



## CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

March 9, 2022

NP Airport Road Warwick, LLC.  
C/O Tenessa Azar, Esq. [tazar@marlawri.com](mailto:tazar@marlawri.com)  
Moses Ryan, Ltd.  
40 Westminster Street, 9<sup>th</sup> Floor  
Providence, RI 02903

RE: Assessor's Plat 311, Assessor's Lots 138 & 191 (aka North Point)  
Final Major LD Application Decision of Approval  
0 Hallene Road (Commerce Drive and Airport Road)

Dear Ms. Azar:

The following is a draft decision of approval for the above-referenced property anticipated by the Planning Board at their upcoming meeting of, March 9, 2022.

After considering all of the representations and presentations made at the public meeting, the Planning Board found this proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
  - a. The proposal is consistent with *Chapter 1, Vision for the 21<sup>st</sup> Century Warwick* element which encourages preserving industrially-zoned land for non-retail uses and a commitment to land use that promotes a strong, stable tax base.
  - b. A stated policy in *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.” The proposed project area is located in an appropriately zoned light industrial (LI) district and abuts similar commercial/industrial zoned properties and uses.
  - c. *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* states as an action to “prevent commercial intrusion into residential neighborhoods.” The subject parcel is located approximately 200’ from the nearest residential dwelling to the northeast along Jonathan Court and over 600’ from the nearest residential developments located along Grotto Avenue.

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**PLANNING DEPARTMENT • TOM KRAVITZ, DIRECTOR**  
**3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009**

The Applicant should propose appropriate measures to mitigate these concerns in order to maintain consistency with the Comprehensive Plan. The applicant has provided a robust landscape plan that effectively provides a berm with fencing and a solid evergreen screen to minimize visual impacts of the proposed development and operations from abutting properties.

- d. *Chapter 4, Natural Resources* section of the Comprehensive Plan states as a goal that Warwick's natural resource systems, sensitive water resources and natural habitats be preserved and protected for future generations, with a companion policy to "protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas." The Applicant has designed and permitted (RIPDES No. RIR 102205) a stormwater management system to properly treat stormwater runoff, provide pretreatment and TSS removal.
  - e. Chapter 12 of the Comprehensive Plan, *Future Land Use, Zoning and Urban Design Map 12.2 "Future Land Use"* specifically identifies the subject parcel and the surrounding parcels to be designated for use as "Industrial" a use further defined for Light Industry (12.19) as "*The Light Industry land uses are small scale manufacturing, warehousing and similar uses that have limited impacts on adjacent properties.*" The subject parcel is entirely zoned as Light Industrial, designate for Industrial as a future land use and the Comprehensive Plan clearly states that warehousing is a desired use for Industrial designated properties.
2. That the proposal is in compliance with the standards and provisions of the City's Zoning Ordinance in consideration of the following:
    - a. The subject parcel is located within a Light Industrial (LI) zoning district.
    - b. The proposed project is a warehouse/distribution facility, which is listed under *Table 1 – Use Code Regulations*, under *Code 804 - Distribution center, parcel delivery center, delivery warehouse*.
    - c. The proposed use is permitted by right within the district so designated.
    - d. The applicant has received a dimensional variance from the Warwick Zoning Board of Review (Petition # 10731) to allow a maximum structure height of 49', decision signed on October 21, 2021 and duly recorded by the City Clerk on October 25, 2021 in Book 9988 Pages 302-304.
    - e. The project has been deemed to conform to all other aspects of the City's Zoning Ordinance by the Building Official.
  3. That there will be no significant negative environmental impact from the proposed development as the Applicant conforms to all conditions of master plan approval by providing the following supporting plans and permits:
    - a. The applicant has provided a *Long Term Stormwater Operation and Maintenance Plan* and *Pollution Prevention and Source Control Plans* for the Site and for the Sand Filter to be located at Utility Pole #12, said plan prepared by VHB dated June 1, 2021 and revised September 16, 2021.

