



MEETING MINUTES

Town of West Warwick Planning Board

Meeting Date: Monday November 14, 2016

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 Absent:
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 the October 5, 2016 meeting minutes.

Motion to approve the October 5, 2016 minutes by Mr. Appolonia, seconded by Mr. Gardosik.
All in favor.

Item 2 **Public Hearing** **CDBG Disaster Recovery Application**

The Town is applying for \$184,000.00 in CDBG Disaster Recovery funding for the Shippee

Avenue Green Infrastructure Drainage Plan. The drainage plan is designed to alleviate flooding issues in the Shippee Avenue neighborhood related to the 2010 flood event.

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 specifically Item (3) Promoting the protection of the existing natural and built environment and the mitigation of significant negative impacts of any proposed development on the existing environment, and Item (5) Encouraging design and improvement standards to reflect the intent of the Town’s Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the municipality.

The Planning Office also finds the proposal to be generally consistent with the West Warwick Comprehensive Plan, in particular the Natural and Cultural Resources Element, the Community Services and Facilities Element, the Circulation and Transportation Element and the Implementation Program.

Planning Office Recommendation

The Planning Office recommends that the Planning Board endorse and approve the grant application submission and certify that the application is in compliance with the Town of West Warwick Subdivision and Land Development Review Regulations and consistent with the Comprehensive Plan.

Discussion

Elaine Mansour, CDBG Manager, reviewed the application for the Board and advised them the Town is using \$500,000 of Road Bond Funding toward this project and the CDBG-DR request is for \$184,000.

No public comments. Motion to close the Public Hearing by Mr. Appolonia, seconded by Mr. Gardosik.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes

All in favor.

Motion to endorse and approve the grant application submission and certify that the application is in compliance with the Town of West Warwick Subdivision and Land Development Review Regulations and consistent with the Comprehensive Plan by Mr. Gardosik, seconded by Mr. Appolonia.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes

All in favor.

Item 3
Public Informational Meeting
59 Arthur Street

This item was continued from the October 2016 Planning Board meeting at the request of the applicant.

Applicant:	LaCroix Properties
Location:	59 Arthur Street
Assessor's Plat:	8
Lot(s):	26, 62, 94 & 95 and portion of Laramie Avenue and Jefferson Street
Zoning District:	Residential R-7.5
Land Area:	4.32 Acres
Number of lots:	4 lots to 2
Engineer:	Crossman Engineering

The applicant is proposing a street abandonment of a portion of Laramie Avenue and Jefferson Street and the construction of a 25 unit residential condominium complex in seven (7) buildings with one (1) existing building having less than the required corner side setback in a Residential R-7.5 Zoning District.

This application is classified as a Major Land Development Project for Master Plan approval. The proposed multi-family use requires Planning Board approval, a street abandonment for a portion of Laramie Avenue and Jefferson Street by the Town Council and a Special Use Permit (SUP) from the Zoning Board of Review (ZBR).

Planning Office Findings

The applicant is requesting the Planning Board to approve the withdrawal the project without prejudice.

Planning Office Recommendation

After conferring with the Planning Board Solicitor, the Planning Office recommendation is to grant the request to withdraw the application without prejudice.

Discussion

The applicant requests to withdraw without prejudice. Mr. DiFiore read the exhibits into the record. Attorney Belanger is present. He has had discussions with the Town Planner and feels this is the proper plan of action at this time.

Leo Drolet of 51 Arthur St asked if abutters would be notified if the process starts over and was advised if the applicant resubmits the process would start from the beginning and abutters would be notified.

Motion to accept the request and approve the withdrawal without prejudice by Mr. Appolonia, seconded by Mr. Petrarca.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes

All in favor.

Item 4

Public Meeting

Reinstatement of Application

Arthur Street Residential Cluster

Applicant:	Offshore Development, LLC.
Location:	Arthur Street at the Intersection of Pulaski Street
Assessor's Plat:	8
Lot(s):	527-537 & 539-549 and a portion of Arthur Street
Zoning District:	Residential R-7.5
Land Area:	6.2 Acres
Number of lots:	22 lots to 2
Engineer:	Carrigan Engineering, Inc.

