



**CITY OF WARWICK**

**FRANK J. PICOZZI, MAYOR**

**MEMORANDUM**

**TO:** Eric Earls, Director – Department of Public Works  
Bruce Keiser, Planning Director

**FROM:** Dan Geagan, Principal Planner *DTG*

**DATE:** July 27, 2021

**RE:** Site and Environmental Review/Management Plan: Donation of Land for Public Highway purposes. Assessor Plat 377; Assessor Lots 66, 196, 197

**I. Summary**

The Department has reviewed the proposed donation of land from Harbor Lights Marina to the City for highway purposes to formalize the private land as a public highway. The three parcels to be donated have functioned for decades as *de facto* Chattfield Street and *de facto* Clifton Avenue, assumed by many to be a public way, but, which, in fact is private land with permission granted by the owner for public use.

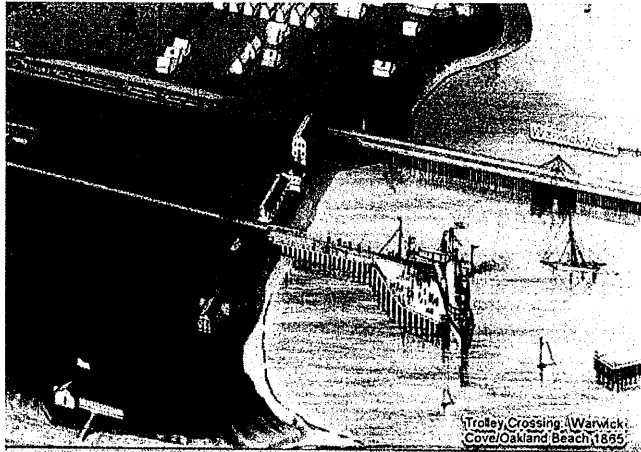
A review of over 150-years of site history shows that there is no evidence that the site was ever occupied by a use that would require further environmental investigation. Potential closure of the historic private right-of-way would disturb the existing traffic circulation pattern and adversely impact the surrounding neighborhoods. Acquisition of the parcels is determined to be in the best, long-term interest of public to ensure that the property continues to be utilized, uninterrupted by the general public as a permanent public right-of-way.

It is recommended that the proposed dedication is worthy of consideration by the Warwick City Council.

## II. Environmental Assessment: Land Use History/Background

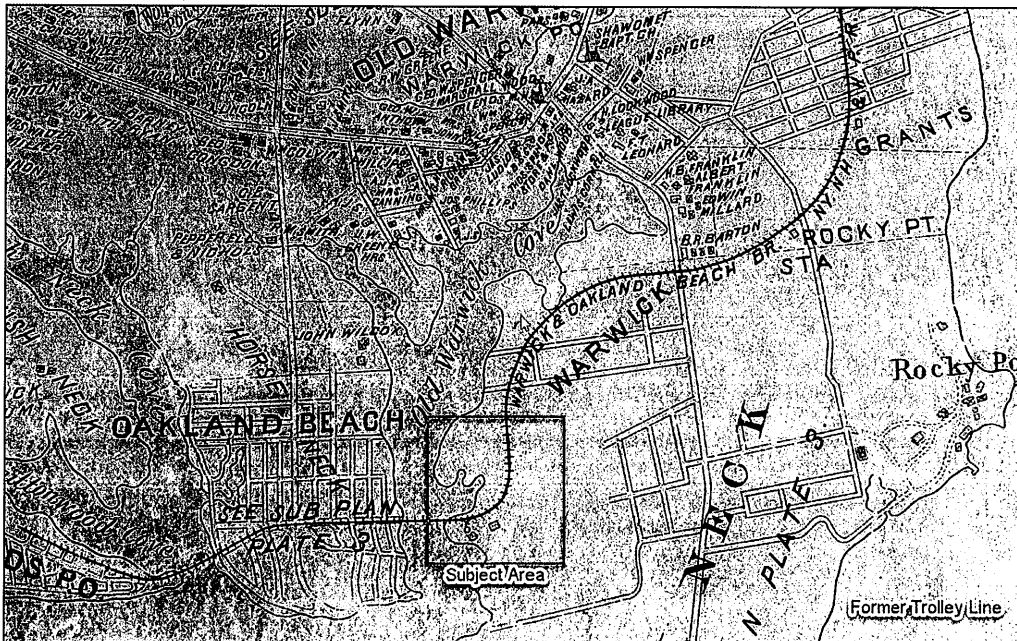
The Department has reviewed land use records and the land history for the parcels proposed to be dedicated to the City. As detailed below, a review of available Rhode Island Department Environmental Management (RIDEM) records, including Underground Storage Tank (UST) and Comprehensive Environmental Response, Compensation, and Liability Information Act (CERCLA) records indicates that the site has historically only been used for public transport purposes.

