

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER ARTICLE

APPENDIX A
ZONING

No..... Date.....

Approved..... Mayor

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF WARWICK
M & M LAND COMPANY AND KEVIN MURPHY, PETITIONERS

Be it ordained by the City of Warwick:

Section I. The Zoning Map and the Record Book of Lot Classifications which are a part of the Zoning Ordinance of the City of Warwick are hereby amended by changing the classification of the following described premises from Residential A-40 to Residential A-40 PDR.

Lots 97 and 98 on Assessor's Plat 228 as said plat appeared in the Tax Assessor's office on December 31, 2014 is hereby changed from Residential A-40 to Residential A-40 PDR. The Lots are set forth in the legal descriptions and on the map attached hereto as Exhibit A.

The change of zoning is subject to the following conditions and stipulations:

1. That the Applicant shall receive a City Council Zone Change from A-40 Residential to A-40 Planned District Residential with waivers for: *Parking within 15' of a residence WZO Section 308.2 (e) design standards, No direct access to a major street or highway WZO Section 308.2 (f) design standards and less-than-required separation between buildings WZO Section 308.2 (f) design standard.*
2. That the Preliminary Plan shall include a survey plan conforming to Class 1 Standards as adopted by the *RI Board of Registrations for Professional Land Surveyors*. All plans shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994.
3. That, prior to Preliminary Approval, the Applicant shall coordinate with the RI Historical Preservation and Heritage Commission (RIHPHC) regarding Assessor's Plat

1 228; Assessor's lot 97 to provide an advisory opinion, if the proposal would have any
2 archeological impact.
3

4 4. That, prior to Preliminary Approval, a Storm Water Management Plan shall be
5 submitted in accordance with Rhode Island Storm Water Design and Installation
6 Standards Manual, dated December 2010, to demonstrate a zero-net runoff from the
7 development. The design of drainage facilities, including, but not limited to, swales,
8 gutters, storm sewers and the materials, grades, cross-sections, location, velocities, and
9 capacities of drainage facilities, shall conform to current standard State and local
10 specifications. Per the RI Low Impact Development Site Planning Design Guidance
11 Manual, the Design Site drainage shall be routed to a permanent surface or subsurface
12 outfall adequate to dispose of present and anticipated future runoff from the site. The
13 Engineer shall incorporate Low Impact Design (LID) as a first choice, if practicable.
14 Drainage shall be designed and constructed so as to not detrimentally affect adjacent
15 properties. Where storm drainage flow is concentrated, permanently maintainable
16 facilities shall be provided to prevent significant erosion, and/or flooding on the site or
17 on adjacent properties. The Design Engineer shall coordinate with the City's Engineering
18 Division and Planning Department, prior to designing the site-drainage; this plan shall be
19 subject to approval by the City Engineer, prior to submission to RIDEM.
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21 5. That, prior to Preliminary Approval, the Applicant shall receive all required State and
22 local permitting, including, but not limited to, RIDEM and local Physical Alterations
23 Permit (PAP).
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25 6. That pursuant to the City's Zoning Ordinance, Section 308.2 (c), entitled Relation to
26 Utilities and Public Facilities the Applicant/Developer shall extend the existing sewer
27 and water line from its current location on Major Potter Road to the subject parcel in
28 order to provide service for the (48) forty-eight proposed dwelling units. The
29 Applicant/Developer shall coordinate and receive authorization from the Warwick Sewer
30 Authority, West Warwick Sewer and Kent County Water, for the requested service of
31 (48) forty-eight dwelling units.
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33 7. That prior to Preliminary Approval, the Administrative Officer and the City Engineer
34 shall review the Homeowner Association Documents and Deeds, which shall include, but
35 not be limited to, covenants regarding the maintenance and repair of the proposed
36 drainage systems, open space and private roadway, noted as Road A and Road B, of the
37 Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29,
38 2015.
39

