



# MEETING NOTICE

## Town of West Warwick Planning Board

**Meeting Date:** Monday May 6, 2019

**Time:** 6:00 p.m.

**Location:** West Warwick Town Hall  
Town Council Chambers  
1170 Main Street  
West Warwick, RI 02893

### Item 1 Approval of Minutes

Review and approval of the March 4, 2019 meeting minutes.

### Item 2 Public Meeting Major Subdivision 1024 Main Street

Applicant/Owner: Roy A. LaCroix, Trustee  
Location: 1024 Main Street  
Assessor's Plat: 18  
Lot(s): 35  
Zoning District: Residential R-6  
Land Area: 13,510 S.F.  
Number of lots: 2  
Engineer: Ocean State Planners, Inc.

The applicant is requesting final approval to subdivide an existing 13,510 S.F. lot with an existing dwelling to create one new lot for development with less than the required depth and one lot with an existing dwelling on an existing Town road in a Residential R-6 zoning district.

### **Planning Office Findings**

The Planning Office finds the proposal to be generally consistent with Section 17-5 "General Purposes" of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.

- 2) In compliance with the standards and provisions of the Town Zoning Ordinance having received approval from the Zoning Board of Review (ZBR) (Petition #2018-9) to have less than the required lot depth (70' versus 100').
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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 physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increased flooding and soil erosion.

### **Planning Office Recommendation**

The Planning Office recommendation is to grant final approval with the following stipulations:

- 1) That all runoff shall be contained on site for the proposed new dwelling.
- 2) All roof drains shall be deposited into drywells on the site and the driveway shall be crushed stone or other similar pervious material, or that any runoff from a paved drive shall be contained on site.
- 3) That the driveway shall be constructed to accommodate a minimum of 3 vehicles as there is no room for on-street parking.
- 4) That the garage located to the northwesterly side of Parcel B and the shed located in the southeasterly corner of Parcel B shall be removed as indicated on the final plan.
- 5) That the developer shall remove the vegetation along the road frontage to provide better visibility for the new home and shall widen the roadway along the frontage of the proposed new Parcel B to allow better traffic flow and to provide sufficient roadway width for vehicles backing onto the street.
- 6) Payment of a section 17-21 "Fee-in-lieu of Land Dedication" of \$2,500.00 shall be required for the new dwelling unit constructed and shall be collected at the time of application for a building permit.
- 7) That the 3.5' Oak Tree located on the southerly property line shall be removed at the commencement of construction and the remaining evergreen trees shall be limbed on the side nearest 1026 Main Street as indicated on the final plan and represented in the March 29, 2019 letter from Attorney Thomas Cronin.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 3**

**Public Hearing**

**Major Land Development Project  
103 Legris Avenue**

Applicant/Owner:	Bank of America
Location:	103 Legris Avenue
Assessor's Plat:	15
Lot(s):	18
Zoning District:	Business (B)
Land Area:	.85 Acres
Number of lots:	NA
Engineer:	Stonefield Engineering

The applicant is requesting preliminary approval to construct a 39.9 S.F standalone walk-up ATM kiosk in the northwesterly corner of the property that currently contains a retail (grocery) store with less than the required parking. The proposed use requires Planning Board approval and a Zoning Board Special Use Permit to have more than one non-residential use on a lot and a Dimensional Variance to have less than the required parking in a Business (B) Zoning District.

**Planning Office Findings**

The Planning Office finds the proposal to be generally consistent with Section 17-5 "General Purposes" of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the Town Zoning Ordinance, having received a Special Use Permit to have more than one non-residential use on a lot and a Dimensional Variance to have less than the required parking from the Zoning Board of Review (ZBR) (Petition #2019-6).
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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 physical access to a public street.

- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increased flooding and soil erosion.

**Planning Office Recommendation**

The Planning Office recommendation is to grant a combined Preliminary/Final approval with the following stipulations:

- 1) That all lighting shall be contained on the site and there shall be no spillover onto adjoining property including but not limited to the adjacent roadways and sidewalks.
- 2) That all runoff associated with the project shall be contained on site.
- 3) That “no parking” signs shall be installed on/or in proximity to the bollards on the easterly side of the facility to prevent vehicles from blocking the access drive to the site.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 4**

**Public Informational Meeting**

**Major Subdivision**

**6 Enfield Drive**

Applicant/Owner: John Muro  
 Location: 6 Enfield Drive  
 Assessor’s Plat: 39  
 Lot(s): 168 & 169  
 Zoning District: Residential R-10  
 Land Area: 15,000 S.F.  
 Number of lots: 2  
 Engineer: Ocean State Planners, Inc.

