MEETING MINUTES
Town of West Warwick
Planning Board

Meeting Date: Monday September 9, 2019
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
Anthony Petrarca
Joshua Barrette
Joe Gardosik
Jessica Rubery (Alt. member)

Members Absent: Felix Appolonia, Vice Chair

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

Legal Counsel: Albert DiFiore, Esquire

All witnesses sworn in by Legal Counsel or the Chairperson.

Item 1
Approval of Minutes

Review and approval of the July 1, 2019 meeting minutes.

Motion to approve the July 01, 2019 minutes by Mr. Gardosik, seconded by Mr. Petrarca. All in favor.

Item 2
Public Informational Meeting
Nottingham Drive Condominiums

Applicant: Atlantic Capital Real Estate, Inc.
Location: Nottingham Drive
Assessor’s Plat: 12-1
Lot: 31
Zoning District: Residential R-10
Land Area: 21.79 acres
The applicant is requesting a Master Plan approval for the construction of a 24-unit residential condominium complex on approximately 21.79 acres in a Residential R-10 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’s Zoning Ordinance. However, requiring a Special Use Permit (SUP) from the Zoning Board of Review (ZBR) authorizing the proposed multi-family residential development.

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**

After conferring with the Technical Review Committee (TRC) and the Planning Board Attorney, the Planning Office recommendation is to grant Master Plan approval with the following stipulations:

1) That the applicant shall receive a Special Use Permit (SUP) from the Zoning Board of Review (ZBR) authorizing a 24 unit residential condominium development prior to preliminary approval.

2) That a sufficient number of fire hydrants shall be located within the development and there shall be no greater distance than 500’ between hydrants to be approved by the West Warwick Fire Department prior to preliminary approval.

3) That the driveway length and proposed cul-de-sac shall be approved by the West Warwick Fire Department prior to preliminary approval.

4) That a landscape plan designed by a RI Registered Landscape Architect shall be required prior to preliminary approval. Said landscape plan shall include a distinctive entry way with aesthetically pleasing features including but not limited to manmade and natural features such
as landscaped berms and or stone walls, street trees and ornamental lighting along the access
driveway, and preservation of the existing stone walls located along the easterly property line.

5) That the applicant shall provide additional parking areas located throughout the development
to accommodate additional visitor parking.

6) That all exterior lighting shall be contained on site and directed away from and/or shielded
from the abutting residential properties.

7) That a Soil and Sediment control plan shall be required at preliminary approval in
conformance with Development Review Regulations Section 17-18(F)(1) “Erosion and
Sediment control plan required.”

8) 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.

9) That the storm-water maintenance plan shall be provided prior to final approval which shall
include a regular schedule of storm-water facility maintenance to be performed by the
condominium association with annual maintenance reports to be provided to the Town
Engineer and the Building Official’s Office.

10) That all utilities including but not limited to the West Warwick Sewer Authority and the Kent
County Water Authority shall be approved prior to preliminary approval.

11) That all necessary State of Rhode Island permits including but not limited to RIDEM
Wetlands permit and RIDEM Underground Injection Control (UIC) permit shall be issued
prior to preliminary approval.

12) That the proposed development shall not receive any Town of West Warwick trash hauling
services, snow plowing, roadway maintenance, drainage maintenance and other similar
services.

13) 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.”

14) That a conservation easement shall be issued to the Town of West Warwick or an alternate
environmental protection group for the remaining undeveloped land and said conservation
easement shall be indicated on the final plans and in all associated deed and documents
related to the proposed development and shall be approved by the Planning Board Legal
Counsel prior to final approval.

15) That the Condominium Association documents and by-laws shall be approved by the Planning
Board Legal Counsel prior to final approval.

16) That the developer shall be required to reconfigure/reconstruct the 3-way intersection at
Crossbow Lane and Nottingham Drive to a 90 degree intersection with 3-way stop signs, stop
lines and pavement markings as recommended on page 5 of the RAB Professional Engineers Traffic Study dated September 21, 2018.

**Discussion**

Attorney K. Joseph Shekarchi is representing. Kevin Demers of DiPrete Engineering is also present. Additional exhibits submitted, numbered and added to the list. The proposal is for 24 condominium units, the land is approximately 21.8 acres, age restricted 55 and over, will sell for approximately $275k - $300k. Approx 1,000sf units, common drives, private roadway with cul-de-sac, sewer and water are available. Area is forested wetlands and a large wooded swamp wetland, well draining soil types. Will deed 13 lots land at the rear of their properties to act as a buffer to abutters. Mr. DiMartino asked about the retention basin and Mr. Demers said it’s conceptual at this point.

Paul Bannon of RAB Professional Engineers completed the traffic study for the project. Additional exhibits submitted and added to exhibit list. He reviewed the report and traffic data. He stated the current level of Service is A (best) and the same level would continue after completion of the 24 units. Mr. Barrette noted the biggest concern is the morning hours especially due to the school in the area and Mr. Bannon stated there is no specific data relative to the school.