40 8. That, as part of the Preliminary Plan, the Applicant shall provide a Trails Access and
41 Management Plan, for the Open Space parcel noted on the Stonebridge Crossing Master
42 Plan, dated May 18, 2015, most recently revised July 29, 2015. The plan, at a minimum,
43 shall include locating and surfacing the walking trail with pervious material as well as
44 detailing any ancillary structures being proposed, subject to RI Department of
45 Environmental Management approval. The open space delineated on the plan shall not

1 be further developed for housing and is to be restricted in the association documents to
2 remain passive recreation in perpetuity. The open space area shall be maintained by the
3 Condominium Association. The Trails Access and Management Plan, covenants,
4 restrictions and language shall be subject to approval by the Administrative Officer.
5

6 9. That the Applicant shall coordinate with the State Fire Marshall's Office and shall
7 adhere to all RI General Laws relative to Fire Safety and Blasting. As a courtesy, it is
8 encouraged that the Applicant/Developer work with the neighboring property owners on
9 notification of said blasting outside the minimum statutory requirement.
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11 10. That the Applicant shall submit a Preliminary Plan, as approved by the Fire Marshall,
12 that shall include, but not be limited to:

- 13 • Note existing and proposed utilities.
- 14 • Adequate number of fire hydrants spaced 300 ft. apart and providing a minimum of
15 1000 GPM. Shrinklered buildings require a hydrant with 100 ft. of the Fire
16 Department Connection.
- 17 • All two-way travel lanes shall have a minimum of 24' of unobstructed width and an
18 unobstructed vertical clearance of 13'6" to allow for unimpeded access by fire
19 apparatus.
- 20 • All corners shall be negotiable by vehicles having an outer tire turning radius of 50',
21 left or right.
- 22 • Dead-end roads longer than 150' shall provide turning capabilities for fire apparatus
23 per NFPA 1 (RIFC), 2012 Edition.
- 24 • Water supply shall be approved in accordance with RIFC 18.3 through 18.5 to
25 comply with all life safety codes and issues.
- 26 • Note the sewer line and water line extension.
27

28 11. That, consistent with the City's Zoning Ordinance, specifically Section 308.2 (b, h),
29 and public testimony presented at the neighborhood meeting, it is imperative that the
30 development be designed to be harmonious with the surrounding community's
31 appearance and character. In considering these provisions, it is vital that the visual effect
32 of the entrance to this multifamily development not only identify the development but
33 also define the long-term consciousness of the area. An appropriately designed and
34 maintained entrance can project a sense of community and provide a unified and positive
35 image for the neighborhood. Considering the Applicant's request for significant
36 deviation (10'-30% deviation) from minimum building setbacks, design improvements
37 are warranted to diminish this visual impact of this very dense development. To offset the
38 visual massing the Applicant/Developer shall:

- 39 a) Design and install/rebuild a stone wall along Major Potter Road with stone entry,
40 wall monument sign, and landscaping. The design architecture shall be integrated
41 with the overall landscape design. The overall appearance, scale and composition of
42 the monument sign shall be subject to approval by the Administrative officer and
43 Warwick Historic District Commission for the stone wall.
- 44 b) Scale and character of the buildings shall be similar to the design rendering provided
45 to the Planning Department and community including exterior stone design
46 treatments and feature offsets in exterior walls, providing accent forms, and

1 variations in roof lines that create shadows and providing off-sets that enhance the
2 overall building design. Except for building with “walkouts” the buildings shall be
3 single story in height. Compliance shall be subject to approval by the Administrative
4 officer.

- 5 c) To mitigate conflict with the adjacent property owner’s loss of privacy the
6 developers/owner shall coordinate with the abutter and shall design and construct a
7 mutually agreed upon a visual buffer along the western property line from the front
8 property line to Unit No. 6, as noted on the Stonebridge Crossing Master Plan, dated
9 May 18, 2015, most recently revised July 29, 2015. The buffer shall be permanent
10 and included within the condominium documents. The buffer shall be designed and
11 installed to incorporate year round screening by and between properties. The design
12 may incorporate hardscape and landscaping that emphasizes screening but is also
13 visually attractive. The design shall be subject to approval by the Administrative
14 Officer.