The applicant is requesting Master Plan approval to subdivide two (2) abutting merged lots totaling 15,000 S.F. to create two lots; one (1) conforming lot with an existing dwelling having less than the required side yard setback, and one (1) undersized nonconforming (5,000 S.F.) lot with less than the required lot area, lot frontage and lot width for construction of a new single-family dwelling in a Residential R-10 zoning district.

### Planning Office Findings

The Planning Office finds the proposal not to be generally consistent with Section 17-5 “General Purposes” of the Towns Subdivision and Land Development regulations, and:

- 1) Not generally consistent with the Comprehensive Community Plan. The comprehensive plan does not recommend creation of undersized nonconforming lots.
- 2) Not in compliance with the standards and provisions of the Town’s Zoning Ordinance requiring dimensional variances to have an existing dwelling on a lot with less than the required side setback and to create an undersized nonconforming (5,000 S.F.) lot with less than the required lot area, lot frontage and lot width for construction of a new single-family dwelling.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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 physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increased flooding and soil erosion.

### Planning Office Recommendation

The Planning Office met with the applicant and his attorney. The attorney explained that the applicant consulted with the West Warwick Building Official and Town Planner in 2013 and was instructed to record an Administrative Subdivision merging two of three abutting nonconforming 5,000 S.F. lots to create one 10,000 S.F. lot and leaving one 5,000 S.F. lot. The purpose of the subdivision was to create a conforming lot with a house and to have the applicant apply to the ZBR for approval to build on the remaining 5,000 S.F. nonconforming lot. However, according to Zoning Section 6.1 “*Merger with contiguous lots under common ownership,*”

**“...if two or more contiguous lots having continuous frontage are under common ownership after August 10, 1965 (the effective date of the Zoning Ordinance) and one or more of these lots fails to meet the requirements of the Table of Standard Dimensional Regulations with regard to minimum lot area or minimum lot width, such lots shall be considered to be an individual lot of land for the purpose of this ordinance,** and any lot that does not meet road frontage or access requirements that is contiguous with a lot having sufficient road frontage or access under common ownership, such lots shall be considered to be an individual lot of land for the purpose of this ordinance.”

As a result of following the Town Staff’s recommendations, the property owner unintentionally violated the Town’s Zoning Ordinance.

Should the Planning Board vote to grant Master Plan approval the Planning Office recommends the following stipulations:

- 1) That the applicant shall receive a Zoning Board of Review (ZBR) approval to have a dwelling with less than the required side setback and approval to create an undersized nonconforming lot with less than the required lot area, lot frontage and lot width for construction of a new home prior to preliminary approval.
- 2) That the roof drains shall be deposited into drywells and all runoff shall be contained on site for the proposed new dwelling.
- 3) That the existing shed located on proposed Parcel B shall be removed or moved to conform to required setbacks.
- 4) Payment of a section 17-21 “Fee-in-lieu of Land Dedication” of \$2,500.00 shall be required for the new dwelling unit and shall be collected at the time of application for a building permit.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 5**

**Public Informational Meeting**

**Major Subdivision**

**4 Crompton Avenue**

Applicant/Owner: Legacy Construction  
Location: 4 Crompton Avenue  
Assessor’s Plat: 13; Lot(s): 53 & 765  
Assessor’s Plat: 13; Lot(s): 1  
Zoning District: Residential R-8  
Land Area: 3.07 Acres  
Number of lots: 12  
Engineer: Crossman Engineering

The applicant is proposing to extend a portion of Narragansett Avenue (a paper street), subdivide three (3) abutting lots totaling approximately three (3) acres to create twelve (12) new lots for development, eight (8) conforming lots and four (4) nonconforming lots with less than the required lot depth on a proposed new street in a Residential R-8 zone.

**Planning Office Findings**

The Planning Office finds the proposal to be generally consistent with Section 17-5 “General Purposes” of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the Town Zoning Ordinance therefore requiring dimensional variances from the Zoning Board of Review (ZBR) to have four (4) lots with less than the required lot depth.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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 physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increased flooding and soil erosion.

