

William DePasquale, Jr., AICP
Planning Director



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Mayor

CITY OF WARWICK

Planning Department
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POSTED: June 12, 2017

Meeting Notice City of Warwick Planning Board

Date: Wednesday, June 14, 2017

Time: 6:00 p.m.

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

The following items will be heard by the City of Warwick Planning Board and a vote will be taken:

Review and approval of the April 2017 meeting minutes.

Review and approval of the April 2017 Special meeting/workshop minutes.

Review and approval of the May 2017 meeting minutes.

Public Meeting **Major Subdivision/Shatkin Plat** **923 Division Street** **Final Approval**

Location:	923 Division Street
Warwick Assessor's Plat:	216
Warwick Assessor's Lots:	1
East Greenwich Assessor's Plat:	10F
East Greenwich Assessor's Lot:	3
Applicant:	Karen G. Delponte & Danielle Shatkin, Trustees Shatkin Irrevocable Trust 2012
Zoned:	A-40 Residential
Area:	20.81 acres
Ward:	9
Engineer:	Commonwealth Engineering
Surveyor:	East Greenwich Surveyors

Project Scope

The Applicant is requesting Final Approval of a Major Subdivision. The Applicant is proposing to subdivide (1) one 20.81 acre parcel with (2) two pre-existing single-family dwellings and farm related structures, to create (2) two lots; (1) one new 18.44 acre lot with (2) two pre-existing single-family dwellings and farm related structures, serviced via an easement (driveway) but without physical access to an improved and accepted City Street; and (1) one new 2.37 acre lot with less than required frontage and lot width for the development of a new single-family dwelling.

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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports Low-Density Residential land uses of one to two dwelling units per acre and is generally consistent with the existing neighborhood, containing other parcels of land within the 400' radius that have less than required frontage and lot width, while maintaining the minimum lot area requirements.
2. That the City of Warwick Comprehensive Plan 2033, (Plan) *Section 5, entitled "Parks, Open Space and Recreation" pgs. 5.13-5.16, specifically Subsection, E: Future Park and Recreation Needs*, details this area as underserved in the area of playgrounds, playfields and recreation facilities. Additionally the Plan describes the Fee-in-lieu of dedication of land for public purposes in this case for Planning District 7 which depicts on Map 5 pgs. 5-12 the City's "Conservation Intent" for the remaining open space properties in Planning District 7. *Subsection, F, Recommendations Goal 1*, calls for "preserved and enhanced parks and open space system" by Integrating existing parks, open space and recreation. The Fee-in-lieu could be used to permanently preserve these "Conservation Intent" lands, as well as, improve trail access on open space lands in this planning district.
3. That the subject property is located along Division Street, and is identified as Assessor's Plat: 216; Assessor's Lot 1.
4. That the Applicant is proposing to subdivide (1) one 20.81 acre parcel with two pre-existing single-family dwellings and farm related structures, to create (2) two lots; (1) one new 18.44 acre lot with (2) two pre-existing single-family dwellings, constructed in 1737 and 1875, and farm related structures, on a lot serviced via an easement (driveway) but without physical access to an improved and accepted City street; and (1) one new 2.37 acre lot with less than required frontage and lot width for the development of a new single-family dwelling.
5. That the subject property consists of (1) one Tax Assessor's lots totaling 20.81 acres +/- and is zoned Residential A-40.