- 15 12. That the Applicant’s RI Licensed Landscape Architect shall coordinate with Planning
16 Department Staff, prior to the development of a landscape plan, which shall include, but
17 not be limited to:

- 18 a) The Applicant/Developer shall install (1) one street tree for every 50 feet of interior
19 roadway, noted as Road A and Road B, of the Stonebridge Crossing Master Plan,
20 dated May 18, 2015, most recently revised July 29, 2015.
21 b) That subject to RIDEM approval, the Developer shall install drip line protection
22 fencing along the entire western side of the 100’ Riverbank Wetland perimeter to
23 protect existing trees from being damaged during construction.
24 c) Preserve and protect, with drip line tree protection, any large mature shade trees
25 within the front-yard and side-yard setback. Tree protection must be installed and
26 approved prior to the issuance of an erosion control permit.
27 d) An irrigation plan shall be provided by the Applicant.
28 e) The proposed development will not contain sidewalks and, as such, the developer
29 should consider installing street lighting which is intended to improve, safeguard,
30 facilitate, and encourage vehicular and pedestrian safety.
31 f) Above-grade structures, such as transformers, shall be screened and or enclosed with
32 appropriate screening, fencing or walls.
33 g) Coniferous trees shall be at least 6’ in height, at installation.

- 34
35 13. That, prior to Preliminary Approval, the Applicant shall receive approval from the
36 Warwick Historic District Commission for alterations to the existing stone wall.

- 37
38 14. That all structures shall be no less than 20’ from another structure and no structure
39 shall be less than 20’ from the edge of private roadway noted as Road A and Road B, on
40 the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July
41 29, 2015.

- 42
43 15. That the Project shall be serviced by Municipal Sewer and Kent Count Water.
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46 Section II. The Clerk of the Zoning Board of Review is hereby authorized and directed to cause said

1 changes to be made on the Zoning Map and the Record Book of Lot Classifications.

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3 Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.
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29 SPONSORED BY: COUNCILMAN MEROLLA

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32 COMMITTEE: LAND USE
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EXHIBIT A

**Metes and Bounds Description
Lots 97 & 98
Warwick, Rhode Island**

That track of land comprised of two parcels of land currently know as Assessor's Plat 228 Lots 97 & 98, situated northerly of Major Potter Road in the City of Warwick, Kent County, the State of Rhode Island and Providence Plantations and being more particularly described as follows: Beginning at an Drill Hole found at the intersection of two stone walls, on the northerly street line of Major Potter Road, said Drill Hole being the southeasterly most corner of land now or formerly of Laura Booth Angell (AP 228, Lot 76), also being the southwesterly most corner of the track of land herein described;

Thence the following three (3) courses bounded in a general westerly direction by said land of Angell (AP 228, Lot 76):

1. N 01° 09' 26" W, along a stone wall, a distance of 81.33 feet to an angle point in the stone wall;
2. N 04° 13' 43" W, continuing along the stone wall, a distance of 228.31 feet to an angle point in the stone wall;
3. N 03° 18' 05" W, continuing along the stone wall, a distance of 200.56 feet to the intersection of two stonewalls at land now or formerly of Carl E. Tauber (AP 228, Lot 1)

Thence the following ten (10) courses bounded in a general northerly and westerly direction by said land of Tauber (AP 228, Lot 1):

