

William DePasquale, Jr., AICP  
Planning Director



Scott Avedisian  
Mayor

## CITY OF WARWICK

Planning Department  
3275 Post Road, Annex; Warwick, RI 02886  
Tel. (401) 738-2000 Ext. 6289  
T.D.D. (401) 739-9150

### MEMORANDUM

**TO:** Honorable Donna Travis, Council President  
and Warwick City Council Members  
Judy Wild, City Clerk

**FROM:** William DePasquale, Jr., AICP, Planning Director

**DATE:** October 29, 2015

**Subject:** Street Abandonment  
Lexington Street  
Portions of Progress Street  
Portions of Fort Street

### Background

The Applicant, Harbor Light Marina, Inc., is requesting the abandonment of Lexington Street, and portions of Progress Street and Fort Street. Harbor Light Marina (HLM) and Harborview Holdings Company, LLC maintain a hospitality facility located along Gray Street consisting of a public golf course, clubhouse, swimming pool, and a recreational boat marina along the waterfront abutting Warwick Cove, a RI Coastal Resources Management (CRMC) Type 3 Waters. HLM has filed with (CRMC) for an assent to restore views of the shoreline that have been lost due to habitat succession and increased vegetation height.

To meet the criteria of the CRMC Assent the Applicants are proposing to abandon the aforementioned roadways in order to provide an area of salt marsh and contiguous fresh water wetland that is (5) five times the size of the view restoration area and which shall be established as a conservation easement in perpetuity. The coastal marsh to the south of the marina is identified in the Coastal Resources Management Program (CRMP) as an area to be preserved.

The proposed roadways for abandonment are located adjacent to several large tax title lots that will be placed together in a conservation easement in perpetuity.

As noted on page 2 of the report provided by Natural Resource Services, Inc., entitled RI Coastal Resources Management Council Written Narrative in Support of Assent Application, dated February 23, 2015, the proposed project will encompass the following activities:

1. Limited view restoration within 77,706 square feet of coastal wetland, per section 210.3 of the RICRMP, and the associated plan notes, which will include the removal of trees within the designated corridor and the pruning of shrubs to a height of 4-5 feet.

2. Tree removal and shrub pruning with 9,787 square feet of coastal buffer zone located adjacent to the limited view restoration area to complete the intended view corridor;
3. Invasive species management within the entirety of the proposed view corridor (i.e. within coastal wetland and coastal buffer zone), as well as within the adjacent coastal marsh for additional compensation, per the associated invasive species management plan;
4. Placement of 77,706 square feet of coastal wetland subject to the proposed view restoration, as well as additional properties totaling approximately 394,969 square feet, into a conservation easement; and:
5. Provision of public access in the form of a (6) six space public parking area along the roadway traversing Assessor's Plat 377, Assessor's Lot 197 and a kayak launching facility at the marina, along with signage and other amenities, as required per Section 335 of the RICRMP.

The City's Engineering Division, Sewer Authority, Water Division, Fire Department, Police Department, Tax Assessor, Tax Collector, Historic District Commission, and the Historic Cemetery Commission have reviewed the proposed abandonment and have no objection to the proposed abandonment.

### **Planning Board Meeting**

Pursuant to RIGL 45-23.1, the Warwick Planning Board at the September 9, 2015 meeting, heard the petition for abandonment, prepared by Attorney Philip Noel. After a brief deliberation, on the motion of Ms. Stenhouse, seconded by Ms. Pisaturo, voted unanimously to forward a positive recommendation to the City Council for the requested abandonment of Lexington Street, and portions of Progress Street and Fort Street, with the following stipulations:

1. 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, if the abandonment is approved by the City Council.
2. That the Applicant shall provide the Planning Department with a copy of the recorded conservation easement.
3. Any proposed improvements shall require all applicable local or state permits.