The applicant is requesting reinstatement of an expired Master Plan approval to abandon a portion of Arthur Street and to construct a 30-unit residential condominium complex in a Residential R-7.5 Zoning District. The project was originally approved in January 2006 with a

one year extension granted in October 2007 expiring in October 2008.

Development Review Regulations Section 17-36(c) Reinstatement of Applications authorizes the Planning Board to reinstate a previously approved application subject to the following conditions:

- 1) That the subdivision is consistent with the Comprehensive Plan.
- 2) That the Land Development and Subdivision Regulations pertinent to the specific proposal are substantially the same as they were at the time of the original approval.
- 3) That the zoning of the subject parcel is substantially the same as it was at the time of the original approval.
- 4) That the physical conditions of the subject property are substantially the same as they were at the time of the original approval.
- 5) That all applicable State and Federal regulations are substantially the same as they were at the time of the original approval.

Planning Office Findings

The Planning Office finds the proposal meets all of the criteria presented in Development Review Regulations Section 17-36(c) "Reinstatement of Applications" necessary for the Planning Board to grant the reinstatement of the Master Plan.

Planning Office Recommendation

After conferring with the Planning Board Solicitor, the Planning Office recommendation is to grant reinstatement of the master plan approval with all previous Planning Board stipulations as follows:

- 1) Payment of a section 17-21 Fee-in-lieu for each dwelling unit constructed.
- 2) The open space as shown on the plans shall be recorded as open space in perpetuity.
- 3) Drainage shall be approved by Town Officials.
- 4) The westerly boundary of the property shall be buffered with a stockade fence, with metal poles, to be maintained by the condominium association.
- 5) Construction shall only occur during customary work hours.
- 6) Landscaping shall be provided along boundaries of adjoining neighbors.
- 7) Garbage collection shall be by roll out garbage pails at curb side and not be a dumpster.

- 8) That the applicant shall receive Town Council Approval for the abandonment of Arthur Street prior to preliminary approval.
- 9) That the applicant shall receive Zoning Board of Review approval to construct a 30-unit residential condominium complex in a Residential R-7.5 Zoning District prior to preliminary approval.
- 10) 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.
- 11) That the applicant shall have Kent County Water Authority and West Warwick Sewer Authority approvals prior to preliminary approval.

Discussion

Mr. DiFiore read the exhibits into the record. Attorney Thomas Cronin is representing. At this time they are requesting a reinstatement of the Master Plan approval which was approved in 2005 and expired in 2008, no further action was taken. This is step one in the process, looking to reinstate the amended plan with a less intense use. Mr. DiMartino asked if the Board can reinstate a Master Plan with the number of units being less than the original and Mr. Carruolo explained the Board is reinstating what was approved in the existing condition, the approval is subject to change with respect to the size of the project. The applicant will also have to go before the Town Council for abandonment of a paper street which runs through the middle of the project, then appear before the Zoning Board for relief, and back to Planning for Preliminary review.

Matthew Dowling of 120 Pawtuxet Terrace said he was not aware of this project, and Mr. DiFiore stated there will be at least three more hearings, Town Council, Zoning Board and back to Planning. Notice will be given to the abutters within 200 ft.

Elaine Corrado of 28 Kent St asked if there is any supporting data on the need for this type of housing in the community and if the plans are available for review.

Mr. Carruolo stated all stipulations from 2008 apply, numbers 1 through 7 are in the decision and 8 through 11 are statutory requirements.

Motion to grant reinstatement of the Master Plan by Mr. Gardosik, seconded by Mr. Appolonia.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Joe Gardosik	Yes

Anthony Petrarca Yes
Wayne Miller Yes

All in favor.

Item 5
Public Informational Meeting
Landmark Court Condominiums

Applicant: John Giusti & Joseph Maraia
Location: 101 Quaker Lane
Assessor's Plat: 27
Lot(s): 163
Zoning District: Residential R-8
Land Area: 2.02 Acres
Number of lots: 1
Engineer: Ocean State Planners

The applicant is requesting approval to construct a 12-unit residential condominium complex with less than the required land area in a Residential R-8 Zoning District.