Peter Scotti, 403 South Main St, Providence: Expert in real estate valuations and prepared a report on this development. Mr. Scotti submitted his resume and valuation report.

Motion to accept Mr. Scotti as an expert witness by Mr. Barrette, seconded by Mr. Petrarca. All in favor.

Mr. Scotti reviewed his report in detail, reviewed recent sales and explained how he came up with the sales price. Age restricted, newer condos were all looked at. The value is in line with surrounding properties. New condos with age restrictions will bring up other values but won’t decrease them.

Mr. DiMartino stated the board makes a recommendation to zoning and they can reject it.

Steve, 10 Crossbow Lane: Raised his kids here, likes the neighborhood, is in favor of the project.

Ralph Solmonese, East Greenwich Ave: Questioned the number of parking spaces as well as visitor spaces. Mr. Shekarchi described the size of units and garages in response.

Richard Fleury, 59 Hatheway Dr: He is a former State Rep for this area, he told the board he could not find the applicant’s corporation listed on the RI Sec of State’s Website as being registered in the State of RI. He said the board cannot make a recommendation as it would be fraudulent. Mr. Shekarchi stated he will research.

Mr. DiFiore and Mr. DiMartino said the item can be continued to a date certain, all testimony from tonight’s meeting will stand.

Motion to continue to October 07, 2019 by Mr. Petrarca, seconded by Mr. Barrette.

**Planning Board Vote**

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All in favor, motion passes.

**Item 3**

**Public Informational Meeting**

**June Carr Plat**

Applicant: Shoreline Properties
Location: 146 Cowesett Avenue & Carlson Circle
Assessor’s Plat: 13
Lot: 599
Zoning District: Residential R-8
Land Area: 2.8 acres
Number of lots: 8
Engineer: Ocean State Planners, Inc.

The applicant is requesting a Master Plan approval to subdivide an existing 2.8 acre parcel with an existing dwelling and baseball field/playground to create eight (8) new lots, one (1) lot with an existing dwelling with access from Cowesett Avenue and seven (7) new house lots on a new street with access from Carlson Circle in a Residential R-8 zone.

**Planning Office Findings**

1) 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:

2) Generally consistent with the Comprehensive Community Plan.

3) In compliance with the standards and provisions of the Town’s Zoning Ordinance.

4) That there will be no significant negative environmental impacts from the proposed development.

5) 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.

6) That the proposed development possesses adequate physical access to a public street.

7) 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

8) That the proposed development will not result in any increased flooding and soil erosion.

**Planning Office Recommendation**

After conferring with the Technical Review Committee (TRC) and the Planning Board Attorney, the
Planning Office recommendation is to grant Master Plan approval with the following stipulations:

1) That all storm-water/runoff shall be contained within the development and all roof drains shall be deposited into drywells.

2) That the proposed storm-water retention/detention basins shall be located on separate lots not for development.

3) 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.

4) That the Homeowners Association documents and by-laws shall be approved by the Planning Board Legal Counsel prior to final approval.

5) 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.

6) That West Warwick Sewer Authority, Kent County Water Authority and RIDEM approvals and/or permits (if required) shall be issued prior to preliminary approval.

7) 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.

8) 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.

9) 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.”

10) That the alignment of the three (3) way junction consisting of the proposed new June Court, and Carlson Circle at the bend, be designed to form a three-way “T” type intersection with appropriate all-way stop signage installed to facilitate safe movements and control shall be provided at the preliminary review stage as recommended in the RAB Professional Engineers Inc. traffic report.

11) West Warwick DPW road opening permit shall be issued prior to the issuance of a building permit.

**Discussion**

Attorney John Brunero is representing Joseph Catelli, Richard Byzdra, Paul Bannon and Craig Carrigan are also present. Affidavit and green cards were submitted. Mr. DiFiore read the exhibits into the record.
Mr. Brunero stated this is a 2.8 acre parcel, R8 zone, the house on Cowesett Avenue will remain. No waivers are being requested, this will be a town road, this is the Master Plan/Conceptual stage, approval will allow this to move forward for RI DEM permits, KCWA permits, etc. Must comply with zero runoff, cannot and will not create more. Agrees to comments from the TRC committee, homeowner’s association will be reviewed by the board and legal counsel.

Paul Bannon, prepared and submitted his report stating this is a low density development with seven house lots, adequate site distance, would recommend additional stop signs, estimates approximately five morning trips and seven evening trips. Mr. Barrette questioned the 2017 traffic data, Mr. Bannon said that’s the information on record, the most current.

Richard Byzdra of Ocean State Planners also stated all lots meet zoning requirements and will be a public roadway.

Craig Carrigan, PE in RI since 1990, retained for the drainage design.

Motion to accept Mr. Carrigan as an expert witness by Mr. Barrette, seconded by Mr. Gardosik. All in favor.

