocum

**Members Absent:** Steve Catalano

**Also in Attendance:** Bruce Keiser, Planning Director/Administrative Officer  
Lidia Cruz-Abreu, Asst. Administrative Officer  
Lucas Murray, Asst. Principal Planner  
Eric Hindinger, Engineering Project Manager  
David Petrarca, Solicitor

Chairman Slocum called the meeting to order at 6:05 p.m.

The March 2021 meeting minutes were presented for review and approval. A motion was made by Mr. Holmes, seconded by Ms. Polselli, to approve the March 2021 Planning Board minutes. All in favor; with Mr. Gambardella abstaining.

The April 2021 meeting minutes were presented for review and approval. A motion was made by Mr. Holmes, seconded by Ms. Polselli, to approve the April 2021 Planning Board minutes. All in favor; no abstentions.

**Public Hearing**  
**Major Subdivision**  
**Winnisquam Plat**  
**Preliminary**

Location: 21 Silent Drive  
Major Potter Road  
Winnisquam Road  
Warwick Assessor's Plat: 223  
Warwick Assessor's Lots: 152 & 174  
Applicant: AJC Development  
Owner: Vincent & Jillian Gebhart  
Peter J. Lewis Trustee  
Zoned: A-15-Residential  
Total Land Area: 33,907 square feet  
Ward: 9  
Surveyor: Alpha Associates, LTD

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented a continuation to the June 9, 2021 Planning Board meeting.

Mr. Gambardella, seconded by Ms. Polselli, made a motion to open the public information meeting. All in favor; none opposed. Mr. Gambardella, seconded by Mr. Bergantino made a motion to continue the public informational meeting to the June 9, 2021. All in favor; none opposed.

**Public Informational Meeting**  
**Major Subdivision**  
**Sprague-Covington Plat**  
**Revised Master Plan**

Location: West Shore Road  
Warwick Assessor's Plat: 336  
Warwick Assessor's Lots: 199 & 200  
Applicant: Sprague Covington, LLC  
Zoned: A-10-Residential  
Area: 3.2 acres  
Ward: 4  
Surveyor: Ocean State Planners, Inc.

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices, represented the Applicant who was seeking a Revised Master Plan Approval of a Major Subdivision. The Applicant proposes to subdivide (1) one 3.2 acre lot, to create (4) four lots; (1) one new 2.3 acre lot for Open Space Land Dedication to the City of Warwick; (1) one new 10,749, square foot lot with less than required frontage and lot width for the development of a single-family dwelling, (1) one new 13,454 square

foot lot with less than required lot width for the development of a single-family dwelling; and (1) one new 12,819 square foot lot with less than required lot width for the development of a single-family dwelling; in an A-10 Residential Zoning District.

### **Planning Department Findings**

The Administrative Officer finds the 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 proposed development is generally consistent with the Comprehensive Community Plan 2033, which supports Moderate-Density Residential land uses in the general area; the proposal is generally consistent with the existing neighborhood, which consists of other single-family dwelling parcels within the 200' radius, and:
  - Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled “Future Land Use, Zoning and Urban Design: Goals and Policies,” which promotes developments “*that are safe, attractive, well-maintained and stable... ones designed to “protect... and support...existing residential neighborhoods;”*
  - It further promotes... “*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character of the surrounding area...*”
2. That the Subdivision, as proposed, is *NOT* consistent with the standards and provisions of the City's Zoning Ordinance; therefore will require Zoning Board of Review Approval for (1) one new 10,749, square foot lot (Parcel B) with less than required frontage and lot width for the development of a single-family dwelling, (1) one new 13,454 square foot lot (Parcel C) with less than required lot width for the development of a single-family dwelling; and (1) one new 12,819 square foot lot (Parcel D) with less than required lot width for the development of a single-family dwelling; as depicted on the Sprague Covington Plat Master Plan dated March 30, 2021.
3. That, at the Master Plan Review Stage, the subdivision, as proposed does not appear to have significant negative environmental impact. All State Approvals will be required at the Preliminary Approval Phase'
4. That, at the Master Plan Review Stage, the subdivision, as proposed, does not appear to 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. All State Approvals will be required at Preliminary Approval Phase.
5. That the subdivision possesses adequate access along West Shore Road.

6. That the development, as proposed, will have access to Municipal Sewer and Water.

Planning Staff read the recommendations into the record.