**PETITION FOR ABANDONMENT**

STATE OF RHODE ISLAND  
KENT COUNTY

CITY OF WARWICK

**PETITION FOR ABANDONMENT OF A PORTION OF PROGRESS STREET  
AND A PORTION OF FORT STREET**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF WARWICK

HARBOR LIGHT MARINA, INC., a Rhode Island corporation with offices at 200 Gray Street, Warwick, Rhode Island 02889 ("Petitioner"), brings this Petition and respectfully represents as follows:

**FIRST.** Your Petitioner is the record owner of land abutting upon the easterly and westerly boundary lines of a portion of a platted unimproved street named Progress Street and the record owner of land abutting upon the northerly and southerly boundary lines of a portion of a platted unimproved street named Fort Street in said City of Warwick which is shown on the sketch attached hereto as Exhibit A.

Those certain parcels of land, with all improvements thereon, to be deeded for purposes of abandonment, being those portions of Progress Street and those portions of Fort Street situated west of the extension of Meadowview Avenue are bounded and described as follows:

**Plat No. 377**

Lot(s) No. 160-162,165-175,177,187-194

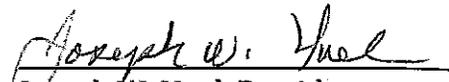
Ward No. 5

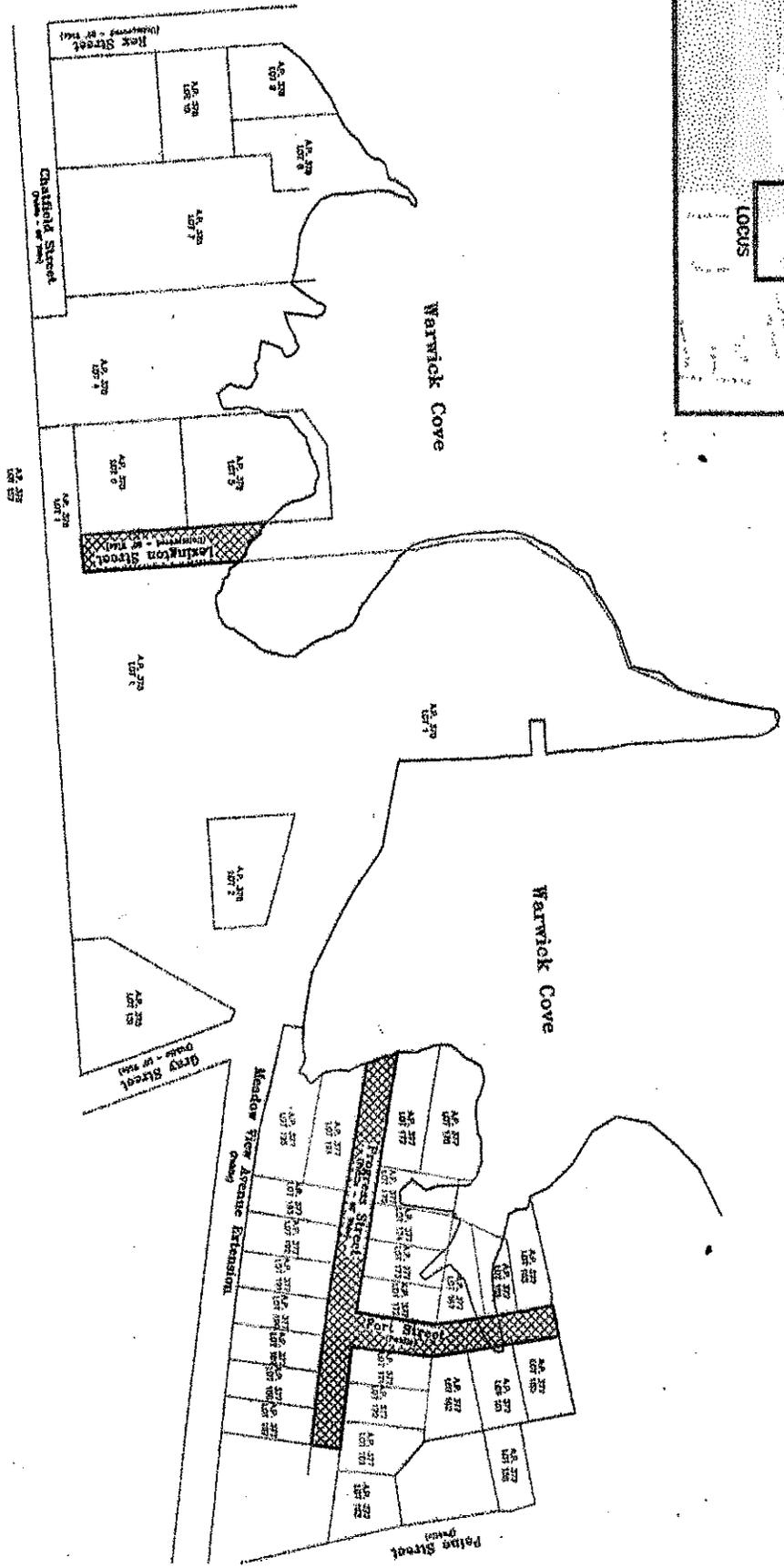
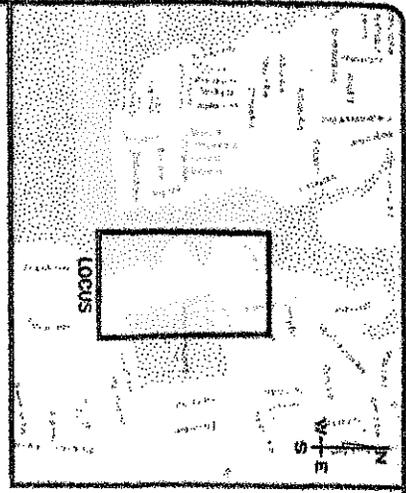
Deed description and sketch prepared for Petitioner by Garofalo & Associates, Inc. are attached as Exhibit A.

