



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

MEMORANDUM

TO: Stephen P. McAllister, Honorable Council President
Honorable Warwick City Council Members
Lynn D'Abrosca, City Clerk

FROM: Tom Kravitz, Planning Director/AO *TK*

DATE: August 16, 2023

SUBJECT: **Clegg Field Telecommunication Tower Relocation**
Planning Board Recommendation: Request for a Zone Change to allow for a 120' Telecommunication Tower with exemptions from Ordinance.

Assessor's Plat 332, Assessor's Lots 396, 397, 402, 403, 470
176 Winter Avenue /Loring Road

APPLICANT: Cellco Partnership d/b/a Verizon Wireless

ZONING DISTRICT: Open Space (OS)

PROPOSED ZONE: Open Space with authorization for Use Code 611. Telecommunication Facility, including towers. Telecommunication Tower with dimensional waivers from Warwick Zoning Ordinance, with exceptions from Section 506 (C)1 Location: No Telecommunication Facility shall be located within two miles of another facility. Section 506 (C)4.i Minimum setback from residential and open space zoning district. 506 (C)4.ii. Minimum Front Yard. Tower height greater than allowed. 506 (C)6. i. Fence higher than allowed.

LAND AREA: 50' x 50' lease area (2,500 square feet)

WARD: 4

PROJECT SUMMARY

The Applicant is requesting City Council approval to relocate the existing telecommunication tower approved by the Zoning Board of Review in 1998. The relocation of the tower approximately 480' to the southeast requires modification to the existing zoning on the site "Open Space", to allow Use Code 611, Telecommunication Facility, including towers with stated dimensional waivers from the Warwick Zoning Ordinance.

To limit proliferation of towers in the area, the City a single, 120' tower is proposed to provide service to multiple carriers and City communication equipment. The new facility is designed to be structurally suitable for up to 3 tenants and include space for municipal public safety communications equipment.

Tower Background

In 1998, telecommunication towers were classified as a "radio tower" under the Use Table in the Zoning Ordinance and were authorized by a Special Use Permit ("SUP") granted by the Warwick Zoning Board. In 1999, the Warwick City Council amended Table 1 of the Zoning Ordinance Use Regulations to classify all telecommunication facilities, including towers, be allowed only as an "Amendment ("A") to the Zoning Ordinance; thereby requiring City Council approval for each individual tower. As the Zoning Board of Review no longer has the authority to grant approvals related to telecommunication facilities, Verizon is unable to petition the Zoning Board of Review to amend the original approval to allow for the relocation. Therefore the process presently requires City Council consideration and authorization.

FINDINGS OF THE BOARD

At the August 9, 2023 meeting of the Warwick Planning Board, this project and proposed zoning amendment was found 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 as further detailed in the attached Decision Letter (Recorded and posted August 10, 2023: Book 10367 Page 103-105).

The Planning Board also found the proposed zoning amendment to be generally consistent with the Comprehensive Plan of the City of Warwick and such finding is consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.3 Provides for orderly growth and development, which recognizes:

E.) The availability and capacity of existing and planned public and/or private services and facilities;

103.9 Promote safety from fire, flood and other natural or manmade disasters.

PLANNING BOARD RECOMMENDATION

The Planning Board also provided a favorable recommendation to the Warwick City Council to authorize the relocation of the telecommunication facility in the Open Space District, as presented, with dimensional variances, and with the additional recommendation that tree and vegetation clearing be limited to the lease and access road area.

Attachments: Planning Board Decision, Summary Memo



CITY OF WARWICK

POSTED 8-10-2023

FRANK J. PICOZZI, MAYOR

August 10, 2023

Cellco Partnership d/b/a Verizon Wireless
 One Verizon Way
 Mail Stop 4AW100
 Basking Ridge, NK 07920

RE: Assessor's Plat 332, Assessor's Lots 402, 397, 396
 Winter Avenue

The following is the decision of approval on your application for Development Plan Review of a Minor Land Development heard by the Warwick Planning Board at the regularly scheduled meeting held on August 9, 2023. The proposal included a request for a recommendation to the Warwick City Council for a Zoning Ordinance Amendment to replace the existing telecommunication facility with a new 120' high Telecommunication Tower/Facility in an Open Space District with variances for being located within two miles of another facility, setbacks from open space and residential districts and height. Access to the facility will be provided from Winter Avenue.

