



MEETING MINUTES

Town of West Warwick Planning Board

Meeting Date: Monday, February 6, 2017

Time: 6:00 p.m.

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

Members Present: Joseph DiMartino, Chair
Wayne Miller
Joe Gardosik
Anthony Petrarca

Members Absent: Felix Appolonia, Vice Chair

Alternate Members Present:
Joshua Barrette

Planning Staff: Mark Carruolo, Town Planner
Elaine Mansour, CDBG Manager

Legal Counsel: Albert DiFiore, Esquire

All witnesses sworn in by legal counsel.

Item 1 **Approval of Minutes**

Review and approval of November 14, 2016 meeting minutes.

Motion to approve the November 14, 2016 minutes by Mr. Gardosik, seconded by Mr. Petrarca. All in favor.

Item 2 **Amendment to the Town's Zoning Ordinance** **Sections 3.21a "Disabilities"** **Section 5.6.10 "Supplemental Use Regulations" – Commercial Vehicles** **Section 5.6.16.21 "Supplemental Use Regulations" – Accessory Family Dwelling Unit**

Applicant: Town of West Warwick
Zoning Amendment: Zoning Ordinance amendment to Section 3.21a “Disabilities”
Zoning Ordinance amendment to Section 5.6.10 “Supplemental Use Regulations” – Commercial Vehicles
Zoning Ordinance amendment to Section 5.6.16.21 “Supplemental Use Regulations” – Accessory Family Dwelling Unit

The Town of West Warwick desires to amend Zoning Code Section 3.21a “Disabilities, Section 5.6.10 “Supplemental Use Regulations” – Commercial Vehicles and Section 5.6.16.21 “Supplemental Use Regulations” – Accessory Family Dwelling Unit as presented in the accompanying document.

From time to time provisions of the Zoning Code must be amended to address changes in the Rhode Island General Laws (RIGL). These amendments are intended to bring the West Warwick Zoning Ordinance into compliance with the RIGL.

Legal Counsel to Zoning and Planning is suggesting that the Town amend as presented on the accompanying document.

Planning Department Findings

Upon conferring with the Planning Board’s Legal Counsel, the Planning Office finds the proposal to be in compliance with the Town’s Comprehensive Plan including Chapter 1 Section 1 Purpose, the Land Use Element – Goals, Policies and Implementation Actions, the Housing Element and the Implementation Section. The Planning Office also finds the proposed zoning amendment to be generally consistent with the following purposes of the Town’s Zoning Ordinance as presented in Section 2 “General Purposes”:

- 2.1 Promote the public health, safety and general welfare.
- 2.2 Provides for a range of uses and intensities of use appropriate to the character of the Town and reflecting current and expected future needs.
- 2.3 Provides for orderly growth and development, which recognizes:
 - 2.3.1 The goals and patterns of land use contained in the comprehensive plan of the Town;
 - 2.3.6 The need to shape the urban and suburban development; and
 - 2.3.7 The use of innovative development regulations and techniques.
- 2.8 Promoting a balance of housing choices for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.
- 2.9 Providing opportunities for the establishment of low and moderate income housing.
- 2.12 Promote implementation of the Comprehensive Plan of the Town of West Warwick adopted pursuant to the General Laws.
- 2.14 Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

2.15 Provide for procedures for the administration of the zoning ordinance.

The Planning Office recommendation is for a favorable recommendation to the West Warwick Town Council for the requested zoning amendment.

Discussion

Mr. DiFiore stated there have been changes in the State statute and this will bring West Warwick into compliance with those changes, the language was quoted from the State statute.

Motion to forward a favorable recommendation to the Town Council by Mr. Gardosik, seconded by Mr. Barrette.

Planning Board Vote

Joseph DiMartino	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

All in favor.

