

**WARREN PLANNING BOARD
MINUTES
JANUARY 23, 2011**

The regular scheduled meeting of the Warren Planning Board began at 7:00 PM. Present were F. Massie, J. Piepowski, E. Stanley, M. Jamiel, C. Thibaudeau, R. Mello, R. Silva, D. Kallfelz. M. Heald was absent. Also present was W. Nash, and Attorneys Anthony DeSisto and Stephanie Federico, and Town Planner Caroline Wells.

Public Hearings:

**Wightman's Farm, LLC, owner and applicant; 560 Metacom Avenue; Plat 13C, Lot 157;
Recommendation to Warren Town council regarding Comprehensive Plan – Future Land Use Map
Amendment (remanded back from Town Council for reconsideration).**

Bruce Cox, attorney for Wightman's Farm, stated this hearing was to re-present the application for the owner, Robert Avila, and invited him to speak. Mr. Avila stated the majority of the land is owned by his three daughters. He explained the history of ownership of the land and his efforts to sell it, including testing for contamination, found on adjacent land. Interested parties included RI Hospice, and the Housing Authority; both declined to make the purchase. The parcel is pristine land, with a 400 foot depth on Metacom Avenue, with wetlands barriers, remediated to the satisfaction of the DEM. As all of Metacom Avenue is a commercial area, he is requesting it be zoned Commercial to enable him to market the parcel effectively, the only land available on Metacom Avenue currently.

Attorney Cox specified the land in question is south of Libby and Franklin Streets with manufacturing located to the south of the parcel. Adams Lane is an easement, a right to pass for the end of the land, not a lane, and can be moved to another location to give access to residents.

Mr. Ed Pimental, a Certified Planner and consultant explained that in his survey of the area most of the properties have limited depth. The Comprehensive Plan states that more commercial development can be supported, though the strip pattern is a concern, but a balance must be maintained between Residential and Commercial properties. Using available data from 1997, Warren has 3.47% land available for Commercial development, and 97% for Residential. Wightman's Farm can become a catalyst for development due to its depth and location.

D. Kallfelz questioned if design guidelines were in place. Caroline Wells, Town Planner responded they were not.

F. Masse inquired if there was a vision for the land by the owner and whether the site plan should be part of the request. Mr. Avila replied he cannot sell the land unless it is zoned properly.

Attorney DeSisto explained there were no time limits on the Comprehensive Plan, but the Zone Map Amendment is at the Town Council. If the Amendment was withdrawn, the Comprehensive Plan can move forward.

Mr. Joseph Lombardo, a Certified Planner reported on the fiscal impact of both types of developments on the town. For a 30,000 sq. ft. commercial development, income to the town would be about \$50,000. If 20 house lots were built on ¼ acre lots, the town would realize a loss of \$98,000.

Asked if the land was suitable for affordable housing, Mr. Lombardo replied it was, as well as for senior housing.

Caroline Wells, Town Planner, addressed the function of the Comprehensive Plan: it is what the people of Warren want to see. Metacom Avenue does not work; it is a commercial area nested in residential neighborhoods, a strip dated and limited by size and traffic at the expense of the abutting neighborhood. Expansion to the north is not possible. Warren has lost 7% population, mostly young, with fewer students, while there is a 2 year wait for affordable housing, financial support for which has been cut by 50%. Her recommendation is denial of the zoning change, and to maintain the Residential zoning.

Attorney DeSisto stated the town was not going to buy the development rights to the land in question. What is needed is to do what is most appropriate for the property. The Comprehensive Plan has the force of law behind it; it is the driving document for development, a policy statement. The current plan is 20 years old, so what is done today will echo in the future. The land must support development.

The public was invited to speak.

Shawn Carrey spoke of too much traffic on Metacom Avenue, thus he chose not to live here.

(elderly woman) felt there were too many cars, a bad economy, help wanted signs.(I did not get her name and wonder if her issues are relevant to include)

Dana Warren, from Adams Lane reiterated her comments from the previous meeting about no graphics being presented, questioned the accuracy of the number of developable acres due to wetlands, and not having been consulted about the issue of Adams Lane.