After completion of the Public 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 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) Chapter 8 Economic Development includes the Policy "Invest in public infrastructure to catalyze private development." Telecommunication towers are a critical component of modern communication networks, providing the infrastructure necessary for a variety of services, such as cellular and satellite networks, broadcasting, and radio communication. Telecommunication towers are integral to daily life, business, and public safety purposes as they support faster data, location data and more reliable phone services in the vicinity of the tower. The Covid-19 outbreak has further proven the need to have adequate communication infrastructure. The pandemic has led to more people working from home, holding remote meetings via video conferencing platforms, and shared databases being

accessed while out of the office space. Robust telecom infrastructure is needed to support evolving communication needs and work requirements.

- b) Chapter 10, Public Facilities and Services Goal 6 Strategy A “*Continue regular review and planning for facilities and equipment, and response times to insure adequate protection and adherence to best-practice standards throughout the City.*” The Conimicut area has inadequate wireless infrastructure which can hamper response and communications. The Federal Communications Commission (FCC) requires wireless providers to relay location data to dispatchers on live 911 calls. The accuracy of that data varies; determined by signal strength, mobile device model, and whether GPS is enabled. The proposed tower relocation, with additional height will provide improved wireless communication for the residents, businesses and most importantly, public safety.
2. That the proposal is not compliant with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
 - a. A telecommunication facility/tower is deemed to be an Amendment of the Zoning Ordinance (Table 1 Use Regulations) and is allowed only if approved by the City Council.
 - b. The tower requires relief for being located within two-miles of another facility; higher than allowed (120’) and being located in an Open Space Zoning District.
 3. That there will be no significant negative environmental impact from the proposed development.
 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.
 5. That the proposed development possesses adequate and permanent access to a public street, Winter Avenue.

ZONE CHANGE FINDINGS

In addition to the above findings, the Planning Board finds the proposed zoning amendment to be generally consistent with the Comprehensive Plan (as detailed above) of the City of Warwick and finds it also to be consistent with the following purposes of the City’s Zoning Ordinance, as presented in Section 100, “Title and Purpose.”

103.1 Promote the public health, safety and general welfare of the City.

103.3 Provides for orderly growth and development, which recognizes:

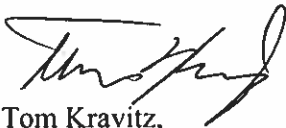
E.) The availability and capacity of existing and planned public and/or private services and facilities;

103.9 Promote safety from fire, flood and other natural or manmade disasters.

Based on the foregoing findings of fact, the Warwick Planning Board granted a unanimous Preliminary Development approval with Final Approval to be through the Administrative Officer with a condition that if tree clearing is beyond the lease area, the project shall be reviewed by the Planning Board at Final Application.

The Planning Board also provided a favorable recommendation to the Warwick City Council to authorize the relocation of the telecommunication facility in the Open Space District, as presented, with dimensional variances for greater-than-allowed height and being located within two-miles of another facility.

Sincerely,



Tom Kravitz,
City Planning Director
Administrative Officer, Warwick Planning Board

Cc: File

RECORDED
Aug 10, 2023 03:03P
Lynn D'Abrosca
City Clerk
City of Warwick, RI



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

Memorandum

To: Warwick Planning Board

From: Dan Geagan, Deputy Director *DTG*

Date: July 28, 2023

Re: Clegg Field Tower Relocation Background

The following is a basic background and history regarding the proposed telecommunication tower relocation at Clegg Field in the Conimicut section of the City.

A telecommunication tower was approved for the site in 1998 (April 18, 1998 Petition #'s 7950 & 7951 – attached) by the City of Warwick Zoning Board which has operated from approximately 1998 to present day. The existing tower has served as a hybrid tower and light structure supporting the recreation baseball field at the complex. The tower experienced a fire in May of 2021 and has caused it to be removed. A temporary tower known as a “Cell on Wheels” has bridged the service gap since the demolition. The approximate height of the original tower was 85’.