**Second:** The premises are totally within salt marsh and contiguous fresh water wetland and have been designated in the Rhode Island Coastal Resources Management Plan as "***Designated for preservation, never to be altered***". Therefore the premises are of no use to the public as a highway, drift way or right of way to the water.

**WHEREFORE:** Your Petitioner files this Petition and prays that this Honorable City Council, pursuant to authority vested in it by Chapter 24-6 of the General Laws of Rhode Island, 1956, as amended, declare said premises to have ceased to be useful to the public and enter an order abandoning the same as public highways or drift ways.

Harbor Light Marina, Inc.

  
\_\_\_\_\_  
Joseph W. Noel, President

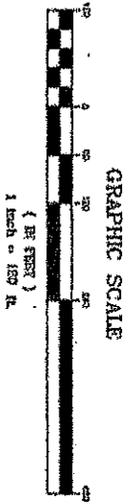


**LEGEND:**  
 ROADWAY TO BE ABANDONED

**CERTIFICATION:**

THIS PLAN IS SUBMITTED IN ACCORDANCE WITH A CLASS IV STANDARD AS ADOPTED BY THE ENGINEERING BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS. THIS PLAN IS NOT TO BE CONSIDERED AS AN ACCURATE BOUNDARY SURVEY AND IS SUBJECT TO SUCH CHANGES AS AN ACCURATE BOUNDARY SURVEY MAY REVEAL.

BY: *Samuel A. Garofalo* REG. NO. DATE



PROJECT NO.	DATE	SCALE
10-3875	10-28-75	1" = 100'
CLIENT	PROJECT	DATE
WARWICK, R.I.	ABANDONMENT PLAN	10-28-75

**GAROFALO**  
 GAROFALO & ASSOCIATES, INC.  
 CIVIL & STRUCTURAL ENGINEERS/SURVEYORS  
 LAND PLANNERS/ENVIRONMENTAL SCIENTISTS

25 EDWARDS STREET  
 P.O. BOX 8143  
 PROVIDENCE, RI 02910  
 TEL: 401-271-0000

Garofalo & Associates, Inc. These drawings are the property of the engineer/surveyor and have been prepared for the owner. For the project of this title the user is not to be used for any other purpose, location or matter without written consent of the owner or one of its principals.