Frances Nunes raised an issue with petitions opposing the zone change being circulated signed by people not living in Warren. Attorney DeSisto will send a memo to the Town Council.

Don Amaral felt Metacom Avenue was Commercial and the town should take advantage of it.

Ann Morrill, 1st Vice President of the Kickemuit River Council spoke about how 48% of runoff affects the Kickemuit River, thus the flow from the site will affect the river. Wetlands have been reduced or locations changed, the coastal buffer omitted. The change will harm homeowners in order to make money for one owner. Her position is to deny the zone change.

Robin Remy, Mr. Avila's daughter and 1/3 owner of the land, stated she wants to keep the land the way it is. Her father wants to restore a house on the parcel and live there, as do his daughters. They have a community focus and love for the land to find way to allow it to remain available for the community to use in some way.

Bill Ryan has worked for Mr. Avila and spoke of his personal effort in maintaining a cemetery on Adams Lane. He feels Mr. Avila will follow whatever guidelines are in place.

Louis Regal has spent 30 years in real estate and feels the town need to strengthen its tax base. Business is the highest and best use. If the land is empty, it should be used to create jobs.

Timothy Pray of Tap Printing on Metacom Avenue works for most merchants on the avenue. Small business makes America function. A draw is needed for Warren with new business.

Attorney Cox conferred with Attorney DeSisto discussing holding the application at the Town Council.

M. Jamiel made a motion to continue the issue to the next meeting as the applicant will hold the Zone Map Amendment in Town Council until the applicant has a more complete plan concept and regulations for the remainder of the land of the Kickmuit property. The Adams Lane issue must also be addressed. Seconded by C. Thibaudeau, the vote was unanimous.

Minutes of December 19, 2011

On a motion by M. Jamiel seconded by R. Mello, the minutes were unanimously approved.

Old Business:

Gary D. Fenster, owner; Plat 15A, Lots 71 & 72 Seymour St; Minor Subdivision

Attorney Carl Silva submitted the final request for a minor subdivision for Gary Fenster. All of the TRC issues have been addressed with minor modifications concerning the right of way on the right side. The drainage system has been removed, landscaping timbers added to the plan, the easement remains gravel.

Mr. and Mrs. John Solomon, the abutters, reiterated their concern about drainage, as trees have been removed and their property is on the down side of the hill. According to W. Nash, Shawn Martin, Town Engineer stated at the TRC meeting that all the requirements have been met, and that the rate and amount of runoff will be less than before. He will review this as work is finalized.

M. Jamiel made a motion to approve the plans conditionally: 1) that Shawn Martin reviews the soil erosion and sedimentation control after project is completed, 2) volume and rate are reduced as checked by Shawn, 3) the easement remains gravel, 4) the recommendation of the TRC be incorporated by reference. Seconded by J. Piepowski, approved unanimously.

Touisset Farms; GRF Associates, LLC, owners; land off Chase Avenue – Plat 17, Lot 7; Review of approved Final Plan amendment and decision from May 23, 2011.

Attorney Scott Spear presented the final plan; additions of notations of final plans incorporated by reference. They will not be recorded until a final review by the Town Solicitor.

R. Silva made a motion to accept the memorandum of the decision with additions. Seconded by M. Jamiel, unanimously approved.

Rockland Acres; William Rodrigues, Jr. – owner/applicant; land off Touisset Road; Plat 17, Lot 175; Request to modify the Final Plan Approval *and* a reduction of the posted bond.

Attorney Bruce Cox divided the request into two parts: bond reduction, and modification of Final Plan Approval. Director of Public Works John Massed's memo to W. Nash indicates the original \$74,000 bond can be reduced by \$35,000 due to work completed, leaving the remaining bond at \$39,000. At issue is whether a partial bond can be released. Attorney Federico stated it is permissible. A motion was made by R. Silva to release the \$35,000 based on John Massed's memo and the Council. Seconded by M. Jamiel, the vote was 7-1 with C. Thibaudeau voting not to release a partial bond.

A motion was made to approve the modification of Final Plan with approval of parcel 6 by F. Masse, seconded by R. Mello, unanimously approved.

The meeting was adjourned at 10:07 PM.

Respectfully submitted,

Catherine Gresh
Recording Secretary