

**WARREN PLANNING BOARD
MINUTES
JUNE 25, 2012**

The regular scheduled meeting of the Warren Planning Board began at 7:00 PM. Present were F. Massie, J. Piepowski, M. Jamiel, R. Silva, M. Heald, D. Kallfelz, R. Mello, C. Thibaudeau, and M. Rousseau. Also present were W. Nash, Attorney S. Federico, Town Planner Caroline Wells, Attorney Bruce H. Cox, Sleprow, Sleprow & Associates, Inc., Edward Pimentel, Certified Planner, Joseph Lombardo, Certified Planner and Financial Analyst, Richard Lipsitz, President of Waterman Engineering, and Robin Remy of Wightman's Farm, LLC.

Public Hearings:

1. Wightman's Farm, LLC, owner and applicant; 520 and 536 Metacom Avenue; Plat 13C, Lots 3 & 157 (reconfigured); *Recommendations to the Warren Town Council* regarding a Comprehensive Plan – Future Land Use Map Amendment request (“High Density Residential” to “General Business Area,”) and a Zoning Map Amendment request (R-10 to Business.)

On a motion from R. Mello, seconded by J. Piepowski, the public hearing was opened.

After receiving testimony from the applicant, the applicant's attorney and the applicant's witnesses, the Board heard testimony from members of the public and from Town Planner Caroline Wells. The applicant was then allowed time to respond to the public testimony. Throughout these proceedings, members of the Planning Board made comments, responded to statements from both the applicant and members of the public. Attorney Federico cautioned that if the zoning is changed to Business, future plans will only need to conform to those requirements. Attorney Cox suggested his clients will agree to deed restriction to 30,000 square feet in the Land Evidence Record.

On a motion by J. Piepowski, seconded by C. Thibaudeau, the public hearing was closed.

R. Silva made a motion, seconded by C. Thibaudeau, to approve the change to the Comprehensive Plan with the following restrictions:

1. Commercial development on Assessor's Lots 157 and 3 would be limited to a maximum building footprint of 30,000 square feet and impervious coverage commensurate therewith.
2. Applicant will provide unobstructed access to Metacom Avenue for Adams Lane residents, meaning no parking spaces, either drive-in, angle-in or parallel, will be located on the Adams Lane access through the commercial site when finally developed.
3. Building site areas on the land to the east known as Assessor's Plat 13C, Lot 1 shall be limited to the two areas shown on the diagrammatic on said plan entitled, “Wightman's Farm Schematic Development Plan, A.P. 13C - Lots 1 & 157, Metacom Avenue, Libby Lane and Parker Avenue, Warren, RI, prepared for Wightman's Farm, LLC by Waterman Engineering.”

-The first area being that which abuts Libby Lane to the north, Assessor's Plat 13C - Lot 2 to the west and a row of trees and existing barn and dwelling to the east and an area of standing water to the south shown on said Plan.

-The second area to be as shown on the aforesaid Plan being that which abuts Assessor's Plat 13C - Lots 9 and 4 to the south, Assessor's Plat 13C - Lot 157 to the west, Assessor's Plat 13C - Lot 17 to the east and a line running east and west commencing at Assessor's Plat 13C - Lot 157, approximately 360 feet plus/minus from that granite bound found at the intersection of Assessor's Plat 13C - Lot 157, 13C - Lot 1 and the northern boundary of Assessor's Plat 13C - Lot 4-7 & 57 to the south, thence said line traveling easterly a distance to the maximum point being the intersection of said line with an intersection of a northerly extension of the easterly boundary of the Handy family cemetery, Assessor's Plat 13, Lot 17.

The remaining portions of said parcel to remain undeveloped and open but the developable areas within them shall remain available, meaning that it shall be included, for purposes of calculating the number of dwelling units that could be developed on the site and the two identified developable areas. The developable density calculations for the above described

parcels shall be as if the above open areas were not so restricted.

4. The provision of up to 30 parking spaces on Libby Lane on the northern boundary of Assessor's Plat 13C, Lot 1.

5. The provision of a 100-foot wide view corridor extending eastward along the northern boundary of Assessor's Plat 13C, Lot 157 extending same across Assessor's Plat 13C, Lot 1 extending from Metacom Avenue to the Kickemuit River, said new corridor and any land therein not to be excluded from any calculations as to developable land.

6. That any applications submitted for commercial development on Assessor's Plat 13C, Lot 57 shall be subject to a special use permit review. All the normal uses set forth in Article VIII and the dimensional requirements set forth in Article XIII shall apply. The application shall be reviewed under the standards set forth in the Rural Business Zoning District Article XXVIII, Sections 32-163, 32-164, 32-165, 32-167(f) Facades, (g) Accessory Structures, (h) Buffer Areas, (i) Utilities, (j) Parking, (k) Fences, (l) Walls, 32-168, 32-169, and 32-170.