All major wireless carriers expressed a need for a tower in this area; therefore, to limit proliferation of towers, the City solicited proposals (RFP#2023-066) from both tower companies and telecommunications providers with the intent that one vendor constructs a single tower sufficient to provide service to multiple carriers and City communication equipment. The new facility is designed to be structurally suitable for up to 3 tenants and include space for municipal public safety communications equipment.

City Council Bid Award

The Warwick City Council formally awarded **RFP #2023-066** to Cellco Partnership (d/b/a Verizon Wireless) in October of 2022 (attached).

Approval Process

In 1998, telecommunication towers were classified as a “radio tower” under the Use Table in the Zoning Ordinance and were authorized by a Special Use Permit (“SUP”) granted by the Warwick Zoning Board. In 1999, the Warwick City Council amended Table 1 of the Zoning Ordinance Use Regulations to classify all telecommunication facilities, including towers, be allowed only as an “Amendment (“A”) to the Zoning Ordinance; thereby requiring City Council approval for each individual tower. As the Zoning Board of Review no longer has the authority to grant approvals related to telecommunication facilities, Verizon is unable to petition the Zoning Board of Review to amend the original approval to allow for the relocation. The process now requires development plan review and recommendation by the Planning Board, prior to City Council consideration.

Summary

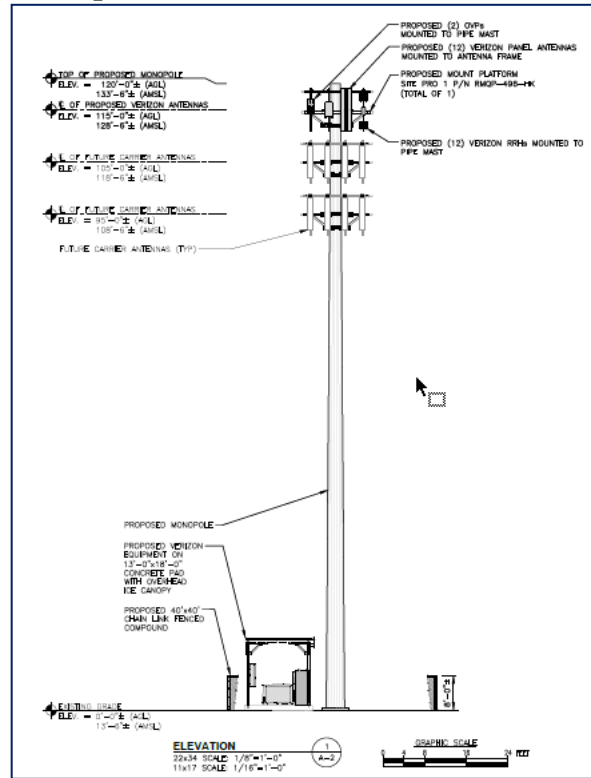
Therefore the travel of this application is summarized as follows:

- April 18, 1998: Zoning Board of Review Approval
- December 1999: Ordinance Amendment Requiring Council approval for Towers
- May/June 2021: Tower removed, Cell on Wheels used as a temporary measure
- June 2022: RFP Issued
- October 17, 2022: City Council Bid Award to Verizon Wireless
- August 2023: Planning Board Review – Tower Relocation

Former (85')



Proposed Tower (120')



STEPHEN A. O'CONNOR, JR.
CHAIRMAN



LINCOLN D. CHAFEE
MAYOR

CITY OF WARWICK
Zoning Board of Review
Warwick, Rhode Island 02886
(401) 738-2000

April 8, 1998

Omnipoint Communications, Inc.
50 Vision Blvd.
East Providence, RI

City of Warwick
2000 Post Road
Warwick, RI
ATTN: Michael Rooney

COPY

Gentlemen:

The following is the decision on your Petition #7950 & #7951, heard by the Warwick Zoning Board of Review on February 24, 1998 for a request for a variance/special use permit to construct a three sector unicell antenna on 75' lightpole and a base transceiver station, said lightpole to be higher than allowed by ordinance, subject property containing city park/baseball field & basketball court, southeasterly side of Winter Avenue (#122 - Clegg Field), Warwick, RI, Assessor's Plat 332, Lot 470, zoned Open Space.