Item 3

Amendment to the Town's Zoning Ordinance

Section 5 "Use Regulations"

Section 17 "Development Plan Review"

Applicant: Town of West Warwick
Zoning Amendment: Zoning Ordinance Amendment to Section 5 "Use Regulations"
Zoning Ordinance Amendment Section 17 "Development Plan Review"

The Town of West Warwick desires to amend Zoning Ordinance Section 5 "Use Regulations" and Section 17 "Development Plan Review" to address amendments to RIGL 21 – 28.6 The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act. The Town Zoning Ordinance includes a provision for Medical Marijuana but does not acknowledge the State Law regarding the newly created Licensed Cultivator use category.

Legal Counsel to Zoning and Planning is suggesting that the Town amend Zoning Code Section 5 "Use Regulations" Section 17 "Development Plan Review" as presented on the accompanying document.

Planning Department Findings

Upon conferring with the Planning Board's Legal Counsel, the Planning Office finds the proposal to be in compliance with the Town's Comprehensive Plan including Chapter 1 Section 1 Purpose, the Land Use Element – Goals, Policies and Implementation Actions and the Implementation Section. The Planning Office also finds the proposed zoning amendment to be generally consistent with the following purposes of the Town's Zoning Ordinance as presented in Section 2 "General Purposes":

- 2.1 Promote the public health, safety and general welfare.
- 2.3 Provides for orderly growth and development, which recognizes:
 - 2.3.1 The goals and patterns of land use contained in the Comprehensive Plan of the Town.
 - 2.3.6 The need to shape the urban and suburban development.
 - 2.3.6 The use of innovative development regulations and techniques.
- 2.10 Promote safety from fire, flood and other natural or man-made disasters.
- 2.12 Promote implementation of the Comprehensive Plan of the Town of West Warwick adopted pursuant to the General Laws.
- 2.14 Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
- 2.15 Provide for procedures for the administration of the zoning ordinance.

The Planning Office recommendation is for a favorable recommendation to the West Warwick Town Council for the requested zoning amendment.

Discussion

Mr. DiFiore stated this is the Medical Marijuana statute. Three categories currently exist, Compassion Centers (3 State approved locations), there is a card holder/care giver and a third category, co-op cultivator. This is a new category, Licensed Cultivator. This creates a new category in the Zoning Code for Licensed Cultivator. Co-op cultivators want to switch to Licensed Cultivators, there is a provision to have a grandfather clause, if approved and all permits are in existence they can switch to a Licensed Cultivator at their present location. Any new applications for Licensed Cultivator's must be in a CI zone. The Building Official's office has a form letter to hand out with an explanation and the new operations must go through the process of Planning, Zoning, etc. Mr. Carruolo stated the State eliminated other categories to sell their excess to Compassion Centers. Only Licensed Cultivators can now sell excess to Compassion Centers and locations are restricted to the CI Zone. Co-op Cultivator, Card Holder and Care Giver can be located in any zone by State Law.

Motion to forward a favorable recommendation to the Town Council by Mr. Petrarca, seconded by Mr. Gardosik.

Planning Board Vote

Joseph DiMartino	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

All in favor.

Item 4
Capital Improvement Program (CIP) Recommendation

West Warwick Code of Ordinances Article II “Capital Improvements” established the process for determining the Town’s Capital Improvements Program (CIP) budget schedule. Ordinance Section 2-20 designates the Planning Board, Treasurer and the Town Council as the entities responsible to review and prepare a CIP budget schedule and Ordinance Section 2-21 requires that the Planning Board provide a recommendation for consideration by the Town Council on the CIP budget schedule for presentation at the annual financial town meeting.

Discussion

Mr. Carruolo explained the spreadsheet and the process of the Capital Improvement Program to the Board members.

Motion to approve the Capital Improvement Program by Mr. Barrette, seconded by Mr. Miller.

Planning Board Vote

Joseph DiMartino	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

All in favor.

Item 5
Public Comment

None.

Motion to adjourn by Mr. Gardosik, seconded by Mr. Barrette. All in favor.