### **Planning Department Recommendations**

Planning Department recommendation is to grant Master Plan Approval, with the following stipulations:

1. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with the Rules and Regulations for Professional Land Surveying in the State of RI; Effective November 25, 2015.
2. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.
3. That, prior to Preliminary Application, the Applicant shall receive Zoning Board of Review Approval for ((1) one new 10,749, square foot lot (Parcel B) with less than required frontage and lot width for the development of a single-family dwelling, (1) one new 13,454 square foot lot (Parcel C) with less than required lot width for the development of a single-family dwelling; and (1) one new 12,819 square foot lot (Parcel D) with less than required lot width for the development of a single-family dwelling; as depicted on the Sprague Covington Plat Master Plan dated March 30, 2021.
4. That, prior to Preliminary Submission, the Applicant shall coordinate with the City's Sewer Authority and Water Division regarding location of existing and proposed utilities.
5. That, prior to Preliminary Submission, the Applicant shall coordinate with the City's Engineering Division regarding Stormwater mitigation.
6. That, prior to Preliminary Submission, the Applicant shall receive all required State Approvals.
7. That, prior to the Preliminary Approval, the Applicant shall provide a landscape plan, that shall include, but not be limited to, detailing a (6) six foot stockade fence along easterly property line of Parcel B, along Assessor's Plat 336-Assessor's Lot 202.

Ms. Gerlach, seconded by Ms. Bataille, made a motion to adopt the Planning Department's Findings and Recommendations, as read and amended, and to grant Master Plan Approval. All in favor; none opposed.

### **Public Informational Meeting** **Major Subdivision**

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

**Division-Valley Brook Plat**  
**Master Plan**

Location:	635 Division Street Valley Brook Drive
Warwick Assessor's Plat:	217
Warwick Assessor's Lots:	8
East Greenwich Assessor's Plat:	83-9
East Greenwich Assessor's Lot:	368
Applicant:	Alpha Real Estate Lending, LLC
Warwick Zoning:	A-40-Residential
East Greenwich Zoning:	Farming F-1
Area:	16.4 acres
Ward:	9
Surveyor	Ocean State Planners, Inc.

**Project Scope**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law; represented the Applicant who was seeking a Master Plan Approval of a Major Subdivision. The Applicant proposes to subdivide (1) one 16.4 +/- acre lot to create (2) two lots; (1) one new 6.8 +/- acre lot with an existing single-family dwelling fronting along Division Street meeting and exceeding the requirements of the A-40 Zoning District; and (1) one new 8.6 +/- acre lot fronting along Valley Brook Drive, with less than required frontage and lot width, for the development of a single-family dwelling; in an A-40 Residential Zoning District.

**Planning Board Findings**

The Administrative Officer finds the 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 Statement* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Section 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the protection of established residential neighborhoods, and is generally consistent with the existing neighborhood within the 400' radius, which consists of varying lot sizes, in the A-40 Residential District.
  - a. Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled "Future Land Use, Zoning and Urban Design: Goals and Policies," which promotes developments "*that are safe, attractive, well-maintained and stable... ones designed to "protect... and support...existing residential neighborhoods;"*"
  - b. It further promotes... "*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with*

*the character of the surrounding area;”*

2. That the Subdivision, as proposed, is NOT consistent with the standards and provisions of the City’s Zoning Ordinance; therefore will require Zoning Board of Review Approval for (1) one new 8.6 +/- acre lot fronting along Valley Brook Drive, with less than required frontage and lot width, for the development of a single-family dwelling; in an A-40 Residential Zoning District.
3. That, at the Master Plan Review Stage, the subdivision, as proposed does not appear to have significant negative environmental impact. All State Approvals will be required at the Preliminary Approval Phase’
4. That, at the Master Plan Review Stage, the subdivision, as proposed, does not appear to 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. All State Approvals will be required at Preliminary Approval Phase.
5. That the subdivision possesses adequate access to a public street along Division Street for the existing single-family dwelling and Valley Brook Drive for the proposed single-family dwelling.
6. That the development, as proposed, will have access to RIDEM-OWTS and Kent County Water.

Planning Staff read the Recommendations into the record.

### **Planning Department Recommendations**

Planning Department recommendation is to grant Master Plan Approval, with the following stipulations:

1. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with the Rules and Regulations for Professional Land Surveying in the State of RI; Effective November 25, 2015.
2. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include, but not be limited to:
  - a. Detail an area for snow storage to allow for accessibility to the proposed driveway
  - b. Note all existing and proposed pavement areas
3. That, prior to Preliminary Submission, the Applicant shall receive Zoning Board of Review

Approval for (1) one new 8.6 +/- acre lot fronting along Valley Brook Drive, with less than required frontage and lot width, for the development of a single-family dwelling; in an A-40 Residential Zoning District.