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:

1. That subject property is known as Assessor's Plat 332, Lot 470, containing approximately 230,868 square feet of land, more or less, zoned Open Space.
2. The subject property is presently occupied as a City park/Baseball Field and Basketball Court.
3. The proposal is to construct a 75' tall light pole (the top 6'7" of which will be a three sector unicell antenna) and a base transceiver station with a 10' footprint proposed lease area to be screened by a 6' cedar fence surrounded by a 5' tall arborvitae bushes.

4. The proposed 75' light pole would replace an existing older 70' light pole.
5. At the present time there are 7 other 70' light poles on the subject property.
6. There will be no traffic entering or exiting the lease area on a regular basis, no more than one service vehicle per month. There will be no other adverse impacts to the subject property such as odor, glare, noise, vibration, runoff, water consumption or production of sewerage.
7. The area surrounding the subject property is occupied by residential dwellings.

Based on the foregoing, the Board grants petitioner's application for a special use permit and variance.

As to the special use permit requested:

1. The special use permit is authorized by Table 1 Use Regulations #611 of the Warwick Zoning Ordinance, upon approval by the Warwick 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 character of the surrounding area nor impair the intent or purpose of said ordinance or the City's comprehensive plan.

As to the variance requested:

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 because the location of the lot in relation to topographic features provides an ideal location to meet radio frequency requirements for coverage of the surrounding area.
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 proposal would provide Warwick with an enhanced cost effective communications network.
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 proposal would not produce any adverse impact to the subject property, traffic, noise, glare, etc.

4. The relief requested is the least relief necessary because the proposed height would enable the petitioner to provide service to all areas of Warwick.

This petition is granted by the Board with the following stipulations and conditions:

1. That the \$145,000.00 paid to the City of Warwick is to be used for recreational purposes in Ward 4 of the City of Warwick.

2. That this decision must be recorded in the Land Evidence Records in the City Clerk's Office before a building permit is issued.

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

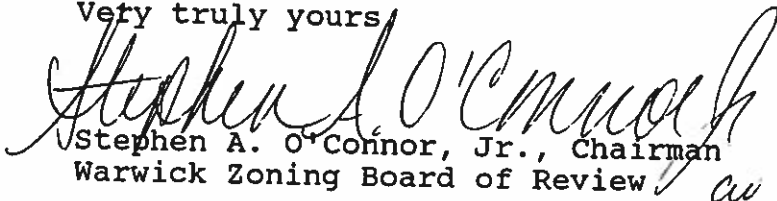
3. Strict compliance with the plans and testimony presented to the Board.

4. No expansion of this use shall be made without approval of the Zoning Board of Review.

5. That this grant shall be activated with a building permit/certificate of occupancy, within one (1) year, unless extended by the Board, or it shall become void.

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

Very truly yours,


Stephen A. O'Connor, Jr., Chairman
Warwick Zoning Board of Review

SAO'C, JR:cw

c.



Patricia A. Peshka
Purchasing Agent

Frank J. Picozzi
Mayor

City of Warwick
Purchasing Division
3275 Post Road
Warwick, Rhode Island 02886
Tel (401) 738-2013
Fax (401) 737-2364

October 17, 2022

Mr. Keith Murray
Cellco Partnership d/b/a Verizon Wireless
One Verizon Way, Mail Stop 4AW100
Basking Ridge, NJ 07920

Dear Mr. Murray:

This is to inform you that the Warwick City Council has approved the recommendation to your firm for RFP2023-066 Land Lease Winter Avenue Telecommunications Tower.

Please contact Daniel Geagan, Planning Department, at 401-921-9685 for more information.

Sincerely,

Patricia A. Peshka
Purchasing Agent

PAP;dbo

C: Daniel Geagan, Planning Department