NO.	DATE	BY

**ABANDONMENT PLAN  
 FOR  
 HARBOR LIGHTS  
 SITUATED IN  
 WARWICK, RHODE ISLAND**

# EXHIBIT A

## Deed description & sketch for Progress Street and Fort Street

That certain tract or parcel of land with all buildings and improvements thereon situated southerly of Paine Street in the City of Warwick, County of Kent, state of Rhode Island is herein bounded and described;

Beginning at the most northwesterly corner of the herein described parcel, said corner being located southwesterly of the intersection of the southerly street line of Paine Street with the westerly street line of Progress Street a distance of one hundred twenty nine (129'±) feet more or less as measured along the westerly street line of Progress Street;

Thence proceeding southeasterly crossing Progress Street a distance of forty (40'±) feet more or less to a point at the northwesterly corner of A.P. 377, Lot 187;

Thence proceeding southwesterly along the easterly street line of Progress Street a distance of five hundred twenty seven (527'±) more or less to the Mean High Water Line of Narragansett Bay;

Thence proceeding southwesterly along the Mean High Water Line of Narragansett Bay for a distance of forty five (45'±) feet more or less to a point;

Thence proceeding northeasterly along the westerly street line of Progress Street a distance of three hundred sixty (360'±) feet more or less to the intersection of the westerly street line of Progress Street with the southerly street line of Fort Street;

Thence proceeding northwesterly along the southerly street line of said Fort Street a distance of one hundred ten (110'±) feet more or less to an angle in said street;

Thence proceeding southwesterly along the said street line of said Fort Street a distance of one hundred sixty (160'±) feet more or less to a point at the northwesterly corner of A.P. 377, Lot 185;

Thence proceeding northwesterly crossing said Fort Street a distance of forty (40'±) feet more or less to a point at the southeasterly corner of A.P. 377, Lot 160;

Thence proceeding northeasterly along the northerly street line of said Fort Street a distance of one hundred sixty six (166'±) feet more or less to an angle in said Fort Street;

Thence proceeding southeasterly along the northerly street line of said Fort Street a distance of one hundred sixteen (116'±) feet more or less to the intersection of the northerly street line of said Fort Street with the westerly street line of Progress Street;

Thence proceeding northeasterly along the westerly street line of Progress Street a distance of one hundred thirty nine (139'±) feet more or less to the point and place of beginning;

Said parcel contains 33,730 square feet or 0.78 acres more or less.

For a more particular description reference is herein made to a plan "Abandonment Plan for Harbor Lights Situated in Warwick RI" by Garofalo & Associates, Inc. dated October 2015.

## **LIST OF ABUTTERS**

### **Assessors Plat 377**

<b>Lots 168,187-189</b>	<b>The City of Warwick</b>
<b>Lots 169-175, 177, 187-194</b>	<b>The City of Warwick &amp; The Petitioner</b>

**PETITION FOR ABANDONMENT**

STATE OF RHODE ISLAND  
KENT COUNTY

CITY OF WARWICK

**PETITION FOR ABANDONMENT OF LEXINGTON STREET**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF WARWICK

HARBOR LIGHT MARINA, INC., a Rhode Island corporation with offices at 200 Gray Street, Warwick, Rhode Island 02889 ("Petitioner"), brings this Petition and respectfully represents as follows:

**FIRST.** Your Petitioner is the record owner of land abutting upon the northerly and southerly boundary lines of a platted unimproved street named Lexington Street in said City of Warwick which is shown on the sketch attached hereto as Exhibit A.

Those certain parcels of land, with all improvements thereon, to be deeded for purposes of abandonment, being those portions of Lexington Street situated west of Chatfield Street in the City of Warwick, County of Kent, State of Rhode Island, are bounded and described as follows:

**Plat No. 378**

**Lot(s) No. 1,5,6**

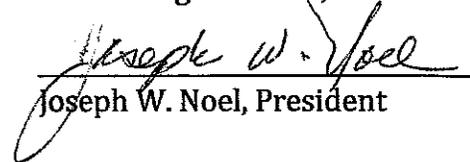
**Ward No. 5**

Deed description and sketch prepared for Petitioner by Garofalo & Associates, Inc. is attached as Exhibit A.

**Second:** The premises are totally within a salt marsh and contiguous fresh water wetland and have been designated in the Rhode Island Coastal Resources Management Plan as "***Designated for preservation, never to be altered***". Therefore the premises are of no use to the public as a highway, drift way or right of way to the water.