4. That, prior to Preliminary Submission, the Applicant shall coordinate with RI Historic Preservation and Heritage Commission, regarding archeology.
5. That, prior to Preliminary Submission, the Applicant shall coordinate with the City's Engineering Division regarding Stormwater mitigation.
6. That, prior to Preliminary Approval, the Applicant shall receive all required State and Local Approvals.
7. That, prior to Preliminary Approval, the Applicant shall provide draft deeds that shall restrict the parcel to (1) one single-family dwelling and related accessory uses and prohibit the installation of fencing along the wetland buffer, as determined by RIDEM, to allow for wildlife access.

Ms. Bataille, seconded by Mr. Penta made a motion to adopt the Planning Department's Findings and recommendations, as read and amended, and to grant Master Plan Approval. Ms. Bataille, Mr. Bergantino, Mr. Gambardella, Mr. Holmes, Mr. Penta, Ms. Polselli, and Mr. Slocum voted in favor; with Ms. Gerlach recusing.

**Public Informational Meeting**  
**Major Land Development/Subdivision**  
**281 Centerville LLC**  
**Master Plan**

Location:	255 Centerville Road 265 Centerville Road 281 Centerville Road @ Orchard Avenue Intersection
Assessor's Plat:	246
Assessor's Lots:	240, 243, 260, & 261
Applicant:	281 Associates, LLC
Existing Zone:	Office and A-10 Residential
Proposed Zone:	A-7 Planned District Residential (PDR)
Area:	3.95 +/- acres
Ward:	9
Engineer:	S.F.M. Engineering Associates
Surveyor:	Flynn Surveys Inc.

**Project Scope**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices, represented the Applicant who was seeking Master Plan Approval of a Major Land Development Project/Subdivision. The Applicant is proposing to merger (4) four lots to allow for a 24-unit, two bedroom, townhouse-style condominium complex on a 3.94 +/- acre parcel, with less than required front-yard and side-yard setbacks and parking within 10' of a building and within the front-yard setback, in an A-7 Planned District Residential (PDR) Zoning District.

### **Planning Department Findings**

The Administrative Officer finds the 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 proposed development is generally consistent with the City's Comprehensive Plan, having established commercial and high-density residential uses within the vicinity of the proposed development. Consistent with Chapter 12, Future Land Use, Section E, General Principles to Guide Future Land Use, Section H, Recommendations: Goal 1, to continue to have sufficient diversity of land uses to support a strong and stable tax base; Goal 5, Major Street; Include urban design standards for all commercial and multi-family development.....place parking to the side or rear.....orient building entrances toward street prohibit blank walls at the street; Goal 6, Ensure that Proposed new residential, .....areas are compatible with the character and surrounding area. Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its "Recommendations" section lists as Goal 1, the City should work to provide "a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments....."
2. That the proposed development is NOT in compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring City Council Approval for a zone change from Office/A-10 Residential to A-7 Planned District Residential, with waivers with less than required front-yard and side-yard setbacks and parking within 10' of a building and within the front-yard setback.
3. That the proposed development IS within the 200' of a wetland, specifically Hardig Brook, a waterbody that have been targeted by the Rhode Island Department of Environmental Management (RIDEM) for Total Maximum Daily Loading (TMDL) and therefore will require RIDEM-Wetlands, at the Master Plan Phase, it does not appear that there will be significant negative environmental impacts from the proposed development. State Approvals are required at subsequent Phases in the Approval process.
4. That, the parcel is bisected by a 100' wide National Grid (NGRID) Easement; the Applicant is noting residential uses and drainage within the parameters of the NGID easement. At



the Master Plan Phase, it does not appear that there will be a significant negative environmental impacts from the proposed development; however, the Applicant shall receive written approval from NGRID for the noted uses, prior to requesting a recommendation to the City Council.

5. That the proposed development possesses adequate access to a public street along Centerville Road and Orchard Avenue
6. That the proposed development will have access to Municipal Sewer and Water.

Planning Staff read the recommendations into the record.