1. N 89° 02' 53" E, along a stone wall, a distance of 67.45 feet to an angle point in the stone wall;
2. N 83° 47' 12" E, continuing along the stone wall, a distance of 86.55 feet to the end of the stone wall;
3. N 05° 28' 34" W, in part along a stone wall, a distance of 200.03 feet to an angle point in the stone wall;
4. N 01° 53' 38" W, continuing along the stone wall, a distance of 332.37 feet to a bend in the stone wall;
5. N 87° 49' 25" E, continuing along the stone wall, a distance of 39.15 feet;
6. N 84° 28' 46" E, in part along a stone wall, a distance of 218.56 feet;
7. N 89° 56' 06" E, in part along a stone wall, a distance of 109.94 feet to a bend in the stone wall;
8. N 16° 01' 08" E, a distance of 235.84 feet to a bend in a stone wall;
9. N 80° 53' 36" E, along the stone wall, a distance of 305.32 feet to the end of the stone wall;
10. S 67° 06' 36" E for a distance of 355.50 feet to an iron rod found at the northwesterly corner of land now or formerly of Haralambos Dafoulas & Venetia Kanellos (AP 228, Lot 87)

Thence, S 30° 50' 25" W, bounded easterly by said land of Dafoulas & Kanellos (AP 228, Lot 87), a distance of 1410.71 feet to a stone wall on the northerly street line of said Major Potter

1 Road;

2 Thence the following four (4) courses along said northerly street line:

3 1. S 88° 06' 49" W, in part along a stone wall, a distance of 133.71 feet;

4 2. S 89° 05' 10" W, in part along a stone wall, a distance of 46.30 feet;

5 3. S 89° 05' 26" W, in part along a stone wall, a distance of 37.53 feet;

6 4. N 88° 13' 53" W, in part along a stone wall, a distance of 213.52 feet to the point of
7 beginning.

8 Said parcel contains 899,373 square feet of land, more or less.

9

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
Warwick City Council Members
Judy Wild, City Clerk

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

DATE: November 10, 2015

SUBJECT: Planning Board Recommendation/Zone Change
Assessor's Plat 228, Assessor's Lot: 97 & 98
Major Potter Road

APPLICANT: M & M Land Company and Kevin Murphy

Project Scope

The Applicant is requesting a Zone Change from A-40 Residential to A-40 Planned District Residential (PDR). The Applicant is proposing to merge (2) two lots totaling 20.65 acres to create (1) one lot for the development of (48) forty-eight dwelling units with waivers for parking within 15' of a residence, no direct access to a major street or highway, and less than required separation between buildings to allow for the development of single level living dwelling units with attached two car garages.

Pursuant to the Warwick Zoning Ordinance (WZO) *Table I Section 103* the proposal is eligible for a PDR overlay. Accordingly, the Applicant is seeking a recommendation to the City Council for a zone change from A-40 Residential to A-40 Planned District Residential (PDR), to all for the development of (48) forty-eight single level living dwelling units with the following waivers from the City Council:

- Parking within 15' of a residence *WZO Section 308.2 (e) design standards*
- No direct access to a major street or highway *WZO Section 308.2 (f) design standards*
- Less than required separation between buildings *WZO Section 308.2 (f) design standard*

Planning Department Findings

At the September 9, 2015 regularly scheduled Planning Board meeting the Board found this proposed Zoning Amendment to be generally consistent with Article 1, "*Purposes and General Statements*" of the City's Development Review Regulations, and further found:

1. That the proposed development is generally consistent with the Comprehensive Community Plan criterion that it be consistent with the surrounding area. The proximate land use found in the immediate vicinity is multifamily. Within a 400' radius of the subject property there are two multi-unit complexes, *Spencer Woods* and *Eagle Run*, that present as semi-detached layouts similar to the scale and design proposed herein. To the immediate south and further west of the subject site there are two additional multifamily uses, which provide a more traditional apartment-style building layout.