**WHEREFORE:** Your Petitioner files this Petition and prays that this Honorable City Council, pursuant to authority vested in it by Chapter 24-6 of the General Laws of Rhode Island, 1956, as amended, declare said premises to have ceased to be useful to the public and enter an order abandoning the same as a public highway or drift way.

Harbor Light Marina, Inc.

  
Joseph W. Noel, President

# EXHIBIT A

## Deed description & sketch for Lexington Street

That certain tract or parcel of land with all buildings and improvements thereon situated southerly of Gray Street in the City of Warwick, County of Kent, state of Rhode Island is herein bounded and described;

Beginning at the most northeasterly corner of the herein described parcel said point being located south  $15^{\circ}58'56''$  west a distance of six hundred seventy four and  $19/100$  (674.19') feet as measured along the westerly street line of said Chatfield Street from the intersection of the southerly street line of Gray Street with the westerly street line of Chatfield Street;

Thence proceeding south  $15^{\circ}58'56''$  west along the westerly street line of said Chatfield Street a distance of fifty and  $00/100$  (50.00') feet to a point, said point being the most southeasterly corner of Lexington Street;

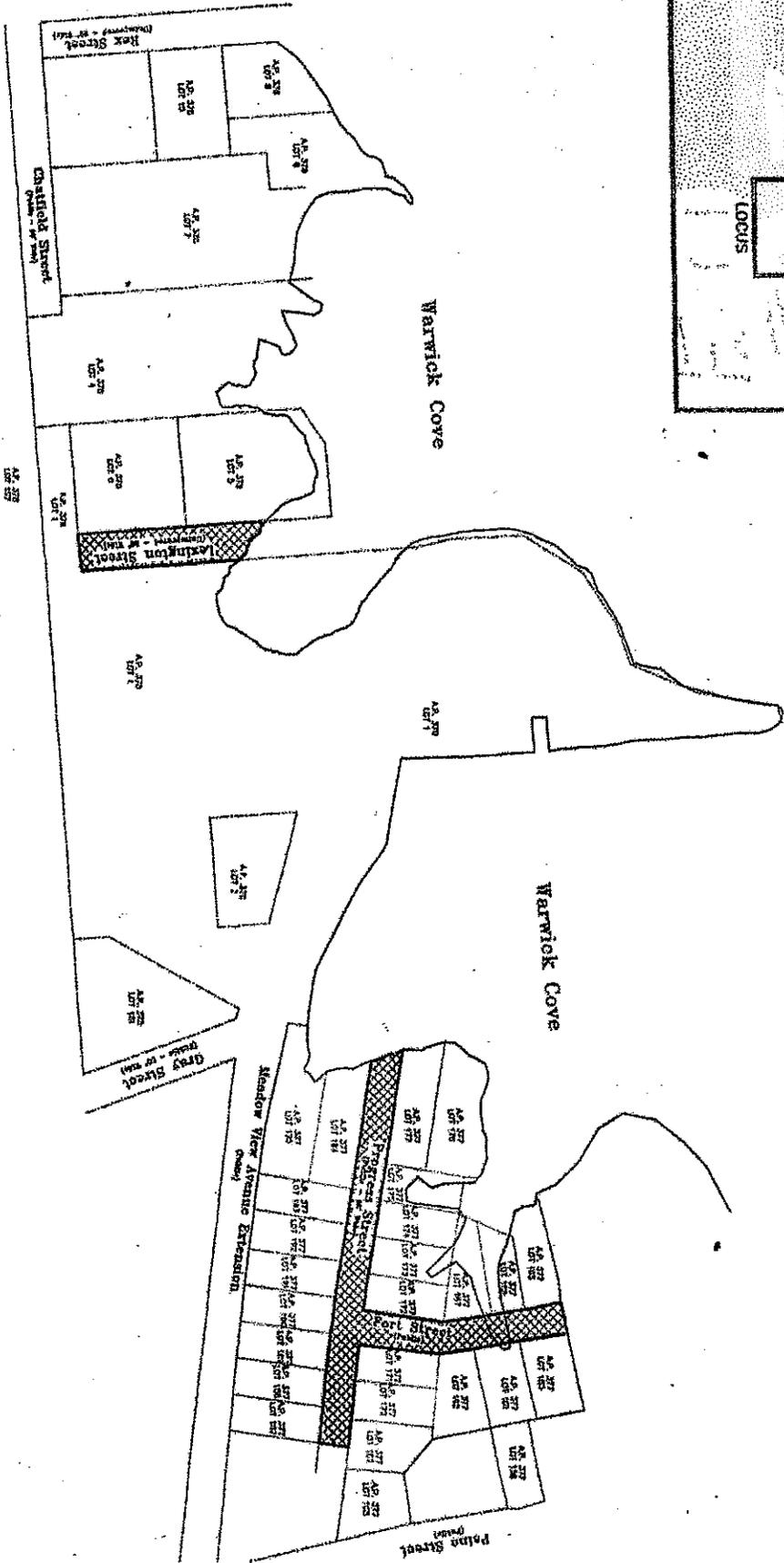
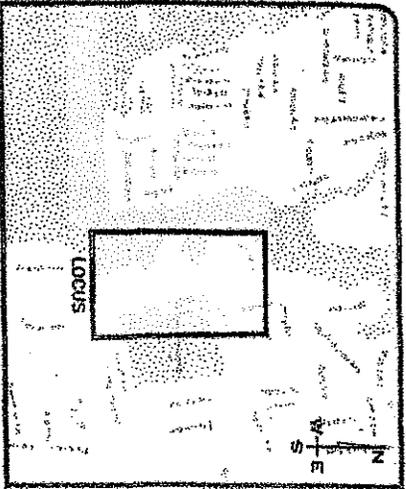
Thence proceeding north  $74^{\circ}01'04''$  west along the southerly street line of said Lexington Street a distance of three hundred fifty and  $00/100$  (350.00') feet to a point, said point being the most southwesterly corner of Lexington Street, the last two (2) courses bounded southerly by land now or formerly of R.K.I. Associates, Ltd. and in part by land now or formerly of Harbor Light Marina, Inc.;