- b. Stormwater Management Report (VHB) stamped and signed by Ashley Cunha (9/17/2021), Registered Professional Engineer (Civil) No. 11871.
  - c. *Soil Erosion and Sediment Control Plan* (VHB) stamped and signed by Ashley Cunha (6/1/2021), Registered Professional Engineer (Civil) No. 11871.
  - d. Rhode Island Department of Environmental Management Insignificant Alteration Permit, Wetlands Application No. 21-0157, RIPDES No. RIR 102205, dated November 18, 2021 and signed by Martin D. Wencek, Program Supervisor, Office of Water Resources, Freshwater Wetlands Program.
  - e. The applicant has completed a Phase II Archaeological Site Assessment (PAL) and submitted documentation from the Rhode Island Historical Preservation & Heritage Commission (June 4, 2021) stating that, “*the site lacks sufficient integrity to be eligible for listing in the National Register of Historic Places*” and that, “*no further archaeological investigation is recommended.*”
  - f. Federal Aviation Administration (FAA) “*Determination of No Hazard to Air Navigation*” issued on December 22, 2020 in accordance with Aeronautical Study Number 2020-ANE-6835-OE.
  - g. The applicant has contributed financial support to the Buckeye Brook Coalition, a state designated watershed council, for the purposes of water quality monitoring and testing at points to be determined by the Coalition.
4. That the development, as proposed, 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 in consideration of the following:
- a. The development, as proposed, is to be contained solely on a single lot (Administrative Subdivision to combine AP 311/ Lot 191 and 138) and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.
5. That the proposed development possesses adequate and permanent access to a public street:
- a. Access to the proposed development will be via Commerce Drive, an existing public street.
  - b. The Applicant has received a Physical Alteration Permit (PAP) with conditions of approval from the Rhode Island Department of Transportation, permit reference number 21-52, dated December 23, 2021.
  - c. A Traffic Assessment Memorandum provided by VHB Engineering (dated October 7, 2021) states that after discussions with RIDOT, it was determined that “*no additional improvements are required along Post Road leading to Route 37 and the Airport Connector.*” Further, the Assessment also states that “*The impact of proposed traffic flow on Airport Road from Commerce Drive east to the Warwick Avenue/ West Shore Road intersection (Hoxie Four Corners) have been discussed with RIDOT. RIDOT agreed that the volume and size of trucks traveling through Hoxie Four Corners are not expected to significantly change as a result of the proposed development.*”

- d. To accommodate wider turning radius, project improvements include widening of Commerce Drive and revising the alignment to flatten curves. The Commerce Drive southbound approach to Airport Road is also to be widened to accommodate a dedicated left-turn lane and a dedicated right-turn lane. Level of service at this intersection will remain at level B post development.
- e. Airport Road at Commerce Drive is proposed to extend the length of the eastbound turn lane from 80' to 200' to accommodate future projected peak hour queues.
- f. The supporting *Traffic Impact and Access Study* completed by VHB Engineering (September 2021) concludes, “*the proposed off-site mitigation at the Airport Road/Commerce Drive intersection will accommodate truck turning movements and projected peak hour queues,*” and that, “*the existing traffic signal system at the intersection is projected to provide efficient access to/from the proposed development.*”

If approved by the Planning Board, the following conditions are important:

1. All work must be in accordance with the approvals of the Rhode Island Department of Environmental Management (RI DEM) and the Rhode Island Department of Transportation (RIDOT).
2. Soil erosion and sediment control measures must be properly maintained throughout construction.
3. The Design Engineer must inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans. In addition, the Design Engineer must prepare an as-built plan of the System; highlighting any significant deviations from the approved plan. Changes from the approved design plan will require prior authorization from the Approving Authority.
4. The Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System. The Property Owner shall be responsible for the operation and maintenance of all proposed stormwater mitigation measures including those located within the City right-of-way.
5. Protect all RI Highway Bounds and permanent survey markers throughout the completion of the project (Please note this on the site plans).
6. Access & egress on Commerce Drive must be maintained throughout the completion of construction.
7. The Final Plan shall include a requirement that the domestic water line be equipped with an RPZ Backflow Device above grade installed in a Hot Box and the Fire Service Line be supplied with a Double Check Detector Check Meter installed above grade in Hot Box and supplied by the contractor.

8. The Final Plan shall require that the dead end 8" water main be extended connecting to the 8" stub coming off of Airport Rd.
9. A fire hydrant shall be located within 100' of the Fire Department Connection.
10. A six-foot (6'), solid, privacy style-fence shall be located at the top of the landscape berm as depicted on the plans to assist with noise and light mitigation to the residential properties to the north.
11. Old growth oak tree shall be relocated within a protected area on the site.
12. Any proposed exterior dumpsters or trash receptacles shall be located and screened in accordance with Zoning Ordinance requirements (505.1D) and depicted on the landscape plan.
13. Full compliance with all permit requirements for the Warwick Sewer Authority.
14. That the Administrative Subdivision (Record Plat) shall be recorded with the Final Decision.
15. At the Applicant's expense, Commerce Drive shall be improved to ensure structural integrity at the direction of the City's engineering department.
16. At the Applicant's expense, (accounted for in applicant's bond) all site construction inspection and permit compliance shall be performed monthly and after rain events with reports emailed to the City Planning & Engineering Department. This shall be executed through completion of construction.
17. Any and all signage that is in place to direct traffic to existing businesses along Commerce Drive shall be immediately upgraded and replaced if said signs require temporary removal during construction.
18. All noise associated with construction and operation shall abide by existing local noise ordinances by way of time of day and decibel level.
19. The Applicant shall prepare an as-built elevation, prepared by a Professional Land Surveyor ensuring compliance with the zoning approval.

Sincerely,

Phil Slocum, Chair  
Warwick Planning Board

Cc: File