

MEETING NOTICE

Town of West Warwick

Planning Board

Meeting Date: Monday, May 11, 2015

Time: 6:00 p.m.

Location: West Warwick Town Hall

Town Council Chambers

1170 Main Street

West Warwick, RI 02893

Item 1

Approval of Minutes

Review and approval of March 2015 meeting minutes.

Item 2

Public Hearing

Arctic Design Control District - Major Activity

226 Washington Street

Applicant: Carl Montiero

Location: 226 Washington Street

Assessor's Plat: 6

Lot(s): 176

Zoning District: Arctic Design Control District (ADCDC)

Land Area: 3,049 sf.

Number of lots: NA

Engineer: NA

The applicant is proposing a Pawn and Coin Shop in an existing building that was formally an office at 226 Washington Street. The proposed use is to buy and sell coins, silver and gold, to provide check cashing services and pawn brokering. The applicant is proposing a window sign only, there will be no external signage, and parking will be on street.

This application is classified as a Major Change as defined in Zoning Section 5.15.8 (F) as the proposal constitutes a change in use.

It should be noted that the Building Official expressed a concern at the Technical Review Committee (TRC) Meeting about the lack of on-site parking.

Planning Office Findings

The Planning Office finds this proposal to be generally consistent with Zoning Ordinance Section 5.15 "Arctic Design Control District," harmonious with the spirit and intent of the district and appropriate to the character and function of the district:

- 1) Proposed use is an allowed use in the ADCD zoning district.**
- 2) Interior renovations include removal of two (2) walls.**
- 3) That the proposed business hours are Monday – Friday 10 AM to 6 PM, Saturday 10 AM to 2 PM and closed on Sunday.**
- 4) Signage – proposed window sign only.**
- 5) The proposed use requires 4 parking spaces and parking will be on-street.**

Planning Office Recommendations

After conferring with the Technical Review Committee (TRC) and the Planning Board Solicitor, the Planning Office recommendation is to approve the proposed use with the following stipulations:

- 1) That all interior renovation shall comply with all applicable building codes and fire codes.**
- 2) Proposed window sign shall not be an animated sign, flashing sign and/or electronic message display sign and shall not exceed 25% of the total window area.**

3) That any additional signage shall require Town Planner approval as a minor change.

Planning Board Vote

Joseph DiMartino Yes No

Felix Appolonia Yes No

Joe Gardosik Yes No

Anthony Petrarca	Yes	No
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Wayne Miller (Alt.)	Yes	No
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Joshua Barrette (Alt.)	Yes	No
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Item 3

Public Hearing

Arctic Design Control District - Major Activity

244 Washington Street

Applicant: Cumberland Farms

Location: 244 Washington Street

Assessor's Plat: 6

Lot(s): 152, 153, 156 &1079

Zoning District: Arctic Design Control District (ADCD)

Land Area: 9,450 sf.

Number of lots: 4

Engineer: DiPrete Engineering

The applicant is proposing to relocate an existing dumpster and construct a 25' x 8' (200 S.F.) walk-in cooler to the southwesterly side of the existing convenience store building. The proposed addition would have a 14.05' side setback from Baker Street and a 5'9" rear setback.

This application is classified as a Major Change as defined in Zoning Section 5.15.8 (F) as the proposal constitutes a change to a secondary structure – addition of a walk-in cooler.

Planning Office Findings

The Planning Office finds this proposal to be generally consistent with Zoning Ordinance Section 5.15 “Arctic Design Control District,” harmonious with the spirit and intent of the district and appropriate to the character and function of the district:

- 1) Proposed use is an allowed use in the ADCD zoning district.**
- 2) The proposed addition will have no effect on the existing parking.**
- 3) The proposed use is considered accessory to the existing convenience store use.**
- 4) The existing use currently occupies Four (4) separate Tax**

Assessor lots.

Planning Office Recommendations

After conferring with the Technical Review Committee (TRC) and the Planning Board Solicitor, the Planning Office recommendation is to approve the proposed use with the following stipulations:

1) That all renovations/additions shall comply with all applicable building codes and fire codes.

2) That the applicant shall install a solid ornamental fence along the rear property line from the southwesterly corner of the building to the existing fence line along Baker Street and continuing in a northwesterly direction along the existing Baker Street fence line to the most northerly edge of the proposed dumpster enclosure in order to screen the proposed use from the abutting residential properties.

3) That the applicant shall merge the existing four (4) lots into one lot through an administrative subdivision.

Planning Board Vote

Joseph DiMartino Yes No

Felix Appolonia Yes No

Joe Gardosik Yes No

Anthony Petrarca	Yes	No
Wayne Miller (Alt.)	Yes	No
Joshua Barrette (Alt.)	Yes	No

Item 4

Public Hearing

Major Subdivision

Metropolitan Oil

Applicant: Metropolitan Oil Company, Inc.

Location: 1086 Main Street

Assessor's Plat: 17

Lot(s): 41 & 42

Zoning District: Business (B)

Land Area: 27,919 sf.