6. That the A-40 Residential Zoning District requires a minimum of 150 feet of frontage and lot width and a minimum area of 40,000 square feet of land area per individual lot.
7. That the subdivision, as proposed, is in compliance of the standards and provisions of the City's Zoning Ordinance, having received Zoning Board Approval for Petition No. 10426 at the January 10, 2017 regularly scheduled Zoning Board of Review meeting, for a lot with less than required frontage and lot width, and a lot serviced via an easement (driveway) but without physical access to an improved and accepted City Street.
8. That the Applicant received Preliminary Approval at the April 12, 2017 regularly scheduled Planning Board meeting.
9. That the Applicant has coordinated with RI Historical Preservation and Heritage Commission (RIHPHC), which has determined that the development is not likely to adversely impact any cultural resources in the area.
10. That the Applicant received Historic Cemetery Commission Approval at its February 7, 2017 regularly scheduled meeting.
11. That the Applicant received a Certificate of Appropriateness, Petition No. 17-216-01 from the Historic District Commission at its regularly scheduled February 15, 2017 meeting.
12. That the Applicant received Kent County Water Approval, No. 1020.
13. That the Applicant has received RIDEM-Wetlands Approval No: 17-0046, and RIDEM-RIPDES Approval No: RIR101520.
14. That the Applicant has received RIDOT-PAP Approval No. 161207.
15. That the Applicant has received RIDEM-OWTS Approval No. 1735-0008 and 1735-0009.
16. That, there are no significant negative environmental impacts from the proposed development.
17. That, the subdivision, as proposed, does 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.
18. That, the Applicant has coordinated with the City's Assessment Office and has been made aware of the Farm, Forest, and Open Space designation process.
19. That the proposed development possesses adequate access to a public street, Record Lot 2 through an easement, along Division Street.

Planning Department Recommendations

The Planning Department recommendation is to grant Final Approval with the following stipulations:

1. That the Applicant shall submit a Record Plat that shall comply with the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall submit a Final Plan and Record Plat that shall comply with Appendix C, Preliminary Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.
3. That the Final Development Plan shall note that the Property Owner shall be responsible for the long-term operation and maintenance of the proposed Stormwater Management System. The aforementioned requirement shall be noted on the deed.
4. That the Final Development Plan shall note that the installation of the Stormwater Collection System shall be overseen by the Design Engineer.
5. That, prior to the Recording of the Record Plat, the Applicant shall provide finalized-signed easements and deeds.
6. That, the Final Development Plan shall incorporate and note all requirements of the RIDEM-Wetlands, RIDEM-RIPDES, RIDEM-OWTS, and RIDOT-PAP Approvals.
7. That, prior to the recording of the Record Plat, the Applicant shall provide a Performance Bond equal to the value of the cost of Landscaping, and Monumentation.
8. That, prior to the issuance of a Certificate of Occupancy, the Design Engineer shall provide an as-built plan and certify that the Stormwater Collection System has been installed in accordance with the approved plan.
9. That, prior to the issuance of a Certificate of Occupancy, the Design Engineer shall provide the Property Owner with an Operations and Maintenance Manual and "as-built" plans.
10. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall plant (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Division Street.
11. That, prior to the recording of the Record Plat, the Applicant shall pay a Fee in Lieu of Open Space in the amount of \$666.43.

12. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall install all monumentation depicted on the Final Development Plans/Record Plat.

Public Hearing
Major Land Development
91 Canonchet Condominiums
Preliminary

Location: 91 Canonchet Avenue
Assessor's Plat: 292
Assessor's Lots: 178
Applicant: 270 Austin LLC
Proposed Zone: A-7 (Planned District Residential-PDR-L w/waivers)
Area: 22,500 square feet
Ward: 1
Surveyor: Alexander A. Scungio, PLS

Project Scope

The Applicant is requesting Preliminary Approval of a Major Land Development Project. The existing parcel consists of (3) three structures; (1) one residential unit to the front (southerly) portion of the property and (2) two commercial buildings to the rear (northerly) portion of the property (formerly Lad & Lassie Daycare). The applicant is proposing to convert the (2) two commercial buildings to the rear of the property into (2) residential units, for a total of (3) three residential units on a 22,500 square foot lot, with less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks, in an A-7 Planned District Residential District-Limited.

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 further finds:

1. That the proposed development is generally consistent with the City of Warwick Comprehensive Community Plan 2033; specifically, Part VI, Chapter 12 Future Land Use, Zoning and Urban Design which specifies limited commercial intrusion into residential neighborhoods; and Chapter 13 Stewardship and Implementation, which specifies the consideration of single-level-living, as a varied housing option.
2. That the subject property is located along Canonchet Avenue; and is identified as Assessor's Plat: 292; Assessor's Lot: 178.
3. That the Applicant received Master Plan Approval at the September 14, 2016 regularly scheduled Planning Board Meeting.