#### **Planning Office Recommendation**

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

- 1) That the applicant shall receive a dimensional variance from the Zoning Board of Review (ZBR) to have less than the required (100') lot depth on proposed lots 3, 4, 8 & 9 prior to preliminary approval.
- 2) That all storm-water/runoff shall be contained within the development and all roof drains shall be deposited into drywells.
- 3) That the proposed storm-water retention/detention basin shall be located on a separate lot not for development.
- 4) That all drainage shall be maintained by a neighborhood association and that an annual drainage inspection and report shall be submitted to the Town Engineer and/or Building Official for review and compliance with routine maintenance of the drainage system.
- 5) That the language for the utility easement between proposed lots 8 & 9 shall be approved by the Planning and Zoning Legal Counsel prior to recording.
- 6) That a sufficient number of fire hydrants shall be located within the subdivision and there shall be no greater distance than 500' between hydrants to be approved by the West Warwick Fire Department prior to preliminary approval.
- 7) That West Warwick Sewer Authority, Kent County Water Authority and RIDEM approvals and/or permits (if required) shall be issued prior to preliminary approval.
- 8) That a Soil and Sediment Control Plan in conformance with Development Review Regulations

Section 17-19(F) (1) "Erosion and Sediment Control Plan required" shall be included as part of the preliminary plan submission package.

- 9) That the applicant shall provide an excavation/construction plan, which may be combined with the Soil and Sediment Control Plan, designed to mitigate the impact of construction on the abutting residents which shall include but not be limited to, construction access, best practices for dust control and vibration and hours of operation; said plan shall be approved by the Town Engineer prior to preliminary approval.
- 10) That the developer shall be required to pay a fee-in-lieu of land dedication which shall be \$2,500.00 per dwelling unit at the time of application for a building permit as required per Land Development Regulations Section 17-21(E) "Fees-in-lieu of land dedication."
- 11) That a traffic analysis which shall result in no adverse impact on the surrounding neighborhood and no degradation in the existing traffic in the area shall be performed by a Registered Professional Engineer prior to preliminary approval.
- 12) West Warwick DPW road opening permit shall be issued prior to the issuance of a building permit.
- 13) That the applicant shall examine the current drainage condition on Crompton Avenue between Tiffany Avenue and Narragansett Avenue and develop a resolution to the condition if feasible.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 6**

**Public Informational Meeting**  
**Major Land Development Project**  
**1600 Division Road**

Applicant/Owner: Medrecycler - RI Inc.  
Location: 1600 Division Road  
Assessor's Plat: 30  
Assessor's Lot(s): 3 & 471  
Zoning District: Commercial Industrial (CI)  
Land Area: 34 Acres  
Number of lots: NA  
Engineer: Millstone Engineering

The applicant is proposing to install a waste to energy recycling facility in an existing building located at 1600 Division Road in a Commercial Industrial (CI) zoning district in accordance with Zoning Section

5.21“Green, renewable or alternative energy installations and facilities (green project).”

### **Planning Office Findings**

The Planning Office finds the proposal to be generally consistent with Section 17-5 “General Purposes” of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the Town Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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 physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increased flooding and soil erosion.

### **Planning Office Recommendation**

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

- 1) That the applicant shall provide an operation and maintenance plan for the facility which shall include measures for maintaining safe access to the facility as well as general procedures for operational maintenance of the facility.
- 2) That the owner shall be required to work with local officials (Police, Fire & Building Official) to develop an emergency response plan which shall include but not be limited to, means of emergency access to the facility, clearly defined means of shutting down the facility, and contact information for local authorities responsible for responding to inquiries and emergencies.
- 3) That the owner shall provide proof of liability insurance in an amount reasonable to address any failure of the facility.
- 4) That should the facility desire to sell energy to National Grid or any other energy provider, the owner shall provide to the Town written approval from the provider that the facility has been approved as an energy provider as required in Zoning Section 5.21.8.

### **Item 7**

### **2018 Community Development Block Grant (CDBG) Application**

Certification to determine compliance of proposed activities with local development policy set forth in the local Comprehensive Community Plan and with local development ordinances and regulations.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 8**  
**Public Hearing**  
**Blasting Approval**  
**175 Greenbush Road**

Applicant/Owner: Western Mass. Blasting Corp.  
Location: 175 Greenbush Road  
Assessor's Plat: 12-2  
Lot: 20  
Zoned: Residential R-10  
Area: 40.12 Acres  
Number of lots: NA  
Engineer: NA

The applicant is requesting approval to perform limited blasting for utilities as required in accordance with stipulation #8 of the Planning Board final approval letter for the development located at 175 Greenbush Road.

**Planning Board Vote**

Joseph DiMartino	Yes	No
Felix Appolonia	Yes	No
Joe Gardosik	Yes	No
Anthony Petrarca	Yes	No
Wayne Miller	Yes	No
Joshua Barrette (Alt.)	Yes	No
Jessica Rubery (Alt.)	Yes	No

**Item 9**  
**Administrative Subdivision/Approval**  
**For Informational Purposes**

None

**Item 10**  
**Public Comment**