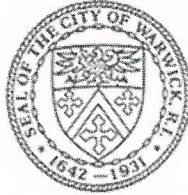


PAUL DEPETRILLO  
CHAIRMAN

INST: 00006164 Bk:10340 Pg: 265

FRANK J. PICOZZI  
MAYOR



**CITY OF WARWICK**  
ZONING BOARD OF REVIEW  
WARWICK, RHODE ISLAND 02886  
(401) 921-9534

June 21, 2023

VCP, LLC  
d/b/a Verogy  
124 LaSalle Road, 2<sup>nd</sup> Floor  
West Hartford, CT 06107

Sunshine Properties, LLC  
181 Knight Street  
Warwick, RI 02886

Dear Petitioners:

The following is the decision on your Petition #10898 heard by the Warwick Zoning Board of Review on June 13, 2023, for a special use permit from Table 1 Use Regulations #612, to construct a ground-mounted photovoltaic (solar) array. Also seeking a dimensional variance to have a fence higher than allowed. Proposed height of fence 7', proposed height of gate 10'. Assessor's Plat 275, Lot 38 zoned Light Industrial (LI) with a Historic Overlay & Lot 52, zoned Light Industrial (LI).

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Zoning Board of Review of the City of Warwick taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings of fact:

1. The subject property is known as Assessor's Plat 275, Lots 38 & 52, containing a total of approximately 732,161 sq. ft. of land, more or less.
2. The subject property is currently utilized as a materials storage yard.
3. The proposal is to construct a ground-mounted photovoltaic (solar) array.

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VCP, LLC d/b/a Verogy  
Sunshine Properties, LLC  
Plat 275, Lots 38 & 52 – Knight St.

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4. The petitioner received Master Plan approval, and a recommendation to the Zoning Board at the May 11, 2023 Planning Board meeting.
5. A portion of the property is contaminated by prior industrial uses and is proposed to be capped as part of this proposed development.
6. Petitioner presented testimony from Bradley Parsons, Professional Engineer, and Director of Design & Permitting for this project. He described the characteristics of the subject property, the details of the proposed solar array, the landscaping, the remediation permit process with RIDEM for the contaminated site, as well as the need for a freshwater wetlands permit. Mr. Parsons also testified as to the need for the requested dimensional relief to have a fence height of 7', with a gate height of 10'.
7. Petitioner presented testimony from Edward Pimentel. He was recognized as a qualified Zoning and Land Use expert. He testified as to the general characteristics of the surrounding area and rendered his expert opinion that the granting of the requested dimensional variance would not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the City.
8. There were no neighbors present in opposition or in favor of the petition.
9. The area surrounding the subject property consists of residential, office and industrial uses.

The Zoning Board of Review applied these findings to the standards of review for the granting of a special use permit as follows:

1. The special use permit is authorized by Table 1 Use Regulations #612 of the Warwick Zoning Ordinance, upon approval of the Zoning Board of Review.
2. The special use meets all of the criteria set forth in said section.
3. The proposed use will not alter the general characteristics of the surrounding area, nor impair the intent or purpose of said Ordinance or the City's Comprehensive Plan.

The Zoning Board of Review applied these findings to the standards of review for the granting of a dimensional variance as follows:



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1. The hardship from which the petitioner seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant. A portion of the lot is contaminated and will be capped as part of this project.
2. Said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain because the petitioner is trying to realize a beneficial use of the subject property.
3. The granting of the requested variance will not alter the general characteristic of the surrounding area, or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the City because the area surrounding the subject property consists of various commercial and industrial operations.
4. The relief requested is the least relief necessary.

Based on the foregoing, the Board voted unanimously to grant the petitioner's application for a special use permit & a dimensional variance with the following stipulations and conditions:

1. *Substantial compliance with the plans and testimony presented to the Board, with substantial compliance to be determined by the Building Official.*
2. *That this decision must be recorded in the Land Evidence Records in the City Clerk's Office before a building permit/certificate of occupancy is issued.*

\*Please note that the appeal period (20 days) begins when said decision is posted with the City Clerk's Office.

3. *No expansion of the approved structure shall be made without approval of the Zoning Board of Review.*
4. *That this grant shall be activated with a Building Permit (which must remain active, as required by the State Building Code Section 23-27.3-114.2)/Certificate of Occupancy, within one (1) year, unless extended by the Board, or it shall become void, or as otherwise governed by RIGL 45-24-61.1, as amended.*
5. *Note this zoning resolution expires if a permit is not kept active as required in Section 114.2 of the State Building Code 23-17.3.*

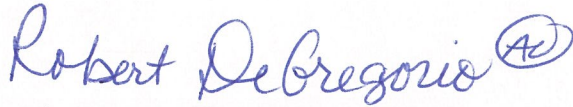
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(Robert DeGregorio voted to approve, Julie Finn voted to approve, Walter Augustyn voted to approve, and Lorraine Caruso Byrne voted to approve)

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,



Robert DeGregorio, Vice-Chairman  
Warwick Zoning Board of Review

PD/ac

cc: Sanford Resnick, Esq.

RECORDED  
Jun 21, 2023 11:36A  
Lynn D'Abrosca  
City Clerk  
City of Warwick, RI