4. That the Applicant received an A-7 Planned District Residential-Limited Zone Change w/waivers, No. PCO-39-16 for three units, which requires 20,000 square feet of land area, 135' frontage and lot width, 30' front and corner side-yard, 20'side-yard and 30' rear-yard setbacks.
5. That the subject property consists of (1) one Tax Assessor's lots totaling 22,500 square feet and is zoned A-7 R Planned District Residential.
6. That the Project, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance, having received a City Council Zone Change, PCO-39-16 from A-7 Residential to A-7 Planned District Residential-Limited with waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.
7. That the Water Division has indicated that there is an existing $\frac{3}{4}$ "curb stop servicing Unit C, as depicted on the Preliminary Plan dated March 22, 2017, and that the Water Division has no jurisdiction on the volume of water to be provided to Units A and B, and the a Lead service connection exists between the curb stop and Unit C.
8. That there a no wetlands present within 200' of the subdivision; therefore there will be no significant negative environmental impacts from the proposed development.
9. That the project consists of a singular lot with existing non-conforming structure; therefore, the development will not result in the creation of individual lots with such physical constraints to development that the building on those lots according to pertinent regulations and building standards would be impracticable.
10. That the parcel will have access to Municipal Water and Sewer.
11. That the proposed development possesses adequate access to a public street along Canonchet Avenue.

Planning Department Recommendations

The Planning Department recommendation is to grant Preliminary Approval, with Final Approval by the Administrative Officer, upon compliance of the following stipulations:

1. That the Applicant shall submit a Final Development Plan that shall comply with the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall submit a Final Development Plan that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.

3. That the Applicant shall receive final written approval from the City's Water Division regarding water services, prior to the submission for Final Land Development Approval.
4. That all Monumentation shall be protected during all phases of construction. Any Monumentation that is disturbed or destroyed shall be replaced by the Applicant.
5. That, the Applicant shall close the opening in the existing stone wall located along the northerly property line.
6. That, prior to Final Approval, the Applicant's Landscape Architect shall coordinate with the Planning Department, prior to the development of a Final Landscape Plan. That the Landscape Plan shall include, but not be limited to:
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Canonchet Avenue.
 - Note vegetative screening and fencing along all the northerly, westerly, and easterly property lines.
 - Note a visual buffer to the interior parking lot.
 - Note the removal of pavement/parking along the front-yard of the existing single family dwelling, Unit C, as depicted on the Master Plan dated June 20, 2016. This area shall be loamed and seeded to match the existing front-yards of abutting, City Assessor lots 177 and 180.
 - Note the removal of pavement to the west of Units A & B, as depicted on the Master Plan dated June 20, 2016. This area shall be landscaped.
7. That the Applicant shall submit Final Development Plans that note all stipulations and conditions.
8. That the Applicant shall provide a Performance Bond for the installation of Landscaping, prior to the recording of the Final Development Plan.
9. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall comply will all Planning Board and City Council requirements and shall install all Landscaping, as depicted on the Final Development Plat.

Public Informational Meeting

Major Subdivision

Tingley Street Plat

Master Plan

Location:	39 Greenwich Avenue
Assessor's Plat:	273
Assessor's Lots:	246
Applicant:	Jose Suarez & Wy Group, LLC
Zoned:	A-7 Residential
Area:	18,442 square feet
Ward:	8
Surveyor:	MJF Engineering Associates

Project Scope

The Applicant is requesting Master Plan Approval of a Major Subdivision. The Applicant is proposing to subdivide (1) one lot totaling 18,442 square feet, with an existing single family dwelling; to create (2) two lots; (1) one new conforming 9,192 square foot lot, with an existing single family dwelling; and (1) one new 9,250 square foot lot for the development of a new single family dwelling on a dimensionally conforming lot having less than required improved roadway frontage, for the development of a single family dwelling, in an A-7 Residential District.

Planning Department Findings

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the protection of established High-Medium Density Residential neighborhood land uses in the City and discourages commercial traffic into residential areas.
2. That the subject property is located along Greenwich Avenue and Tingley Street; and is identified as Assessor's Plat: 273; Assessor's Lot: 246.
3. That the subject property consists of (1) one Tax Assessor's Lot totaling 18,442 square feet zoned Residential A-7.
4. That the proposed subdivision is to take (1) one lot to create (2) two lots; (1) one new conforming 9,192 square foot lot with an existing single family dwelling lot; and (1) one new dimensionally conforming 9,250 square foot lot, with less than required improved roadway frontage, for the development of a single family dwelling.
5. That the subject property is located in the A-7 Zoning District and that the A-7 Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision, as proposed, is in not in compliance of the standards and provisions of the City's Zoning Ordinance; therefore will require Zoning Board of Review Approval for less than required improved roadway frontage.
7. That the subject parcel abuts an established General Business district and the full improvement of the roadway has the potential to create cut-thru traffic into the residential neighborhood.
8. That the subject property has access to Municipal Water and Sewer.
9. That, at the Master Plan Review Stage, the subdivision, as proposed does not appear to have significant negative environmental impact.