Number of lots: 2

Engineer: Boyer Associates

Applicant is requesting a combined preliminary and final approval to subdivide two abutting merged lots, one conforming 15,374 sf. lot and one nonconforming 12,545 sf. lot with an existing gasoline station and car wash/garage to create two new lots; one conforming 20,252 sf. lot with a gasoline station having less than the required side yard setback and less than the required landscaping and one nonconforming lot having less than the required lot width and area,

with a garage for commercial vehicle storage having less than the required side yard setbacks, less than the required parking and less than the required landscaping.

Planning Office Findings

The Planning Office finds this 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, having received the necessary relief from the Zoning Board of Review in Zoning Petition number 2015-2.**

- 3) That there will be no significant negative environmental impacts from the proposed subdivision.**

- 4) That the subdivision 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 subdivision possesses adequate physical access to a public street.**

6) That the proposed subdivision 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 subdivision will not result in any increase flooding and soil erosion.

Planning Office Recommendations

After conferring with the Planning Board Solicitor, the Planning Office recommendation is to grant a combined preliminary/final approval with the following stipulations:

1) That the recorded plan shall provide cross easements for access between the two lots.

2) That the proposed cross easements shall be approved by the Planning Board Solicitor prior to recording.

3) That the recorded plan shall provide sufficient parking for both uses on lots 41 and 42 respectively and that the recorded plan shall contain an easement designating a minimum of 6 parking spaces on lot 41 for the exclusive use by abutting lot 42.

4) That the property owner shall stripe the parking on the real

property as presented on the final recorded plan.

5) That all outstanding taxes, principal and interest due to the Town of West Warwick shall be paid prior to recording the Planning Board final approval letter and the final subdivision plan.

Planning Board Vote

Joseph DiMartino Yes No

Felix Appolonia Yes No

Joe Gardosik Yes No

Anthony Petrarca Yes No

Wayne Miller (Alt.) Yes No

Joshua Barrette (Alt.) Yes No

Item 5

Amendment to the Town's Zoning Ordinance

Section 5 "Use Regulations"

Applicant: Town of West Warwick

Zoning Amendment: Zoning Ordinance amendment to Section 5 "Use Regulations"

The Town of West Warwick desires to amend Zoning Ordinance Section 5 "Use Regulations" to address the RIGL 21 – 28.6 The

Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act. The Town Zoning Ordinance includes a provision for the establishment for Compassion Centers but does not acknowledge the State Law regarding the authorized cultivation of marijuana for medical purposes.

The Town Zoning/Planning Solicitor is suggesting that the Town amend Zoning Code Section 5 “Use Regulations” as follows:

Section 5. Use regulations.

RESIDENTIAL DISTRICTS

R-10 R-8 R-7.5 R-6

G. Marijuana

- 1. Compassion Centers X X X X**
- 2. Cardholder medical marijuana Y Y Y Y**
- 3. Cooperative Cultivation Y Y Y Y**

NON-RESIDENTIAL DISTRICTS

B CI BP VC

O. Marijuana

- 1. Compassion Centers X S X X**
- 2. Cardholder medical marijuana Y Y Y Y**
- 3. Cooperative Cultivation Y Y Y Y/S**

Planning Department Findings

Upon conferring with the Planning Board Solicitor, the Planning Office finds the proposal to be in compliance with the Town's Comprehensive Plan including Chapter 1 Section 1 Purpose, the Land use Element – Goals, Policies and Implementation Actions and the Implementation Section. The Planning Office also finds the proposed zoning amendment to be generally consistent with the following purposes of the Town's Zoning Ordinance as presented in Section 2 "General Purposes":

2.1 Promote the public health, safety and general welfare.

2.3 Provides for orderly growth and development, which recognizes:

2.3.1 The goals and patterns of land use contained in the comprehensive plan of the Town.

2.3.6 The need to shape the urban and suburban development.

2.3.7 The use of innovative development regulations and techniques.

2.10 Promote safety from fire, flood and other natural or man-made disasters.

2.12 Promote implementation of the comprehensive plan of the Town of West Warwick adopted pursuant to the General Laws.

2.14 Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

2.15 Provide for procedures for the administration of the zoning ordinance.

The Planning Office recommendation is for a favorable recommendation to the West Warwick Town Council for the requested zoning amendment.

Planning Board Vote

Joseph DiMartino Yes No

Felix Appolonia Yes No

Joe Gardosik Yes No

Anthony Petrarca Yes No

Wayne Miller (Alt.) Yes No

Joshua Barrette (Alt.) Yes No

Item 6

Administrative Subdivisions

Plan Attached

Subdivision name: Administrative Subdivision of Muriel E. Lynch & Debra A. Magiera

Applicant: Debra Magiera

Location: Lonsdale Street & Sturbridge Way

Assessor's Plat: 11

Assessor's Lot(s): 38 &102

Item 7

Public Comment