The subject lots were originally part of the Amasa and William Sprague's *Union Railroad* right-of-way. The Union Railroad was established in 1865 and provided public transportation via horse-drawn carriages. The Railroad was eventually acquired by business partners that included Senator Nelson Aldrich and led to the establishment of electric trolley lines that ran from Providence and served all of eastern Warwick. In time, the automobile and bus brought about an end to the trolley system. Portions of the right-of-way, including most of Meadow View Avenue, eventually became part of the City roadway system.



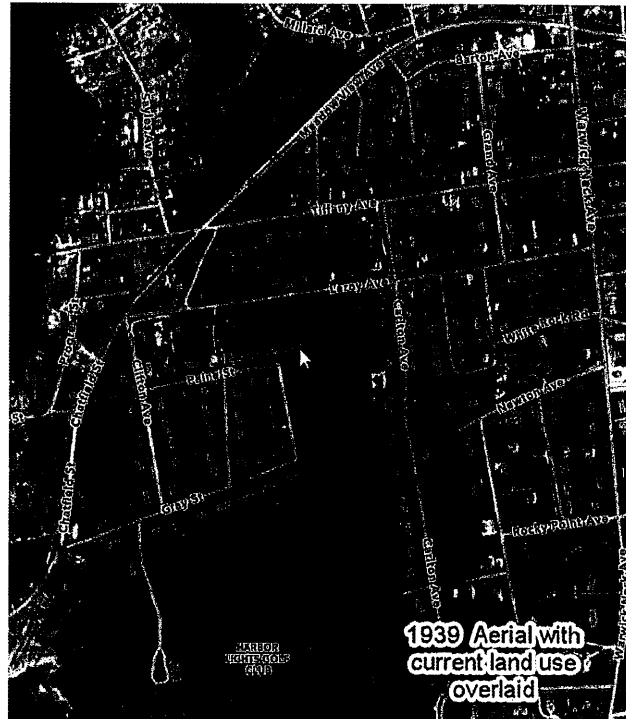
Other parcels, such as the proposed dedication, were acquired by private parties. *From a land use perspective, this history is significant as it denotes that the use of the property for transit transitioned from horse drawn carriage, to electric trolley, and, finally, to automobile.* Diesel or coal fired trains were never used on this system and, therefore, any contaminants associated with the heavier, more noxious railroad uses would likely not be associated with these parcels.

### Original Trolley Line Route



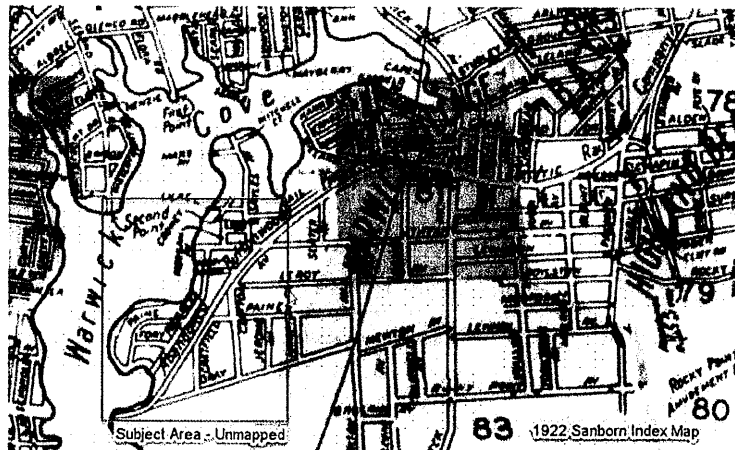
### **Historic Imagery**

A review of over 80 years of available aerial imagery (dating back to 1939) shows that the subject property, including portions private, has functioned as a right-of-way since the conversion from trolley to automobile. Records reviewed include the following imagery: 1939, 1951, 1962, 1972, 1982, 1992, 1998, 2011, 2014, and 2019. Aside from mostly single-family residential development and shoreline marine trades, the surrounding area is characterized as lightly developed, with wooded areas, wetlands, and the Harbor Lights Golf Club.