10. That, at the Master Plan Review Stage, the subdivision, as proposed, does not appear to 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.
11. That the proposed development possesses adequate access to a public street, along Greenwich Avenue and Tingley Street.

Planning Department Recommendation

The Planning Department recommendation is to grant Master Plan Approval, with the following stipulations:

- 1 That the Applicant shall submit a Record Plat that shall comply with the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
- 2 That the Applicant shall submit a Preliminary Plan and Record Plat that shall comply with Appendix C, Preliminary Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.
- 3 That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development. The Project Engineer shall meet with the Department of Public Works Engineering Staff to review the proposed drainage system prior to submission for State Approvals.
- 4 That the Operation and Maintenance Plan for the proposed stormwater collection system shall be included in the Preliminary submission.
- 5 That, prior to Preliminary submission, the Applicant shall receive and all required State Approval.
- 6 That, prior to Preliminary Submission, the Applicant shall coordinate with the City's Engineering Division regarding the proposed roadway extension and the existing retaining wall.
- 7 That, prior to Preliminary Submission, the Applicant shall coordinate with the Sewer Authority and Water Division.
- 8 That, prior to Preliminary Submission, the Applicant shall receive Zoning Board of Review Approval, for less than required improved roadway frontage.
- 9 That, prior to Preliminary Approval, the Applicant's RI Licensed Landscape Architect shall provide a landscape plan that shall include, but not be limited to:

- Note the Preservation and Protection of existing mature trees along Greenwich Avenue and Tingley Street that do not require removal for the proposed development.
- Note (1) one 2”-2.5” caliper deciduous shade tree for every 50 feet of lot frontage along Greenwich Avenue and Tingley Street. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
- Preservation of trees in close proximity to abutting lots.
- The Developer’s Arborist shall be responsible for removing invasive vines and invasive vegetation that is threatening the structural integrity of existing trees.

Public Meeting
Minor Subdivision
88 Winifred Avenue
Preliminary Plan

Location:	88 Winifred Avenue Obadiah Avenue Damon Avenue
Assessor’s Plat:	332
Assessor’s Lot:	149
Applicant:	Marc Chapron
Existing Zone:	A-7 Residential
Land Area:	17,100 square feet
Ward:	4
Surveyor:	John W. Greene, PLS

Project Scope

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (1) one 17,100 square foot lot with an existing single-family dwelling; to create (2) two lots; (1) one new 10,080 square foot lot with an existing single-family dwelling and (1) one new 7,020 square foot lot for the development of a single family dwelling, in an A-7 Residential 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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports established High Density Residential land uses and is generally consistent with the existing neighborhood, containing other parcels of land within the 200’ radius that are fully conforming to the residential district.

2. That the subject property is located at 88 Winifred Avenue, Obadiah Avenue and Damon Avenue, and is identified as Assessor's Plat: 332, Assessor's Lot: 149.
3. That the subject property consists of (1) one Tax Assessor's lots totaling 17,100 square feet in an A-7 Residential District.
4. That the Applicant proposes to subdivide (1) one 17,100 square foot lot with an existing single-family dwelling; to create (2) two lots; (1) one new 10,080 square foot lot with an existing single-family dwelling and (1) one new 7,020 square foot lot for the development of a single family dwelling, in an A-7 Residential Zoning District.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.
7. That the subdivision will have access to Municipal Sewer and Water.
8. 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.
9. That there will be no significant negative environmental impacts from the proposed development.
10. That the proposed development possesses adequate access to the public streets, Winifred Avenue, Obadiah Avenue, and Damon Avenue.