This application is classified as a Major Land Development Project for Master Plan approval. The proposed multi-family use requires Planning Board approval and a Special Use Permit (SUP) and dimensional variance from the Zoning Board of Review (ZBR).

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 as the project requires a dimensional variance for the less than the required land area and a Special Use Permit (SUP) from the Zoning Board of Review (ZBR).
- 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

- 1) 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 Solicitor, 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) and a dimensional variance from the Zoning Board of Review (ZBR) authorizing a twelve (12) unit residential condominium development with less than the required land area prior to preliminary approval.
- 2) That a traffic analysis which shall result in no adverse impact on the surrounding area and no degradation to the existing traffic in the area shall be performed by a Registered Professional Engineer prior to preliminary approval.
- 3) That the proposed development shall provide a minimum ten foot (10') landscaped buffer around the perimeter of the lot to the north, south and west, and a five (5') buffer from the proposed parking spaces along the westerly end of the cul-de-sac abutting lot 484 said buffer may include a six foot (6') high solid fence and a minimum five foot (5') high tight evergreen hedge as screening from the abutting residentially developed properties.
- 4) That the developer shall make every effort to maintain all mature trees along the Quaker Lane frontage and within the required 25' front setback. Said trees to be identified by a certified landscape architect and delineated on the preliminary plan.
- 5) That all exterior lighting shall be contained on site and directed away from and/or shielded from the abutting residential properties.
- 6) 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."
- 7) 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.
- 8) That a landscape plan designed by a RI Registered Landscape Architect shall be required prior to preliminary approval.

- 9) 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.
- 10) That all necessary State of Rhode Island permits including but not limited to RIDEM Wetlands permit and RIDEM Underground Injection Control (UIC) permit and/or RIDOT Physical Alteration Permit (PAP) shall be issued prior to preliminary approval.
- 11) 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.
- 12) 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."
- 13) That the Condominium Association documents and by-laws shall be approved by the Planning Board Legal Council prior to final approval.

Discussion

John Giusti of 505 Red Chimney Dr, Warwick will be one of the owners of the property. One unit will be a walkout and all others ground level. They will be leaving all of the trees on the perimeter as a buffer.

David Duranleau of Ocean State Planners, accepted as an expert witness. He reviewed the calculations on the square footage and noted the detention pond is oversized, he said the distance from the pond to the property line is approximately 10ft.

Mr. Appolonia asked about the TRC minutes regarding driveway access and the cul-de-sac radius. Mr. Carruolo said the actual required paved radius is 40ft, they are proposing a 45ft paved radius, there will be no sidewalks.

There are currently drainage issues at the entrance of Hidden Valley, Ocean State Planners will look at it and if they can alleviate it they will, however it is not related to this project.

Dennis Sousa, 129 Trellis Drive: He spoke with the State regarding the drainage issue and said the water doesn't all go into the wetlands.

Mike DeCiantis, 73 Quaker Lane: He is concerned with the line of site at the entrance, thinks it could be a problem. He is also concerned with the drainage issues.

Joyce Nelson, 73 Quaker Lane: She wants no trees cut on her property to the stone wall. She was told the developer will keep as much as possible that is natural on the other side of the wall.

Jean Gattegno, 75 Trellis Drive: Would like to see some trees added along the driveway, the area is very busy with traffic. If twelve units is not allowed by Zoning, then don't allow twelve units.

Dan Shea, 55 Trellis Drive: Water flows the wrong way, there is an illegal drain on Quaker Lane that drains into Trellis. Traffic is a problem and speed is a factor.

Mr. DiMartino asked if this is a recommendation to the Zoning Board and Mr. Carruolo said yes and he asked if the Board can list all of these issues as stipulations and Mr. Carruolo said yes. He also noted stipulation #2 addresses traffic issues and said an Engineer with a background in traffic analysis must come up with a resolution if there's a problem.

Mr. Appolonia also stated the residents of Hidden Valley could have their own traffic analysis done if they wanted to.

Motion to forward a favorable recommendation to the Zoning Board of Review with all stipulations, by Mr. Petrarca, seconded by Mr. Gardosik.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes

All in favor.

Item 6
Public Comment

None.

Motion to adjourn at 7:10 pm by Mr. Appolonia, seconded by Mr. Gardosik. All in favor.