Briarwood Meadows is a large complex whose units are rented to tenants and *West Gate* condominiums is a converted apartment complex, whose units are owned by separate parties. Beyond the consistency with area land use we also find the proposed development to be consistent with:

- Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled "Future Land Use, Zoning and Urban Design: Goals and Policies," which promotes developments "*that are safe, attractive, well-maintained and stable... ones designed to "protect... and support...existing residential neighborhoods;"*"
- It further promotes... "*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character and of the surrounding area;"*"
- The City Comprehensive Plan also states that; "*The City Environmental and Open Space networks are (to be) respected by new development*" and that "*development options*" should... "*Enhance networks of Open Space and recreation.....*" This provision of the Comprehensive Plan is accomplished not only with land use consistency but also with the act that this proposal proposes preservation of 6.58 acres of Open Space.
- Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its "Recommendations" section lists as Goal 1, the City should work to provide; "*a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments...in suitable locations;"* Particularly relevant is "Strategy C" within this section, which supports consideration for "*single-level, aging-in-place house options as a way to diversify housing types for seniors...*" This type of housing is exactly what is being presented here tonight.

2. That the subject property is located along Major Potter Road; and is identified as Assessor's Plat: 228; Assessor's Lots: 97 & 98. Furthermore, the subject property is zoned Residential A-40 and consists of (2) two Tax Assessor's lots totaling 20.65 acres; the amassed property is bisected by a wetland system which creates approximately 11 acres of land accessible to

Major Potter Road, with the remaining upland located on the northeast side of the wetland system having limited accessibility.

3. That, based on the Planning Department's request, the Applicant held a community outreach meeting at City Hall on July 27, 2015 to present the plan, as well as, to gain feedback from the community. Several issues were raised including traffic, aesthetics, buffering, road condition, development density, blasting and construction schedule.
4. That the Applicant and the Project's Engineer held a pre-submission meeting with Planning Staff and City Departments to review the proposed development and that the Applicant has made revisions to the original plan based on the departmental comments and community feedback. The Department recommendation included mitigation in response to the feedback gathered at the community outreach meeting.
5. That the Project, as proposed, is *not in compliance* with the standards and provisions of the City's Zoning Ordinance and therefore, requires a City Council Zone change from A-40 Residential to A-40 Planned District Residential (PDR) *with waivers* for parking within 15' of a residence, no direct access to a major street or highway, and less than required separation between buildings.
6. That, in 2006, RI Historical Preservation and Heritage Commission (RIHPHC) reviewed Assessor's Plat 228; Assessor's lot 98 and determined that the construction of new dwellings would have no adverse effect on any significant cultural resources, above-ground or archaeological.
7. That, in 2015, RIHPHC reviewed Assessor's Plat 228; Assessor's Lot 97 and indicated that they were unable to make a historical determination without further investigations of the existing structure, built in 1875, which is scheduled to be demolished.
8. That the subject parcel maintains approximately 431' of frontage along the north side of Major Potter Road, which is posted at 25 miles per hour (mph).
9. That Major Potter Road is classified as a varying width local street with areas of moderate to poor condition, specifically, areas of deteriorated roadway with deep rutting and pavement failure.
10. That the proposal of (48) forty-eight residential dwelling units will increase the number of trips entering and exiting the un-signalized intersection along Major Potter Road.
11. That the Proposal presents a dense layout and requires deviation from minimum setbacks between buildings.
12. That public sewer and gas are located in Major Potter Road within approximately 900-1100 feet (west) of the proposed subdivision, in the general location of the "Eagle Run" condominium complex.

13. That the parcel will have access to Municipal Sewer and Kent County Water.
14. That the parcel is surrounded by and traversed by field stone walls, which are a tangible link to the City's colonial agrarian past and, as such, hold a unique historic significance for the City.
15. That stone walls are continuously threatened by both private and public development and need to be protected.
16. That the proposed development is providing a 24' wide private roadway access to the interior of the condominium development as depicted as Road A and Road B, on the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015, and that this private roadway will be accessed from Major Potter Road.

The Planning Board also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - A.) The goals and patterns of land use contained in the Comprehensive Plan of the city of Warwick,
 - B.) The natural Characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface (water) or groundwater pollution;
 - C.) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - D.) The values of unique of valuable natural resources and features;
 - E.) The availability and capacity of existing and planned public and/or private services and facilities;
 - F.) The need to balance and shape urban and suburban development, and
 - G.) The use of innovative development regulations and techniques
- 103.4 Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- 103.5 Provide for the protection of the natural, history, cultural, and scenic character of the City or areas therein.
- 103.6 Provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resource, and open space.
- 103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low and moderate income housing.