Thence proceeding north  $60^{\circ}58'56''$  east along the westerly terminus of said Lexington Street a distance of seventy and  $71/100$  (70.71') feet to a point, at the most northwesterly terminus of said Lexington Street;

Thence proceeding south  $74^{\circ}01'04''$  east along the northerly street line of said Lexington Street a distance of three hundred and  $00/100$  (300.00') feet to the point and place of beginning, bounded northerly by land now or formerly of Harbor Light Marina, Inc.;

Said parcel contains 11,908 square feet or 0.27 acres more or less.

For a more particular description reference is herein made to a plan "Abandonment Plan for Harbor Lights Situated in Warwick RI" by Garofalo & Associates, Inc. dated October 2015.

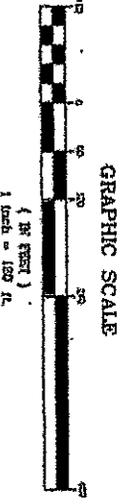


**LEGEND:**  
 ROADWAY TO BE ABANDONED

**CERTIFICATION**

THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS IV STANDARD AS APPROVED BY THE BOARD OF REGISTERED PROFESSIONAL LAND SURVEYORS. THIS PLAN IS NOT TO BE CONSIDERED AS AN ACCURATE BOUNDARY SURVEY UNLESS SO INDICATED AS AN ACCURATE BOUNDARY SURVEY MAY OCCUR.

BY: *Garofalo* **Garofalo & Associates, Inc.** REG. NO. DATE



PROJECT NO.	DATE
CLIENT	PROJECT
PROJECT NO.	DATE
CLIENT	PROJECT

**GAROFALO**  
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35 CORLESS STREET,  
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 PROVIDENCE, RI 02246  
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Garofalo & Associates, Inc. is not responsible for the accuracy of the data provided by the client. The client is responsible for the accuracy of the data provided. The client is responsible for the accuracy of the data provided. The client is responsible for the accuracy of the data provided.

NO.	DATE	BY

**ABANDONMENT PLAN  
 FOR  
 HARBOR LIGHTS  
 SITUATED IN  
 WARWICK, RHODE ISLAND**

## **LIST OF ABUTTERS**

**Assessors Plat 378 Lots 1, 5 and 6 - The Petitioner**