

**Meeting Notice
City of Warwick
Planning Board**

Date: Wednesday, December 7, 2005

Time: 7:00 p.m.

**Location: Warwick City Hall
Lower Level Conference Room
3275 Post Road
Warwick, RI 02886**

Review and acceptance of November 2005 meeting minutes.

Public Meeting

**Request for Extension
Minor Subdivision**

Shadow Brook Drive

Applicant: Steven Moretti

Location: 30 Shadow Brook Drive

Assessor's Plat: 224

Lot(s): 5

Zoning District: Residential A-40

Land Area: 3.03 Acres

Number of lots: 2

Engineer: David Gardner and Associates

Ward: 9

The applicant is requesting an extension to a preliminary approval granted in November 2004 decision recorded December 2004 to subdivide one conforming lot to create two new conforming lots; one lot with an existing dwelling and one new lot for development on an existing city street in a Residential A-40 zoning district.

The applicant received RIDEM wetlands approval in October 2005 and is currently awaiting RIDEM/ISDS approval prior to receiving final City approval.

Planning Department Findings

The Planning Department finds the following:

1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.

2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.

3) The Zoning Map designation for the subdivision has not changed since the time of the original application.

4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

Planning Department Recommendation

The Planning Department recommendation is to grant the extension, to expire on December 7, 2006.

Public Meeting

Minor Subdivision

Main Avenue and Palace Avenue

Applicant: Quality First Builders

Location: 605 Main Avenue

Assessor's Plat: 344

Lot: 314 & 316

Zoning District: Residential A-7

Land Area: 15,350 square feet

Number of lots: 2

Engineer: Sugrue & Associates Inc.

Ward: 3

The applicant is requesting preliminary approval to subdivide two lots to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-7 zoning district.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.**
- 2) In compliance with the standards and provisions of the City’s 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 and permanent access to a public street.

Planning Department Recommendation

The Planning Department recommendation is to grant preliminary approval with final approval to be through the Administrative Officer with the following stipulations:

1) That the final plan shall show all existing and proposed utilities, including the existing 12 inch storm drain that runs along the easterly pavement edge of Palace Avenue.

2) That the final plan shall clearly delineate the existing and proposed contours.

3) That the roof runoff shall be mitigated through drywells or similar measures.

4) That a RIDOT Physical Alteration Permit (PAP) shall be required for any work within the Main Avenue right-of-way (ROW) and a City of Warwick PAP shall be required for any work within the Palace Avenue ROW.

5) That the final plan shall include a 25' construction buffer measured from the boundary of the existing cemetery in conformance with RIGL 23-18 "Cemeteries" if necessary.

6) That the developer shall plant one Bradford Pear Tree along Palace Avenue and one Elm Tree along Main Avenue.

Public Meeting

Minor Subdivision

Oakside Avenue and Leland Avenue

Applicant: Joseph and Patricia Simas

Location: 72 Leland Avenue

Assessor's Plat: 357

Lot(s): 255, 256, 271 & 272

Zoning District: Residential A-7

Land Area: 16,000square feet

Number of lots: 2

Engineer: Ocean State Planners, Inc.

Ward: 5

The applicant is requesting preliminary approval to subdivide four lots to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-7 zoning district.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.**
- 2) In compliance with the standards and provisions of the City’s 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 and permanent access to a public street.**

Planning Department Recommendation

The Planning Department recommendation is to grant preliminary approval with final approval to be through the Administrative Officer

upon compliance with the following stipulations:

1) That the final development plan shall include all interior angles and the distance of the proposed new property line, depict Fairhaven Avenue, as well as, the abutters on the south side of Oakside Avenue, the setbacks to all existing remaining structures and proposed new structures, existing and proposed grading and utilities.

2) That the roof runoff shall be mitigated through drywells or similar measures.

3) That the existing 40' caliper Oak Tree located between the fence and Oakside Street shall be preserved and protected with drip-line tree protection to be approved by the City's Landscape Project Coordinator prior to the issuance of a building permit.

4) That the existing and proposed dwellings shall be connected to the Warwick Sewer System as a condition of a Certificate of Occupancy.

Public Hearing

Major Land Development Project

Toll Gate Condominiums

Applicant: Louis and Joan Roy

Location: 192 Toll Gate Road

Assessor's Plat: 246

Lot: 237

Zoning District: Office

Land Area: 1.15 acres

Number of lots: NA

Engineer: Eugene Spring, P.E.

Ward: 8

The applicant is requesting Master Plan of a Major Land Development to develop a 10-unit residential condominium complex on a lot with less than required land area, frontage, lot width, building, parking and driveway setbacks, and landscaping in an Office Zone.

