



## CITY OF WARWICK

---

**FRANK J. PICOZZI, MAYOR**

April 4, 2022

RJB Realty  
E&J West Shore Realty  
75 Tipping Rock Drive  
East Greenwich, RI 02818

RE: Assessor's Plat 319, Assessor's Lots 2, 4, & 502  
35 West Shore Road (Route 117)

Dear Applicant:

The following is the decision on your application for Preliminary Plan Approval of a Major Land Development Project heard by the Warwick Planning Board at the regularly scheduled meeting held on April 13, 2022. The Planning Board reviewed your proposal to merge three (3) lots into one, demolish three (3) existing buildings and construct a new 4,600 SF fast food restaurant (3,657 SF +/- first Floor/ 2,250 SF basement) with drive through window and associated parking, landscaping, and related appurtenances. Proposed access/egress to the site will be provided by two driveways. One (1) ingress only curb cut and one (1) full width curb cut on West Shore Road (Route 117) in the vicinity of Hoxsie 4 Corners. The parcel is zoned General Business (GB), with a total land area of .94 acres.

After completion of the Public Hearing, for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Meeting, 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 project involves the redevelopment of multiple properties that is currently vacant, unutilized, and/ or does not meet current zoning standards. The applicant is proposing to completely renovate the site with substantial improvements to the overall site layout, landscaping, stormwater management, and signage. *Chapter 12* of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element states that 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is "very important." The project is consistent with this Comprehensive Plan element.

---

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

- 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.” Existing land uses surrounding the subject site include a mixture of service based retail strip malls, a supermarket, banks, fast food restaurants, and other similar businesses with a clear delineation and wooded buffer to the adjacent single family residential dwellings to the south. The proposed development is a fast food establishment that would service the needs of surrounding residential dwellings and complements other uses along West Shore Road without further intruding into residential zones. The project is therefore consistent with this element of the Comprehensive Plans.
  - c. A land use issue outlined in *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* specifically relating to West Shore Road from the intersection at Warwick Avenue to Oakland Beach Avenue is the “Preservation of residential character and limits on commercial intrusion.” The proposed development will complement current land uses without further intruding into residential zones. The project is therefore consistent with this element of the Comprehensive Plan.
  - d. *Chapter 3, Part 2, of the Comprehensive Plan, Population and Land Use Trends* element states that many parcels located along West Shore Road (Route 117) “present opportunities for potential redevelopment in the next 20 years, perhaps as new village areas with a mix of retail and housing.” The proposed project will remove multiple vacant buildings, redevelop parcels to provide an amenity for surrounding residential areas, and improve the overall aesthetic along West Shore Road with enhanced landscaping, signage, and a modern building facade. The project is therefore generally consistent with this element of the Comprehensive Plan.
  - e. The proposed project will result in an overall reduction of impervious surfaces and include modern stormwater management infrastructure that will slow the rate of runoff and improve the quality of stormwater discharge from the site. This is consistent with *Chapter 4, Natural Resources* section of the Comprehensive Plan, which 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.”
2. That the proposal is compliant with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
- a. The project received Zoning Board of Review approval (Decision dated: September 7, 2021; Petition # 10729) for a dimensional variance for less than required parking,

and a use variance for the relocation of an existing electronic messaging board (LED Sign).

3. That there will be no significant negative environmental impact from the proposed development.
  - a. The State of Rhode Island Department of Environmental Management Office of Water Resources (RIDEM OWR) has reviewed the project for compliance with the RIDEM Groundwater Discharge (GWD)/ Undergruund Injection Control (UIC) Program (Groundwater Discharge Rules: 250-RICR-150-05-4) and the Rhode Island Discharge Pollutant Discharge Elimination System Construction General Permit (CGP). The project is found to be in compliance with RIDEM regulations and a permit with conditions was issued by RIDEM on December 9, 2021. Permit reference numbers WQC/STW File No. 21-186; UIC File No. 002070; RIPDES File No. RIR 102269.
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 proposed development contains three (3) lots (AP 319/Lots 2, 4, & 502) which will be administratively merged into one lot at the time of final recording if the development plan is approved. The Applicant has sufficiently demonstrated (by submission of all application materials and permits) that the resulting lot will 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 (West Shore Road (Route 117) in consideration of the following:
  - a. A Trip Generation and Traffic Impact Study was completed by Crossman Engineering (Dated: August 2021) and concluded that *“The proposed Dunkin at 35 West Shore Road will not have a detrimental impact on adjacent roadways,”* and further found that *“there is no change in overall or approach LOS at the signal from existing to proposed conditions for either AM or PM peak.”* The study also determined that *“with the proposed Dunkin project at 35 West Shore Road, along with potential future use of 1582 Warwick Avenue, there is no change in overall or approach LOS at the signal from existing to proposed conditions for either AM or PM Peak.”*
  - b. RIDOT Letter (PAP Permit No. 21-124) authorizes the issuance of a PAP for the project upon issuance of insurance certificate, bonding and independent testing and inspection.

Based on the foregoing findings of fact, on a motion by XXX MEMBER seconded by XXX MEMBER the Warwick Planning Board voted X in favor, X opposed, to grant Preliminary Plan approval with Final approval to be through the Administrative Officer, upon compliance with the following special conditions:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island," effective date November 25, 2015.
2. That the Applicant shall submit a Final Land Development Plan and Administrative Subdivision Plan that complies with Appendix C, Final Application, of the City's Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. 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 (RI DOT).
4. A Soil Erosion and Sediment Control permit must be obtained from the City of Warwick Building Department prior to the commencement of any construction activities, including vegetation clearing and earthwork.
5. Soil erosion and sediment control measures must be properly maintained throughout construction.
6. 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.
7. 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.
8. Protect all RI Highway Bounds and permanent survey markers throughout the completion of the project (Please note this on the site plans).
9. Full compliance with all permit requirements for the Warwick Sewer Authority and the Warwick Water Department, including termination of water service at the water main if it is not going to be used. If a water service is going to be used at a later date, it shall be cut off at the curb stop with a whip installed for chlorination and pressure testing.
10. That before issuance of any permits, the Fire Department shall review all plans for compliance with all life safety codes and issues. There shall be no architectural, landscaping or natural barriers to prevent easy access of fire apparatus.

11. That the Administrative Subdivision (Record Plat) shall be recorded with the Final Decision.
12. Notwithstanding the existing traffic study which is part of the record, drive-thru coffee shops can sometimes generate traffic queues beyond that which is contemplated by engineering due to unforeseen markets. The applicant and/or future retailer(s) of the subject property, shall schedule and compensate City police traffic details should traffic queues expand onto and impede travel along West Shore Road.

Sincerely,

Philip Slocum, Chair  
Warwick Planning Board

Cc: Brian LaPlante, Esq. - LaPlante Sowa Goldman  
Brian King, Crossman Engineering