### **Sanborn Fire Insurance Maps**

Historic *Sanborn Fire Insurance Maps* are a significant and useful resource to conduct historical reviews of structures and properties. The maps were utilized by insurance companies to determine the liability of a particular building through all the information included on the map: building material, proximity to other buildings and fire departments, the location of utilities, etc. A review of the 1922 Sanborn Map Index shows that the specific area in question was not yet mapped by Sanborn – which typically means that the area was generally undeveloped and fire risk assessment was not required. This provides further evidence that the surrounding land was generally undeveloped, lacked structures and therefore supports the reasonable conclusion that the subject properties were only ever used as a private right-of-way for public transport.



### **CERCLA Review**

The Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) is the official repository for all Superfund site data compiled in support of CERCLA. A review of the available 133 RIDEM records in Warwick finds that there are no records of contamination on the subject lots or adjacent lots.

**RIDEM Underground Storage Tank (UST) Master List and Leaking UST Case List**

The UST Master List is a summary of registered UST Facilities in Rhode Island, which includes information on abandoned, in use, permanently closed and temporarily closed USTs. A review of 1,453 records in Warwick showed that there is no evidence of any Underground Storage Tanks ever being located on the subject lots. Two (2) UST permitted facilities associated with nearby commercial businesses were historically located within a ¼ mile radius of the proposed lots. RIDEM records indicated that both sites are no longer active and have been permanently closed in accordance with RIDEM regulations.

**III. Alternatives Analysis**

In considering the proposed dedication, it is important at least to contemplate the possible alternatives available to the City. The lots proposed to be dedicated and accepted by the City of Warwick for highway purposes would allow the continuance of the existing path of travel for both area residents and guests visiting the marina and its golf course. In addition, commercial deliveries will be able to maintain the existing routes.

The existing owner of the lots has allowed vehicles to use the private way for many years as a courtesy. However, as this is private property, it technically could be closed to the public.

**(1) Relocate Traffic**

If the private right-of-way were to be permanently closed, local traffic would be rerouted through the existing roadway system. The majority of the impact would be felt by neighborhoods associated with Leroy, Tiffany, and Clifton Avenues, and Gray and Paine Streets. This would clearly create a situation that would disrupt an historic traffic circulation pattern and adversely impact over 100 homes in the area.

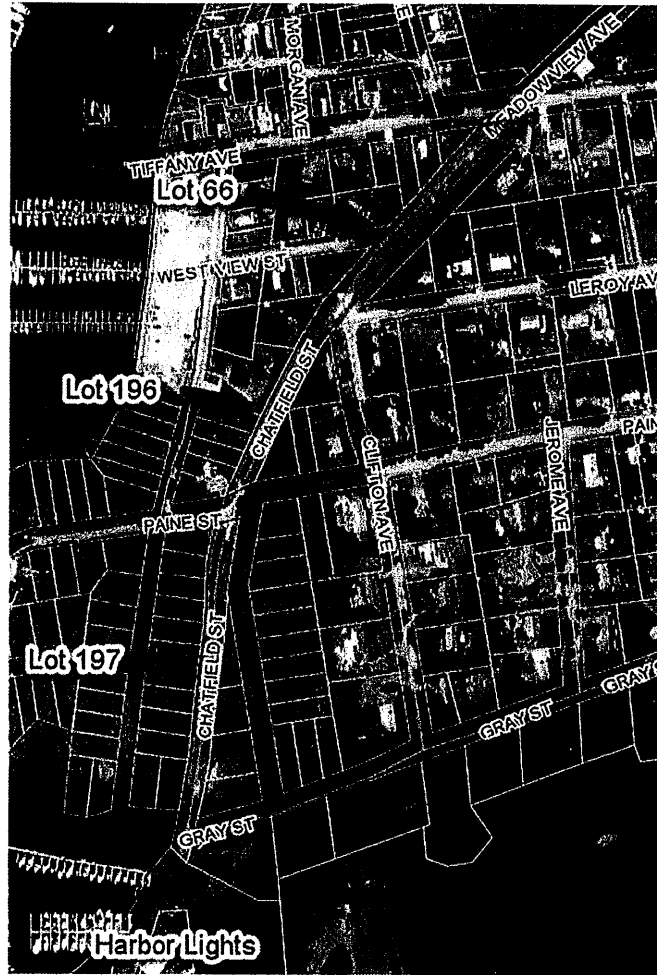
The Department does not support this alternative as it is contrary to the Comprehensive Plan, and adversely impacts quality of life in the area.