Planning Department Recommendations

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 Applicant shall submit a Record Plat that shall comply with the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and a Record Plat that shall comply with Appendix B, Minor Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include at a minimum, but not be limited to:
 - Note structures on abutting parcels
 - Note wetland/lack thereof-within 200'
 - Note existing utilities
 - Modify existing gravel driveway to ensure protection of proposed GB.

- 3 That, prior to Final Approval, the Applicant's RI Licensed Landscape Architect shall provide a landscape plan that shall include, but not be limited to:
 - Note the Preservation and Protection of existing mature trees along Winifred Avenue, Obadia Avenue, and Damon Avenue that do not require removal for the proposed development.
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Winifred Avenue, Obadia Avenue, and Damon Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 - Preservation of trees in close proximity to abutting lots.
4. That, prior to recording the Record Plat, the Applicant shall provide a bond for Monumentation and Landscaping.
5. That, prior to a Certificate of Occupancy, the Applicant shall install all required Monumentation and Landscaping.

Public Hearing
Major Subdivision
Phase II Cottages at Aldrich Farm
Preliminary

Applicant:	The Grenier Group
Location:	Warwick Neck, Beacon, Warner and Narragansett Bay Avenue
Assessor's Plat:	381
Lot(s):	74, 75, 76, 77, 78, 79, & 80
Former Lots	1,2,3,5,6,7,8, & 72
Zoning District:	Residential A-40
Land Area:	74,978 square feet
Number of lots:	8
Engineer:	DiPrete Engineering
Ward:	5

Project Scope

The applicant is finalizing the reconfiguration of (8) eight lots to create (8) eight lots for development. The Applicant received Phase I Final Approval for (7) seven lots in 2011. The Applicant is now seeking Phase II Preliminary Approval for the remaining conforming lot, as per Section 405.3 (C) Subdivision of Merged Lots, in a Residential A-40 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:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports established Low Density Residential land uses and is generally consistent with the existing neighborhood, containing other parcels of land within the 400' radius that are fully conforming to the residential district.
2. That the subject property is located along Warwick Neck Avenue, Beacon Avenue, Warner Avenue and Narragansett Bay Avenue, and is identified as Assessor's Plat: 381, Assessor's Lots: 74, 75, 76, 77, 78, 79, & 80.
3. That the Phase II subject property consists of (1) one Tax Assessor's lots totaling 74,976 square feet in an A-40 Residential District.
4. That the Applicant proposes to subdivide (1) one 74,976 square foot lot, to create (2) two lots; (1) one 40,000 square foot lot for the development of a single family dwelling and (1) one 34,976 square foot lot for the development of a single-family dwelling; in an A-40 Residential Zoning District.
5. That the A-40 Residential Zoning District requires a minimum of 150 feet of frontage and lot width and a minimum area of 40,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance. Section 405.3 Subdivision of Merged Lots; Specifically Sections (C) reads as follows: In the A-10, A-15, and A-40 zones, if public water and sewer is provided, then the minimum lot area, frontage and lot width of the resulting lot or lots may be reduced to not less than 80 percent of the requirements of the zone.
7. That the subdivision will have access to Municipal Sewer and Water.
8. That, at the Preliminary Phase II, the development does not appear to 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.
9. That, at the Preliminary Phase II there does not appear to be significant negative environmental impacts from the proposed development.
10. That the proposed development possesses adequate access along public street, Warwick Neck Avenue, Beacon Avenue, Warner Avenue and Narragansett Bay Avenue.

Planning Department Recommendation

The Planning Department recommendation is to grant Preliminary Approval with the Final Approval through the Administrative Officer, upon compliance of the following stipulations:

