

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 advanced 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 *aw*

SAO'C, JR: cw

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