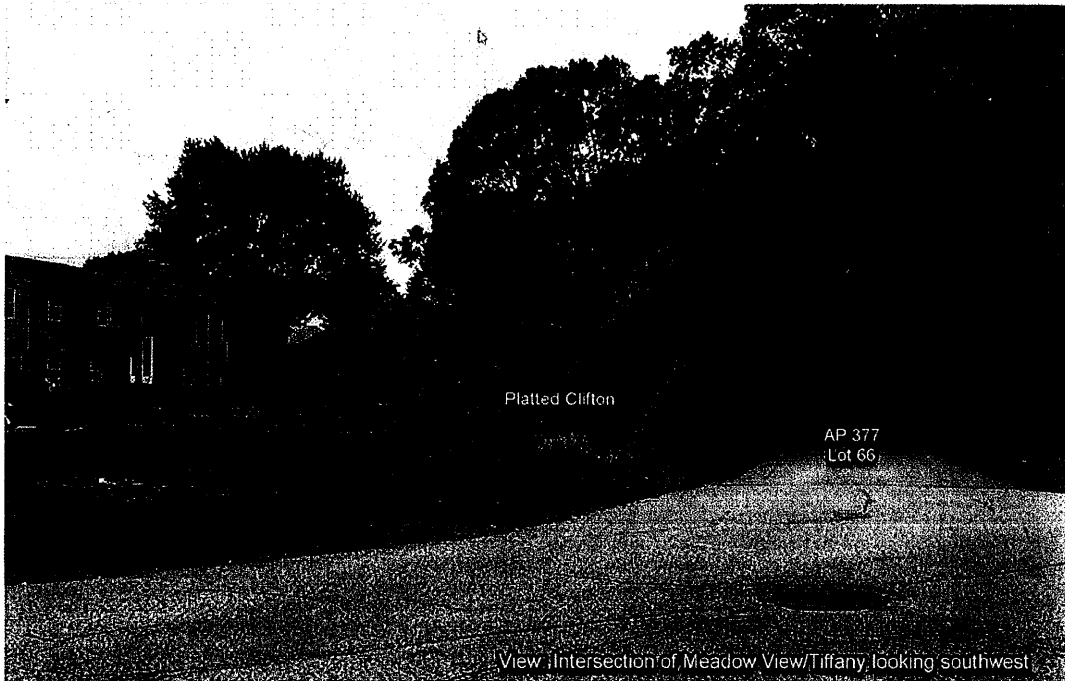
**(2) Reconstruct Clifton Avenue (portion of)**

The de facto paved portion of Clifton Avenue between Tiffany Avenue to the north and Leroy Avenue to the south is noted as parcel B on the included survey plan and is proposed dedicated Lot number 66. The platted and public portion of this segment of Clifton Avenue is immediately adjacent to Lot 66, undeveloped and at a higher grade than the existing paved private way. This solution would still require vehicles to transit through Clifton Avenue to points south. Relocating Clifton Avenue to its platted location would require a substantial investment of taxpayer dollars, a regrading of the land, elimination of substantial vegetation and trees in a sensitive coastal area and adversely impact existing residences along Clifton Avenue.