1. That the Applicant shall submit a Record Plat that shall comply with the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and a Record Plat that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include at a minimum, but not be limited to:
 - Note Phase I as-built conditions.
 - Note a minimum 1' water curb stop
3. That the applicant shall coordinate with the Warwick Historic District Commission for the alteration of the stone walls within the proposed development as required in Warwick Zoning Ordinance Section 311.10 "Stone Walls."
4. That, the Project Engineer, shall confirm that all State Approvals are currently in effect under RIGL 45-23-63.1 Tolling of Expirations; State Approvals must be in effect prior to the submission for Final Approval.
5. That the elevation of the lowest floor (including basement) for all proposed dwellings shall be at least three (3') feet above the maximum high groundwater elevation.
6. That a water service meter pit shall be required at the curb at lot 7 for the proposed easement servicing lot 8.
7. That deed restrictions for the use of pervious driveways and the operation and maintenance of the drywells rooftop runoff shall be approved by the City Solicitor, prior to final approval.
8. That, prior to Final Approval, the Applicant's RI Licensed Landscape Architect shall provide a landscape plan that shall include, but not be limited to:
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Warwick Neck Avenue and Narragansett Bay Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 - Preservation of trees in close proximity to abutting lots.
9. That, prior to recording the Record Plat, the Applicant shall provide a bond for Monumentation and Landscaping.
10. That, prior to a Certificate of Occupancy, the Applicant shall install all required Monumentation and Landscaping.

Street Abandonment
Portions of
Arnolds Neck Drive
Staples Avenue

Petitioner: Duncan Ley
Christopher Ley

Location: 212 Arnolds Neck Drive
Staples Street
Assessors Plat: 365, Assessor's Lots 154 & 155
(See Attached Plans)

Ward: 7

Reason for Abandonment Request

The Applicant is requesting an abandonment of portions of Arnolds Neck Drive and Staples Avenue to accommodate an existing residential dwelling, deck, and landscape encroachments across the paper street, subject structure constructed in 1935. The premises are of no use to the public as a highway or drift-way.

City Recommendation

The City's, Fire Department, Police Department, Tax Assessor, Tax Collector, Conservation Commission, Historic District Commission, Land Trust, and the Historic Cemetery Commission have reviewed that abandonment/realignment and have no objection to the proposed abandonment.

The City's Engineering Division objects to the abandonment noting that there is no credible reason or benefit for the City to reapportion, vacate, or abandon an irregular portion of the road. The Engineering Division recommended an easement.

After careful review of prior street abandonments along with information obtained from the current and prior Planning Board Solicitor and the City Council Solicitor, the Planning Department makes the following findings:

Planning Department Findings

1. That in 2006 the Engineering Division made a similar recommendation on the application of William White III to abandon a portion of Sea View Avenue. Mr. John Earle, PB Solicitor at the time, noted that an easement would still affect the marketability of the property and more importantly could create a liability issue for the City. The property owner would be required to indemnify the City and to carry the City as an additional insured on their homeowner's policy. Additionally, he noted that this would be difficult to enforce.

2. The current PB Solicitor and the City Council Solicitor concurrent with Mr. Earle's opinion. Additionally, the City Council Solicitor noted that the ROW was an easement and he did not believe that the City could issue an easement over an easement, further noting that the City would maintain the perpetual right to use any or all of the abandonment for the installation of utilities as may be needed in the future.

Planning Department Recommendation

Based on the foregoing findings, the Planning Department recommends that the Planning Board forward a positive recommendation to the City Council for the abandonment of the requested portions of Arnolds Neck Drive and Staples Avenue, with the following stipulations:

1. That the City shall maintain the perpetual right to use any or all of the abandonment for the installation of utilities, as needed in the future.
2. That an Administrative Subdivision meeting the standards as set forth in the *"Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review"* must be completed by the Applicant and recorded for City Assessor's Plat 365, Assessor's Lots 154 & 155: if the abandonment is approved by the City Council.

Actions by the Administrative Officer **Final Plan Approval**

<u>Plat</u>	<u>Lot</u>	<u>Project Title</u>
364	198, 200, 201, 202, & 553	Madison Estates Phase I
346	38 & 39	Southern Sky-West Shore Road

Actions by the Administrative Officer **Administrative Subdivisions**

<u>Plat</u>	<u>Lot</u>	<u>Plat Title</u>
296	706 & 716	Pettaconsett Avenue Plat No. 2
312	249 & 250	Clark Thiel Plat
293	663, 664, & 665	Bishop Plat

Any party, person(s) or entity interested in registering for electronic notice for proposed zoning amendments and/or amendments to the City's Zoning Ordinance and the City's Development Review Regulations governing Subdivision, Land Development and Development Plan Review should contact the City's Planning Department at 401-738-2009. Facilities are accessible for people with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the City Clerk's Office at 738-2006 not less than 48 hours in advance of the hearing date.