



# MEETING MINUTES

## Town of West Warwick Planning Board

**Meeting Date:** Monday, June 5, 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  
Felix Appolonia, Vice Chair  
Wayne Miller  
Joe Gardosik  
Anthony Petrarca

**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 April 3, 2017 meeting minutes.

Motion to approve the April 03, 2017 minutes by Mr. Gardosik, seconded by Mr. Miller. All in favor.

### Item 2 Amendment to the Town's Zoning Ordinance

#### **Section 3 - Definitions and Section 5.3 - Table of Use Regulations**

**Applicant:** Town of West Warwick

**Zoning Amendment:** Zoning Ordinance amendment to Section 3.62.1 “Pet Shops” Definitions and Section 5.3 “Table of Use Regulations.”

The Town of West Warwick desires to amend Zoning Code Section 3.62.1 “Pet Shops” – Definitions and Section 5.3 “Table of Use Regulations” to prohibit the establishment of pet shops.

3.62.1 Pet Shops. A temporary or permanent establishment where animals are bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall not include an establishment or person whose total sales are the offspring of canine or feline females maintained on their premises and sold from those premises and does not exceed twenty (20) dogs or three (3) litters, whichever is greater, in a single calendar year as provided in RIGL § 4-25-1(4). Animal as used herein shall mean any dog or cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate, amphibian, fish, or reptile but shall not include horses, cattle, sheep, goats, swine, and domestic fowl.

5.3 Table of use regulations

		<i>NONRESIDENTIAL DISTRICTS</i>			
		<i>B</i>	<i>CI</i>	<i>BP</i>	<i>VC*</i>
E. Retail Business					
	<u>49. Pet Shops</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

**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.
- 2.2 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;
- 2.12 Promote implementation of the Comprehensive Plan of the Town of West Warwick adopted pursuant to the General Laws.
- 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**

This ordinance will eliminate any future pet shops in Town. The Board can make a favorable or unfavorable recommendation to the Town Council. The Board in its discussions, feel this will be

contrary to the Economic Development element and limit new business coming in to the Town.

Motion to forward an unfavorable recommendation to the Town Council stating this is contrary to the Economic Development element of the Comprehensive Plan and would limit new businesses coming to West Warwick by Mr. Gardosik, seconded by Mr. Miller.

**Planning Board Vote**

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

All in favor.

**Item 3**  
**Public Comment**

John Read spoke regarding the subdivision on Industrial Drive and what is the enforcement of the Board relative to this. He states the owner of the abutting property put boulders around his lot therefore he cannot access his lot.

Mr. Carruolo stated the subdivision is designed to have frontage on Industrial Drive and abuts Nunes Lane. He also stated he reviewed the deed with certain language and it appears the deed language was changed at the time of recording after Mr. Carruolo reviewed it. Mr. Read stated he is not being provided access to his property, however he was advised his access still exists from Industrial Lane. The Planning Board did not approve a right of way, the right of way already existed.

Mr. DiFiore stated if something was changed in the deed by the seller this is a civil matter. Mr. DiMartino stated the lot has access from Industrial Lane, why is the right of way needed? Mr. Read said because of the type of business he runs. Mr. Read claims there is a false document on file in the Clerk's Office and Mr. DiFiore stated the Clerk's office must accept what is presented to them for recording. Mr. Read stated the document was altered after the Planning Board approved it, the land description was changed and then recorded.

Mr. DiFiore stated there is no problem on the Town side and would be happy to prepare a report for the Board stating so. He also stated if the deed showed the right of way and the closing took place and the buyer accepted the deed and the right of way was eliminated then it's the buyer's problem and the buyer's attorney.

Mr. Carruolo stated the plan itself was recorded as approved. The deed recorded however does not reference the plan.

Motion to adjourn at 6:30 pm by Mr. Appolonia, seconded by Mr. Gardosik. All in favor.