7. Applicant will assure these commitments shall be enforceable as deed restrictions to be recorded as covenants running with the land by the recording of said deed restrictions in the Land Evidence Records for and in the Town of Warren.

However, as the applicant has not yet submitted a legal document detailing the specific agreements noted as conditions for the Planning Board's recommendations on both the requests, a & b, noted above, the Planning Board requests the Warren Town Council carry over consideration of the requests and Board recommendations until its meeting in August, allowing the Planning Board Chairman, Building Official and the Town Solicitor adequate time to review the conditions document, ensuring that all the conditions the applicant agreed to are, in fact, met and legally binding.

The Comprehensive Plan Amendment motion with Restrictions was approved 5-4 with M. Heald, D. Kallfelz, M. Rousseau, M. Jamiel opposed.

On a motion from R. Silva, seconded by J. Piepowski, the Zoning Map Amendment request from R10 to Business was approved 5-4 with M. Heald, D. Kallfelz, M. Rousseau, M. Jamiel opposed.

2. Karen Fisher-Lamoia Et Al., owners and **Judy McIntosh**, applicant; 326 Market Street (Judy's Heavenly Treasures); Plat 23, Lot 24; *Recommendation to the Warren Town Council* regarding a Zoning Map Amendment request to enclose a 6' x 30' area in the rear farmer's porch and use this space for an expansion of the business.

On a motion from J. Piepowski, seconded by D. Kallfelz, the public hearing was opened. The applicants stated the porch will be closed with removable panels and will be used for extra sales space and a refrigerator. There were no public comments. M. Jamiel moved, C. Thibaudeau seconded the hearing be closed. M. Jamiel made a motion to approve the request, C. Thibaudeau seconded and the Planning Board approved unanimously to recommend the Warren Town Council approve the requested amendment. On a related note, the Planning Board recommends the Town Council review and possibly amend this property from its current status as a contract zone.

3. Robert J. Healey, Jr., Attorney and Commodore for the Warren Yacht Club, Inc.; *Recommendation to the Warren Town Council* regarding a Zoning Ordinance Amendment request to add the definition of "Marina" into the Warren Zoning Ordinance.

Planning Board member C. Thibaudeau recused himself.

J. Piepowski moved, and M. Jamiel seconded the opening of the public hearing.

After receiving testimony from the applicant, the Board heard testimony from members of the public. The applicant was then allowed time to respond to the public testimony. Throughout these proceedings, members of the Planning Board made comments, responded to statements from both the applicant and members of the public.

M. Healey moved, R. Mello seconded closing the public hearing.

Rather than accept the specific definition of a marina as presented by the applicant and tailored to a specific entity (Warren Yacht Club, Inc.), R. Mello moved, M. Healey seconded recommending that the applicant provide specific details regarding the mission and proposed on-the-water and off-the-water activities of the Warren Yacht Club, Inc. at the proposed location at Warren's Old Harbor Marine to the Warren Town Council and that the Town Council determine an appropriate definition of a marina, drawn from existing definitions for other Rhode Island towns and cities, and reflecting Warren's specific situation and goals for appropriately-regulated waterfront development. Approved unanimously.

The Board approved hearing the New Business issue prior to the Public Hearing on the Community Garden proposal.

New Business:

Rockland Acres; William Rodrigues, Jr. – owner/applicant; Land off Touisset Road; Plat 17, Lot 175; Request to *modify* the final Plan Approval to include Lot #6 in Phase 1.

As lot 175 in Plat 17 already has the appropriate infrastructure in place to allow its development, J. Piepowski moved, D. Kallfelz seconded the motion to approve Lot #6 in Phase 1. The Planning Board unanimously approved the modification request, subject to the presentation of the request by the applicant's attorney to the Warren Planning Board Chairman, the Town Solicitor, and the Town Building Official and subject to their review and approval.

Public Hearing:

4. Town of Warren, owners and applicants; land off Asylum Road and Paul Court ("Community Garden"); Plat 19, Lot 47; *Recommendation to the Warren Town Council* regarding a Zoning Map Amendment request (R10 to R40).

The meeting was opened as a public hearing. The Board received testimony from Warren Town Planner Caroline Wells who explained the town bought the R10 zoned land in 2001 to prevent development, but now there are commercially-related agricultural options to allow lease holders to use the land for agricultural purposes requiring the requested Zoning Map Amendment. There were no comments offered, and the public hearing portion of the meeting was then closed.

M. Jamiel moved, R. Silva seconded to approve the change from R10 to R40. The vote was unanimous.

Minutes of May 29, 2012

On a motion by D. Kallfelz, seconded by J. Piepowski, the minutes were unanimously approved as corrected.

Administrative Matters:

W. Nash and Attorney Federico will be presenting a clarification of methodology of receiving items from the public.

The meeting was adjourned at 10:12 PM.

Respectfully submitted,

Catherine Gresh
Recording Secretary