MEETING MINUTES

Town of West Warwick
Planning Board

Meeting Date:	**Monday, July 11, 2022**
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 Jessica Rubery Rene Coutu Joe Garcia (Alt. member)
Members Absent:	Joshua Barrette
Planning Staff:	Marilyn Shellman, Town Planner Elaine L. Mansour, CDBG Manager
Legal Counsel:	Albert DiFiore, Esquire

All witnesses were sworn in by Legal Counsel.

Item 1
Approval of Minutes

Review and approval of the June 6, 2022 meeting minutes.

Motion to approve the June 06, 2022 meeting minutes by Ms. Rubery, seconded by Mr Coutu. All in favor.

Item 2
Final Approval
June Carr Subdivision

Applicant:	Shoreline Properties Inc.
Location:	146 Cowesett Avenue
Assessor's Plat:	13

Lot:	599
Zoning District:	Residential R - 8
Land Area:	2.82 Acres
Number of lots:	10
Engineer:	Commonwealth Engineering, Inc.

The applicant is requesting Final Plan approval to subdivide an existing 2.8 acre parcel of land with an existing dwelling to create ten (10) lots; one (1) with an existing dwelling having access from Cowesett Avenue, seven (7) new house lots and two (2) drainage lots (not for development) on a new street with access from Carlson Circle in a Residential R-8 zone in accordance with the West Warwick Subdivision and Land Development Regulations Section 17-17 and RIGL 45-23-43.

Planning Office Recommendation

After conferring with the Planning Board Legal Counsel, the Planning Office recommendation is to approve the final plan with the following stipulations:

1) That the developer shall be required to pay a fee-in-lieu of land dedication which shall be $2,500.00 per dwelling unit at the time of application for a building permit as required per Land Development Regulations Section 17-21 (E) “Fees-in-lieu of land dedication”.

2) West Warwick DPW road opening permit shall be issued for Carlson Circle prior to the issuance of a building Permit.

3) Recording of the approved documents related to the proposed homeowner’s association, including deed restrictions on each new parcel, and their obligations to maintain areas of the development.

4) Recording of one (1) mylar for Final Plan approval signed by the Chairman of the Planning Board in the Land Evidence Records in the Town of West Warwick.

Discussion

Mr. DiFiore read the exhibits into the record.

Attorney Tom Cronin is representing. Mr. Cronin stated they are ready to proceed, seeking final approval and in accordance with RI General Law will move forward with construction and infrastructure and will apply to the board for a bond reduction as necessary.

Mr. DiFiore stated approval would be subject to a bond amount being set which can be done administratively.

Mr. Appolonia questioned the RI DEM authorization letter which has a Sept 2025 expiration date and Mr. Cronin noted requirements change regularly. This is authorized under the current regulations.

Motion to approve subject to a bond amount being set administratively by Mr. Coutu, seconded by Ms. Rubery.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Rene Coutu	Yes
Jessica Rubery	Yes
Joseph Garcia (Alt.)	Yes

All in favor.

Item 3
Administrative Subdivision
Clyde Street

Applicant:	Cabral-daEstrela
Location:	112 Clyde Street
Assessor's Plat:	19
Lots:	130 & 145
Zoning District:	Residential R - 8
Land Area:	0.354 AC & 0.372AC
Number of lots:	None
Engineer:	Boyer Associates

This Application is a ***corrective action*** from a 1988 zoning approval to divide Lot 145 into two lots in order to building a new dwelling unit on Lot B.

- The zoning approval was ***never*** recorded in the land evidence records but a building permit was issued to construct a new dwelling unit which has resulted in two single family dwelling units on Lot 145.

Planning Office Findings

Due to a land dispute this application went to Superior Court on April 19, 2022 where new land description where entered and are designated below as:

1. That Exhibit A is the meets and bounds description conveying 378 sq. ft. to Lot A of AP 19/ Lot 145 and 30 sq. ft. to AP 19/Lot 130 with attached survey plan
2. That Exhibit B is the new meets and bounds description of AP 19 /Lot 130
3. That Exhibit D is the revised meets and bounds description of AP 19 / Lot 130 – due to a typographical error

4. That Exhibit E is the new meets and bounds description of Lot A of AP 19/Lot 145
5. And the 1988 zoning decision as approved

None of these documents have been recorded in the land evidence records of the Town of West Warwick.

In addition, the applicants are requesting a land swap in two areas.

1. That 378 square feet be deeded to Lot A on Assessor's Plat 19; Lot 145
2. That 30 square feet be deeded to Assessor's Plat 19; Lot 130

Planning Office Recommendation

That the Planning Board approve the division of Lot 145 into two lots previously approved by zoning in 1988 as a corrective action and grant the administrative subdivision for the land swap on Assessor's Plan 19; Lots 130 & 145 with the following stipulations:

1. That all Exhibits from the April 19, 2022 Superior Court action be recorded in the land evidence records;
2. That the 1988 Zoning approval for the creation of Lots A & B on Assessor's Plat 19; Lot 145 be recorded in the land evidence records along with;
3. One (1) mylar copy of the Survey Plan created by Boyer Associates, dated December 1, 2021, signed by the Planning Board Chairman.

Discussion

Mr. DiFiore read the exhibits into the record.

Mr, DiFiore stated in 1987 this went before the Zoning Board of Review under the old laws. One lot was split into two lots, permits were pulled and houses were built. It was then determined the lots were never actually split on record. The case went to Superior Court and the court validated what has been reality since 1987. This decision validates what was rendered as a decision of the court.

Motion to approve the Administrative Subdivision as presented by Mr. Appolonia, seconded by Mr. Coutu.

Planning Board Vote

Joseph DiMartino	Yes
Felix Appolonia	Yes
Rene Coutu	Yes
Jessica Rubery	Yes
Joseph Garcia (Alt.)	Yes

Item 4

Public Comment

None.

Motion to adjourn at 6:20pm by Ms. Rubery, seconded by Mr. Appolonia. All in favor.