### **Planning Department Recommendations**

The Planning Department recommendation is to grant Master Plan approval, with the following stipulations:

1. That, prior to submission to the Planning Board for a Zone Change Recommendation, the Applicant shall receive written approval from NGRID for the proposed residential uses and drainage noted within the NGRID Easement.
2. That, prior to the submission to the Planning Board for the Zone Change Recommendation, the Applicant shall provide project elevations that shall note at a minimum, but not be limited to maintaining an active frontage along Centerville Road and Orchard Avenue; sides of buildings fronting along the roadway shall include windows and varied materials to maintain a residential aesthetic along Centerville Road and Orchard Avenue.
3. That, prior to Preliminary Submission, the Applicant shall receive City Council approval for a zone change from Office/A-10 Residential to A-7 Planned District Residential (PDR), with waivers with less than required front-yard and side-yard setbacks and parking within 10' of a building and within the front-yard setback.
4. That, prior to Preliminary Submission, the Project shall receive all State Approval, including, but not limited to, RIDEM and RIDOT.
5. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with the Rules and Regulations for Professional Land Surveyors, Effective November 25, 2015.
6. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include, at a minimum but not be limited to:

- a. Stormwater Management Plan, consistent with the 2010 RI Stormwater Design and Installation Standards, designed to demonstrate zero-net runoff.
  - b. Project Engineer shall be aware that Zero Net Runoff is considered a minimum and that this site ultimately discharges into the Hardig Brook, a water body that has been targeted by the Rhode Island Department of Environmental Management (RIDEM) for Total Maximum Daily Loading (TMDL); therefore the Project Engineer shall minimize stormwater runoff, improve water quality, and promote infiltration on-site.
  - c. Operations and Maintenance Plan noting at a minimum that the Condo/Homeowner's Association (Association) shall be responsible for the long-term maintenance of the Drainage System and internal roadways off of Centerville Road and Orchard Avenue.
  - d. Note that the interior roadway shall be a private drive; the long-term maintenance shall be the responsibility of the Association.
  - e. Utilities shall be coordinated with the appropriate authority
  - f. Note Monumentation as required per the City of Warwick Development Review Regulations. All property corners shall be marked with permanent monumentation; one Granite Bound per lot required. Existing Monumentation shall be protected during construction.
  - g. An adequate number of fire hydrants spaced 300 Ft. apart and providing a minimum of 1000 GPM. Sprinklered buildings require a hydrant within 100 Ft. of the Fire Department Connection (FDC).
  - h. All two way travel lanes to have a minimum of 24 Ft. of unobstructed width and an unobstructed vertical clearance of 13'6" to allow for unimpeded access by fire apparatus.
  - i. All corners shall be negotiable by vehicles having an outer tire turning radius of 50 Ft., Left or Right.
  - j. Dead-end roads longer than 150 Ft. must provide turning capabilities for fire apparatus per NFPA 1 (RIFC), 2015 Edition.
7. That, prior to Preliminary Application, the Applicant shall coordinate with the City's Sewer Authority and Water Division, regarding connection.
  8. That, prior to Preliminary Application, the Applicant shall coordinate with the City's Fire Department.
  9. That, the Preliminary Plan shall include a Landscape Plan prepared by a Registered Landscape Architect, that meets all requirements set forth under Section 505 of the City's Zoning Ordinance, for review and approved by the City's Landscape Coordinator, which shall include at a minimum, but not be limited to:
    - a. Native naturalizing plants planted along the northern perimeter of the site along the existing woodland/ wetland area.
    - b. Plantings, as practicable, within and around any stormwater management basins and swales. Plantings shall include native grasses, perennials, and shrubs that will

- assist in the control of erosion, uptake and treatment of stormwater, and reduction of any fertilizers or nutrient supplements.
- c. Enhanced landscaping in all planting/open space areas within 20’ of the right-of-way along Centerville Road (Route 117) and Orchard Avenue. Enhanced landscape areas shall include a combination of berms and ornamental fencing; staggered evergreen hedges and ornamental plantings; stone walls or similar hardscape elements; and/or similar elements that serve to enhance the overall aesthetic of this highly visible thoroughfare.
  - d. The integration of signage with hardscape and soft-scape landscape elements (i.e. stone sign base, integration of signage into a wall, and/or accentuating plantings).
  - e. Native wildflowers, grasses and pollinator perennials in any areas when tree or shrub planting may be prohibited by the electrical easement.
  - f. Clear identification of trees to be preserved, demarcation of non-disturbance area, and details relating to tree protection requirements.