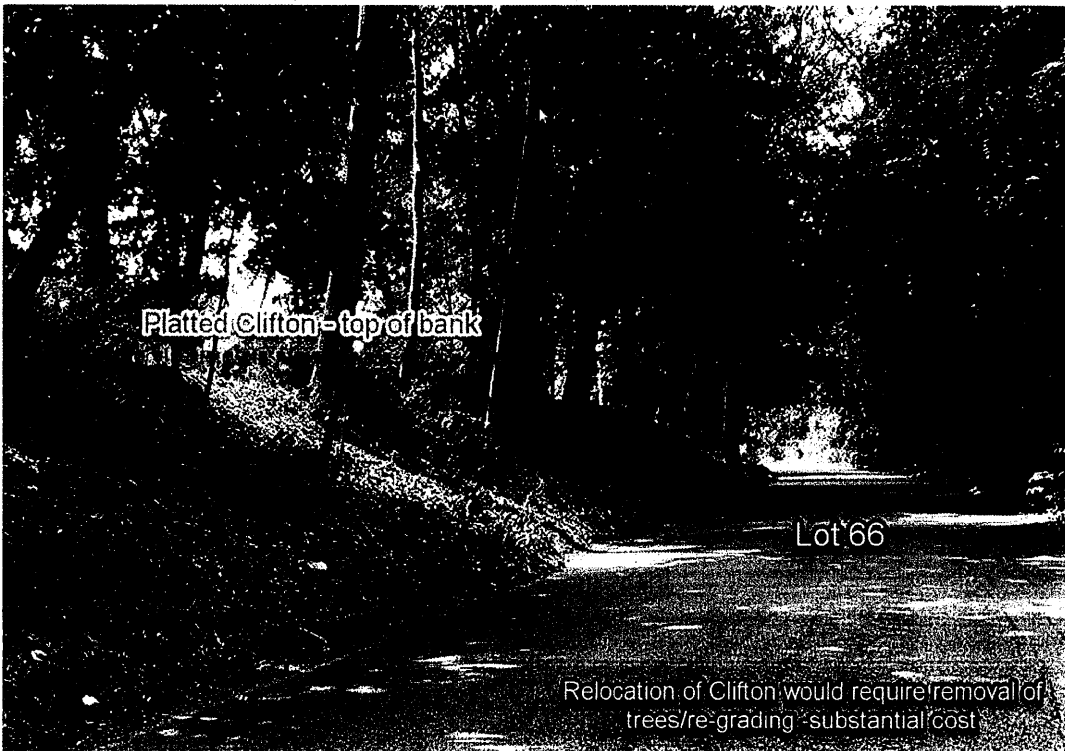
This is not a viable or practical alternative and, therefore, the Department would not support this as a reasonable option.



**Relocated Clifton Alternative: Photo 1**



**Relocated Clifton Alternative: Photo 2**



**Alternatives Conclusion**

Constructing a new roadway and rerouting traffic through neighborhoods are not viable alternatives and should not be considered. It is the opinion of the Department that maintaining the existing system in its current condition is the only practical solution and, therefore, the Department has no objection to the land dedication as proposed.

**Section 56-15 Management Plan for Public Property Acquisition**

The Department believes that RIGL 24-2 is the appropriate Ordinance governing this land dedication; however, in accordance with Section 56-15 of the Code of Ordinances, the Planning Department also offers the following information relative to a management plan for public property acquisition.

1. **Cost to acquire the Land:** No Cost

**Value of Donation (Assessed)**

<b>Lot</b>	<b>2021 Valuation</b>
66	\$8,000.00
197	\$10,000.00
197	\$10,8000.00
<b>Total Assessed Value of Donation</b>	<b>\$28,800.00</b>

2. **Annual Lost Tax Revenue:**

<b>Lot</b>	<b>Annual Revenue</b>
66	\$149.84
197	\$187.30
197	\$202.28
<b>Total Revenue Lost</b>	<b>\$539.42</b>

3. **Cost to maintain on an annual basis:** Assumed as part of general DPW operations (sweeping, plowing, paving). Paving overlay is calculated at \$12 per square yard (overlay) and typically has a service life of 15 to 20 years. A rough calculation would equate to \$2,750 of annual maintenance cost relative road surfacing, which assumes a 15-year pavement life cycle, or \$2,062 for a 20-year life cycle assumption.
4. **Department responsible for Maintenance:** Department of Public Works
5. **Proposed Use:** Public Highway

**Conclusion**

The Department review finds no evidence of any environmental liability related to the subject lots. Acquisition of the parcels is determined to be in the best, long-term interest of the public to ensure that the property continues to be utilized uninterrupted by the general public as a permanent public right-of-way.

It is recommended that the proposed dedication of land for public highway purposes is worthy of favorable consideration by the Warwick City Council.