



# **MEETING MINUTES**

## **Town of West Warwick Planning Board**

**Meeting Date:** Monday December 4, 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 (Not present)

All witnesses sworn in by legal counsel.

### **Item 1** **Approval of Minutes**

Review and approval of the November 6, 2017 meeting minutes.

Motion to approve the November 06, 2017 minutes by Mr. Gardosik, seconded by Mr. Appolonia. All in favor.

**Item 2**  
**Public Meeting**  
**Minor Subdivision**  
**78 Lonsdale Street**

Applicant: Tri-Star Construction  
Owner: Estate of Lucille Prytula c/o Paula Millette  
Location: 78 Lonsdale Street  
Assessor's Plat: 11  
Lot(s): 85  
Zoning District: Residential R-10  
Land Area: 2.3 Acres  
Number of lots: 3  
Engineer: Boyer Associates

The applicant is requesting Preliminary approval to subdivide a 2.3 acre parcel with an existing dwelling to create three new conforming lots, one lot with an existing dwelling and two new lots for development on an existing street 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 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**

After conferring with the Planning Board Legal Counsel, the Planning Office recommendation is to grant Preliminary approval with Final approval to be through the Administrative Officer with the following stipulations:

- 1) Payment of a section 17-21 “Fee-in-lieu of Land Dedication” of \$2,500.00 shall be required for each new dwelling unit constructed and shall be collected at the issuance of a building permit.
- 2) That the applicant shall have Kent County Water Authority and West Warwick Sewer Authority approvals prior to final approval.

### **Discussion**

Attorney Tom Cronin is representing. This is a 2.3 acre lot with an existing single family dwelling in an R-10 Zone, they are proposing 3 lots; Lot A approx  $\frac{3}{4}$  acre, Lot B just under  $\frac{3}{4}$  acre and Lot C, the existing lot at .8 acres. There will be new homes built on A & B. Water and Sewer are available, there are no wetlands. The lot line between lots A & B is not a straight line due to an existing pool and fence. Mr. Cronin is also asking for Final approval to be done Administratively.

Motion to approve the Preliminary Plan with Final approval to be done Administratively 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
Joshua Barrette (Alt.)	Yes

All in favor.

### **Item 3**

#### **Public Meeting**

#### **Request for Extension**

#### **Wakefield Street Condominiums**

Applicant:	Armindo and Maria Mourato
Owner:	Armindo and Maria Mourato
Location:	550 Wakefield Street

Assessor's Plat: 38  
Lot(s): Portion of 19 and lots 21, 22 & 134  
Zoning District: Residential R-10  
Land Area: 3.15 acres  
Number of lots: NA  
Engineer: Boyer Associates

The applicant is requesting a one year extension to the Preliminary approval in accordance with the West Warwick Subdivision and Land Development Regulations Section 17-15(H) to merge four (4) lots to create one (1) 3.15 acre parcel to allow for the construction of a 17 unit residential condominium development on an existing street in a Residential R-10 zoning district. The project received preliminary approval from the Planning Board in September 2015 with the decision being recorded November 2015.

### **Planning Office Findings**

The Planning Office finds the following as required in the West Warwick Subdivision and Land Development Regulations Section 17-36 (1) a-e:

- a) The Land Development Project is consistent with the Comprehensive Plan.
- b) The Land Development Project is substantially the same as at the time of the original approval.
- c) The zoning of the parcel is substantially the same as it was at the time of the original approval.
- d) The physical conditions of the parcel are substantially the same as at the time of the original approval.
- e) All applicable State or Federal regulations are the same as at the time of the original approval.

### **Planning Office Recommendation**

After conferring with the Planning Board Legal Counsel, the Planning Office recommendation is to grant the requested one (1) year extension to expire on November 5, 2018.

### **Discussion**

Mr. Mourato is present and was sworn in by the Chair. He states there are no changes or modifications to the plans, he is asking for a one year extension. Mr. Petrarca asked why and he said he had a personal setback which has been resolved and he is ready to move forward.

Motion to approve the one year extension 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
Joshua Barrette (Alt.)	Yes

All in favor.

**Item 4**

**Public Meeting**

**Waiver and modification of Planning Board approval  
“Orchard”  
a.k.a.  
“Hunters Reserve”**

Applicant:	Five Five Plus, LLC.
Owner:	CWW LLC. & Bradford Sternbach LLC.
Location:	North Pleasant Street
Assessor’s Plat:	1
Lot(s):	85, 145 & 529
Zoning District:	Residential R-8
Land Area:	22.37 acres
Number of lots:	NA
Engineer:	DiPrete Engineering Associates, Inc.

The applicant is requesting a waiver/modification, in accordance with Subdivision and Land Development Section 17-36 (B), of a stipulation imposed upon the subject development by the Planning Board in June 2009 as a condition of Final approval.

The applicant is specifically requesting a waiver/modification of stipulation F. which reads:

***“A Section 17-21 Fee-in-lieu of \$2,500.00 per dwelling shall be paid in advance of the issuance of a building permit for each dwelling unit.”***

Subdivision and Land Development Section 17-21 (A) “Sub-divider must provide open space,” reads as follows:

***“The Planning Board shall require all land developments and subdivisions subject to the provisions of these regulations to dedicate a portion of the land being subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The Planning Board***

**may, in its discretion, require the payment of a fee-in-lieu of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.”**

According to Section 17-21 (A), the decision to accept land or a fee-in-lieu of payment is exclusively up to the discretion of the Planning Board. In 2009, the Planning Board decided to impose the fee on the development rather than accept a land dedication for open space, conservation, park and recreational facilities. The current owner (developer) is requesting that the Planning Board waive/remove the stipulation in exchange for an apparent dedication of open space.

### **Discussion**

Ronald Dunbar is present. This project is 91 units with an age restriction of 55 years or over. Phase I will be 24 units and Phase II will be 67 units. The applicant is complying with the Open Space requirement as there will be 12 acres of Open Space, all usable. The 17-21 fee is a hardship and they are asking for it to be waived.

Mr. DiMartino feels waiving the fee is inappropriate. It appears the Open Space is not conducive to recreation and there is no evidence of trails or recreation areas on the plans, etc. Mr. Barrette mentioned the detention areas are in the Open Space area on the plans. He also inquired on trash removal, asking if it will be curbside or dumpsters and Mr. Carruolo stated there is a stipulation that trash pickup will be curbside, no dumpsters.

Mr. Carruolo also stated this is up to the Board’s discretion and not the developer. All condominium developments have had the 17-21 fee imposed because the developments are privately owned and the common areas are privately owned as well.

Mr. Appolonia said he does not believe any non-resident of the condo development would be using the open space area.

Motion to deny the request to have the Section 17-21 Fee waived.

### **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.

Mr. Carruolo verified the address for Five, Five Plus with Mr. Dunbar as 105 Memorial Boulevard in Newport, stating a Notice of Violation was sent to the address and returned. Mr.

Dunbar acknowledged that is the correct address, Mr. Carruolo handed him a copy of the Notice of Violation and noted another one will be sent.

**Item 5**  
**Administrative Subdivision/Approval**  
**For Informational Purposes**

**Plan Attached**

Project name: Administrative Subdivision/lot merger for S & S, LLC.  
Applicant: S & S, LLC.  
Location: 85 Cowesett Avenue  
Assessor's Plat: 13 Lot: 333-337

Mr. Carruolo advised the Board this is for informational purposes only.

**Item 6**  
**Public Comment**

None.

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