Mr. Carrigan stated there will be no problem with maintaining zero net runoff.

Mr. Barrette asked if the field was owned by the Town and Mr. Carruolo said there were multiple discussions with the owner for first right of refusal, there was an approximate time frame of three months to execute a purchase and sale at a price more than its value, the town could not meet the time limit due to regulations/policies on purchasing property.

Mr. DiFolco, 15 Carlson Circle: His hedges are on the property line….Mr. Brunero said that’s an issue for way down the road….Mr. Carruolo suggested the homeowner provide his contact info to the developer and discuss with him. He is also concerned with drainage. Mr. DiMartino stated the drainage plan will be heard at the next meeting. Mr. Barrette said the developer cannot make drainage worse, it must be contained.

Mr. Carruolo explained the purpose of this hearing is the general concept, to hear issues from neighbors to the developer, engineer and surveyor. This information is helpful to the developer as they move forward. The input from the public and what’s being said.

Chris Tyler, 31 Carlson Circle: His house is at the intersection and his basement floods, the direction of the roadway will not work, should come in from Cowesett.

Ann Raimondo, 26 Carlson Circle: Entrance is a safety risk, this is a quiet neighborhood. The access is across from her house, she has a mentally challenged son and he will be impacted with lights and sounds.

Jason Licciardi, 26 Carlson Circle: He is the Ward 4 Councilman, he is not representing Ward 4 with his comments this evening. Hates the concept. His number one priority is his son and he will be directly impacted. There is poor water pressure, a poor road condition exists and this will be adding 14 or more cars. A car previously hit a garage on Lee St coming from Dounetos. He understood this field would always be there….snow removal is a problem. No one will buy his house if it’s at an intersection, would like his concerns to be considered. Why not access from Cowesett? Is the homeowner’s association only for the newly built houses? He was told yes, it will be a private
association for drainage. Mr. Brunero also clarified what is shown on the plan is of the existing conditions, the developer is not proposing open recreation. Mr. Licciardi asked if these houses can be leased or rented and Mr. Brunero said yes.

Motion stating the board has accepted Mr. Licciardi’s comments as an abutter and not as a town councilman by Mr. Petrarca, seconded by Ms. Rubery. All in favor.

James Pollitt, 2 Carlson Circle: Most of his concerns were already stated, he likes the open recreation area, people walk their dogs, etc. The recreation area was a big selling point when he purchased his house. He only has 35psi water pressure. Mr. Barrette said the water pressure cannot be made worse and Mr. Brunero stated they will submit a model to KCWA.

John Handy, 35 Carlson Circle: Concerned with traffic, dangerous intersection, he gets water in his basement. Feels quality of life will be reduced in the neighborhood.

Josephine Bucci, 45 Carlson Circle: She purchased her house in December 2018, she likes the recreation field, also stated it’s a quiet neighborhood.

Iris Giammarco, 9 Lee St: Dounetos is too busy, lives across from the house hit by the car, access should be from Cowesett.

James Ainscough, 3 Carlson Circle: There is a swamp between the WWFD and Dounetos. He has drainage concerns.

Gabriella Handy, 39 Lee: Grew up playing in the field, would hate to see it get developed.

Bill Damore, 37 Carlson: Safety, traffic and water are all of his concerns. Complained to KCWA about water pressure, he also stated this is a good neighborhood.

Francis Armstrong, 8 Carlson Circle: 47 year resident, bought the house because of the playground, concerned with the quality of the neighborhood.

Lorraine Fowler, 21 Dounetos: When St Mary’s has a funeral, there are lines of cars on Dounetos, she has puddles in her backyard.

Mr. Brunero stated he understands the concerns but the owner has a legal right to sell at the highest and best price. Approval must be based on law not emotions.

Motion to close the public hearing by Mr. Barrette, seconded by Mr. Petrarca. All in favor.

Mr. DiMartino said the board’s role is to uphold the law, he hears the neighbors and their concerns and understands the issue of the challenged children in the area. Mr. Barrette also stated they have to follow the law but understands the neighbor’s concerns.

Mr. Brunero stated RI DOT will not allow access from Cowesett Avenue.

Mr. DiFiore explained if approved all questions must be satisfied, if not at that point you base your decision on a factual statement.

Ms. Rubery also does not think it’s possible to say no based on emotions, does feel more info is
needed due to the children with special needs.

Motion to approve Master Plan for more information, documentation of all questions, and the developer shall apply to the RI DOT to determine if the agency would allow the development to be accessed from Cowesett Avenue as stipulated by the Town Planner, and consideration of the special needs children by Mr. Barrette, seconded by Mr. Gardosik.

**Planning Board Vote**

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All in favor. Motion passes.

**Item 4**

**Administrative Subdivision/Approval for Informational Purposes**

None

**Item 5**

**Public Comment**

None.

Motion to adjourn at 8:30pm by Mr. Barrette, seconded by Mr. Gardosik. All in favor.