Ms. Gerlach, seconded by Ms. Polselli, made a motion to adopt the Planning Department’s Findings and Recommendations and to grant a Master Plan Approval. Mr. Bergantino, Mr. Gambardella, Ms. Gerlach, Mr. Holmes, Mr. Penta, Ms. Polselli, and Mr. Slocum voted in favor; with Ms. Bataille voting against the project, noting that the project, as proposed was NOT consistent with the City’s Comprehensive Plan, specifically the negative impact to surface water; stating that the project is too large and will have an adverse impact on the natural resources that the Comprehensive Plan specifies should be protected and that future developments should be sustainable.

**Public Meeting**  
**Request for an Amendment to the City’s Zoning Ordinance**  
*Solar and Energy Storage Facilities – City Wide*  
**City Council Recommendation**

<b>Amended Sections:</b>	Section 200. – Definitions Section 300. – Establishment and Classification of Districts Table 1. Use Regulations Section 305. Administrative procedures for Overlay Districts Section 314. – Solar Energy Systems (SES) and Energy Storage Facilities Section 601.1 Accessory building and uses, residential Section 610.10 Accessory Solar Energy Systems (SES) and Energy Storage Facilities (ESF)
<i>Applicant:</i>	<i>City of Warwick</i>
<b>Location:</b>	City Wide
<b>Zoning Districts:</b>	OS, A-40, A-15, A-10, A-7, O, WB, GB, LI, GI, Intermodal, Gateway, Village District

The City of Warwick desires to amend various sections of the City’s Zoning Ordinance as outlined herein to create a standard review process for the siting of Solar Energy Systems (SES) and Energy Storage Facilities (ESF) throughout the City. In accordance with Section 1007 of the City’s Zoning

Ordinance and R.I.G.L. §45-24-51, the Planning Board shall notify and seek the advice of the Planning Department and report to the City Council within 45 days after receipt of the proposal, giving its findings and recommendations. Where a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map is made by the city or town planning board or commission, the requirements for study by the board may be waived; provided, that the proposal by the planning board includes its findings and recommendations pursuant to §45-24-52. The Planning Department is hereby providing the Planning Board with relevant information related to this proposal.

### **Summary of Proposed Amendment**

In general, the proposed zoning ordinance amendment will:

1. Provide specific definitions related to Solar Energy Systems (SESs) and Energy Storage Facilities (ESFs).
2. Amend Table 1. Use Regulations to define where SESs and ESFs are allowed, prohibited, or allowed by overlay in each zoning district.
3. Revise the general procedure and submittal requirements for all overlay districts.
4. Establish overlay district regulations for Solar Energy Systems and Energy Storage Facilities.
5. Outline review procedures for various types of SESs and ESFs.
6. Clearly outline performance standards for principal use SES and ESF facilities.
7. Incentivize development of SESs and ESFs on industrial-zoned land, contaminated sites, and for solar canopies (i.e. carports).
8. Establish clear performance standards for accessory SESs and ESFs.

### **Background and Context**

Currently, the City of Warwick Zoning Ordinance does not include general definitions, specific use designations, performance standards, or approval processes relating to the siting of Solar Energy Systems or Energy Storage Facilities either as a principal or accessory use. To date, proposals for principal use solar have been managed within the framework of the existing zoning ordinance, which defines all principal use solar systems as an *Electric Power Plant* under use Code 608. “Energy storage facility” is currently undefined and, therefore, requires the Building Official to determine the appropriate use code for classification. Accessory SESs and ESFs are currently managed by the Building Official under provisions outlined in *Section 601. – Accessory Buildings and Uses*. The lack of clarity in the current zoning ordinance relating to principal and accessory SESs and ESFs has left much to the interpretation of the Building Official and often creates a vague and cumbersome process for any type of solar or energy storage development in the City. The proposed ordinance seeks to clarify process and procedures relating to the installation of SESs and ESFs in all zoning districts.

Planning staff presented draft updates to the Planning Board on February 10, 2021 and April 14, 2021. A recommendation from the Planning Board is required in accordance with procedures set forth in Section 1007 of the City’s Zoning Ordinance and RIGL §45-24-51.