Planning Department Findings

The Planning Department finds this proposal NOT TO BE generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

1) NOT consistent with the Comprehensive Community Plan.

The Comprehensive Plan states: "Designate the area along Toll Gate Road between Centerville Road and Commonwealth Avenue for office use while still respecting pockets of residential use." This section of

Toll Gate Road is primarily office; the subject property is surrounded by office on both sides and across Toll Gate Road; therefore, the most appropriate use for this site is office, as it is currently zoned.

Further the Comprehensive Plan requires “buffers and strict design controls between residential and nonresidential uses.” The proposed plan offers no buffers and/or design controls between the requested residential use and the abutting offices. The proposed condominium units are to be located within ten feet and the decks within six feet of the abutting office uses and parking lots. As a result, the residential units will be exposed to the nuisances related to the abutting office uses including but not limited to, automobile fumes, headlights, noise, commercial activity, etc.

2) Not in compliance with the standards and provisions of the City’s Zoning Ordinance. The proposal does not meet any of the dimensional requirements of the City’s Zoning Ordinance Section 502 “Two-family and multiple-family dwelling approval by the Zoning Board of Review”, including but not limited to, minimum land area, lot frontage, lot width, building, parking and driveway setbacks, landscaping, as well as, section 604.6 “Public Safety” in that the development does not provide the required clearances and access for fire and rescue apparatus.

Also, the proposed development requires a Special Use Permit from the City’s Zoning Board of Review as contained in Section 906.3 (C).

According to Zoning Section 906 (C), in order to qualify for a Special Use Permit the project MUST “meet all the criteria set forth in the subsection [502] of this ordinance authorizing such special use. This project clearly does not meet the criteria and therefore does not qualify for a Special Use Permit.

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

4) That the proposed development is impracticable in that it is incompatible with the surrounding land uses, that it does not conform to the City’s zoning requirements including Sections 502 “Two-family and multiple-family dwelling approval by the Zoning Board of Review” and 604.6 “Public Safety.”

5) That the proposed development DOES NOT possesses adequate access to a public street, the access drive and parking do not comply with the City’s zoning regulations in particular Zoning Section 604.6 “Public Safety.”

Planning Department Recommendation

Planning Department recommendation is to DENY the Master Plan.

Public Hearing

Major Land Development Project

Centerville Road Multi-family

Applicant: Charles Abosamra

Location: 724 Centerville Road

Assessor's Plat: 242

Lot(s): 7, 8 & 35

Zoning District: Residential A-15

Land Area: 2.72 Acres

Number of lots: 3

Engineer: Ocean State Planners Inc.

Ward: 8

The applicant is requesting Master Plan approval of a Major Land Development Project/Subdivision to merge three lots with one existing dwelling to allow for the development of ten residential condominiums in a Residential A-15 Zoning District.”

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations and

1) Generally consistent with the Comprehensive Community Plan.

2) In compliance with the standards and provisions of the City's 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, and

5) That the proposed development possesses adequate and permanent access to a public street.

Planning Department Recommendation

Planning Department recommendation is to grant Master Plan approval with the following stipulations:

1) That the applicant must receive a Special Use Permit from the City's Zoning Board of Review to have a ten unit condominium development in a Residential A-15 Zoning District.

2) That the applicant shall record an administrative subdivision

merging the three lots, as a condition of final approval.

3) That the existing residential dwelling at 724 Centerville Road shall be accessed through the condominium development and the existing driveway along Centerville Road shall be abandoned.

4) That the condominium drive shall be relocated to conform to the required ten foot setback from abutting lot #10 as per Zoning Section 502.3 (C).

5) That the Cul-de-sac radius shall be increased in order to accommodate fire and rescue vehicles as per N.F.P.A.-1, 2003.

6) That a fire hydrant shall be located along the north easterly corner of building #1.

7) That the preliminary plan shall include the intersection of Centerville Road and Douglas Avenue, the existing drain pipe along the westerly property which runs southerly from Centerville Road line to Hardig Brook and a plan and profile of the proposed access drive.

8) That the preliminary plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect which shall include appropriate buffers and screening from the abutting residential properties in accordance with Zoning Ordinance Sections 502.2 (D) "Screening" and 502.3 (D) Landscaping."

Street Abandonment

Seaview Drive

Petitioner: William White III

Location: Assessors Plat: 375 See attached map.

Ward: 6

Reason for Abandonment: That portion of Seaview Drive Avenue has ceased to be useful to the public as a highway, street or drift way. The petitioner's residence is currently encroaching onto the city right-of-way. The petitioner is requesting the abandonment in order to relieve the existing encroachment.

Recommendation: The City's Public Works Department objects to the requested abandonment and has recommended issuing an easement to dissolve when the structure is razed.