### **Planning Department Findings**

The Planning Department has reviewed the proposed amendment to the ordinance and finds the following:

1. That the proposed ordinance has been reviewed by a land use attorney retained for the project and is consistent with RIGL §45-24 - *Zoning Ordinances*.
2. That the definitions contained in the ordinance amendment serve a beneficial use in clarifying uses and terms related to Solar Energy Systems and Energy Storage Facilities and do not conflict with the terms outlined in RIGL §45-24-31. *Definitions*.
3. That the ordinance promotes the development of SESs and ESFs on industrially-zoned and contaminated properties.
4. That the ordinance promotes the development of solar canopies (i.e. carports).
5. That the ordinance promotes the development of rooftop and small ground mount facilities in residential and non-residential areas with applicable performance standards.
6. That the ordinance provides for the orderly review of principal use Solar Energy Systems and Energy Storage Facilities, and provides comprehensive performance standards for development, operation, and decommissioning of SESs and ESFs that protect the public interest.
7. That, while the ordinance allows for consideration of principal use solar and energy storage facilities on properties zoned residential (A), the review and approval process is much more intensive than proposals on non-residential and contaminated sites.
8. That consideration of principal use solar and energy storage facilities on properties zoned residential (A) involves an extensive overlay process, including review by the Planning Board and City Council; adherence to extensive performance standards for development, operation, and decommissioning of SESs and ESFs; and a proposal for a direct benefit as a prerequisite for consideration of the development.
9. That the proposed amendment, as presented, is generally consistent with the City's Comprehensive Community Plan as outlined herein.
10. That the amendment, if enacted, would allow for the orderly consideration, growth, and/or expansion of alternative and renewable energy production and storage.
11. That the proposed ordinance amendment relating to accessory uses is consistent with current permitting policies and practices of the City's Building Official.

Planning Staff read the recommendations into the record.

### **Planning Department Recommendation**

The Planning Department advises a favorable recommendation be presented to the City Council for passage of the Solar and Energy Storage Facility Ordinance as presented/amended.

### **Statement of General Consistency with the Comprehensive Plan**

The Planning Department has reviewed the proposed amendment for consistency with the City's Comprehensive Plan, including the goals and policies statement, the implementation program, and

all other applicable elements, and determined the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033* as follows:

- a. *Chapter 11, Section E, Goal 1, Item D of the Comprehensive Plan, Sustainability and Resilience* element recommends that the City “provide regulations for renewable energy installations on private property in zoning and other ordinances, as appropriate.” The proposed Solar Energy Systems ordinance and Energy Storage Facilities ordinance is directly aligned with this goal.
- b. *Chapter 1, Section 1.3 - Our Vision for 2033* and *Chapter 8, Section 8.2 - Economic Development Goals and Policies* state that the City is committed to a diversity of land uses that promote a strong, stable tax base, including preserving industrially-zoned land for non-retail uses. The proposed ordinance allows for the orderly consideration of Solar Energy Systems (SESS) and Energy Storage Facilities (ESFs) to expand the diversity of development and land uses in the City. In addition, the development of SESS and ESFs are promoted on industrially-zoned properties and contaminated land. The short-term use of industrially-zoned properties for SESS and ESFs is a viable strategy for the City to preserve industrially-zoned parcels for future development as needs evolve over time. In addition, the development of SESS and ESFs on contaminated land presents an opportunity to expand the City’s tax base by utilizing land that may unusable for other types of development.

### **Recognition and Consideration of Applicable Purposes of Zoning**

Pursuant to RIGL §45-24-52(2) the Planning Department finds the following:

1. That the proposal is consistent with the following applicable purposes of zoning, as presented in RIGL §45-24-30 and Section 100 of the City’s zoning ordinance:
  - a. Promoting the public health, safety, and general welfare of the City by providing for the orderly consideration and development of Solar Energy Systems and Energy Storage Facilities (Section 103.1/ RIGL §45-24-30(1)).
  - b. Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs (Section 103.2/ RIGL §45-24-30(2)).
  - c. Providing for orderly growth and development as outlined in Section 103.3 of the City’s Zoning Ordinance and RIGL §45-24-30(3).
  - d. Providing for the control, protection, and/or abatement of noise pollution, and soil erosion and sedimentation (Section 103.4/ RIGL §45-24-30(4)).
  - e. Promoting a high level of quality in design in the development of private and public facilities (Section 103.10/ RIGL §45-24-30(11)).
  - f. Promoting implementation of the Warwick comprehensive community plan, as amended (Section 103.11/ RIGL §45-24-30(12)).

- g. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process (Section 103.13/ RIGL §45-24-30(14)).

Ms. Bataille, seconded by Mr. Penta, made a motion to adopt the Planning Department's Findings and Recommendations and to forward a favorable recommendation to the City Council for the City-wide Solar Ordinance Amendment, as presented. All in favor; none opposed.

No Director's report to present.

Ms. Bataille, seconded by Mr. Penta, made a motion to adjourn at 8:20 pm. All in favor, none opposed.