- 103.10 Promote a high level of quality in design in the development of private and public facilities.
- 103.11 Promote the implementation of the Warwick Comprehensive Community Plan, as amended

Planning Board Recommendation

1. That the Applicant shall receive a City Council Zone Change from A-40 Residential to A-40 Planned District Residential with waivers for: *Parking within 15' of a residence WZO Section 308.2 (e) design standards, No direct access to a major street or highway WZO Section 308.2 (f) design standards and less-than-required separation between buildings WZO Section 308.2 (f) design standard.*
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5. That, prior to Preliminary Approval, the Applicant shall receive all required State and local permitting, including, but not limited to, RIDEM and local Physical Alterations Permit (PAP).

6. That the Applicant/Developer shall coordinate with the City's Public Works Department to design a roadway improvement plan for Major Potter Road that shall include site-line and vehicular access and vehicular and pedestrian safety. The aforementioned plan, shall address resurfacing, as practicable, and provide site distance as necessary to negotiate the proposed intersection. Said Plan shall be submitted to the Administrative Officer 30 days prior to the scheduled City Council hearing.
7. That pursuant to the City's Zoning Ordinance, Section 308.2 (c), entitled Relation to Utilities and Public Facilities the Applicant/Developer shall extend the existing sewer and water line from its current location on Major Potter Road to the subject parcel in order to provide service for the (48) forty-eight proposed dwelling units. The Applicant/Developer shall coordinate and receive authorization from the Warwick Sewer Authority, West Warwick Sewer and Kent County Water, for the requested service of (48) forty-eight dwelling units.
8. That prior to Preliminary Approval, the Administrative Officer and the City Engineer shall review the Homeowner Association Documents and Deeds, which shall include, but not be limited to, covenants regarding the maintenance and repair of the proposed drainage systems, open space and private roadway, noted as Road A and Road B, of the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015.
9. That, as part of the Preliminary Plan, the Applicant shall provide a Trails Access and Management Plan, for the Open Space parcel noted on the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015. The plan, at a minimum, shall include locating and surfacing the walking trail with pervious material as well as detailing any ancillary structures being proposed, subject to RI Department of Environmental Management approval. The open space delineated on the plan shall not be further developed for housing and is to be restricted in the association documents to remain passive recreation in perpetuity. The open space area shall be maintained by the Condominium Association. The Trails Access and Management Plan, covenants, restrictions and language shall be subject to approval by the Administrative Officer.
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 - Note existing and proposed utilities.
 - Adequate number of fire hydrants spaced 300 ft. apart and providing a minimum of 1000 GPM. Shrinklered buildings require a hydrant with 100 ft. of the Fire Department Connection.

- All two-way travel lanes shall have a minimum of 24' of unobstructed width and an unobstructed vertical clearance of 13'6" to allow for unimpeded access by fire apparatus.
 - All corners shall be negotiable by vehicles having an outer tire turning radius of 50', left or right.
 - Dead-end roads longer than 150' shall provide turning capabilities for fire apparatus per NFPA 1 (RIFC), 2012 Edition.
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- a) Design and install/rebuild a stone wall along Major Potter Road with stone entry, wall monument sign, and landscaping. The design architecture shall be integrated with the overall landscape design. The overall appearance, scale and composition of the monument sign shall be subject to approval by the Administrative officer and Warwick Historic District Commission for the stone wall.
 - b) Scale and character of the buildings shall be similar to the design rendering provided to the Planning Department and community including exterior stone design treatments and feature offsets in exterior walls, providing accent forms, and variations in roof lines that create shadows and providing off-sets that enhance the overall building design. Except for building with "walkouts" the buildings shall be single story in height. Compliance shall be subject to approval by the Administrative officer.
 - c) To mitigate conflict with the adjacent property owner's loss of privacy the developers/owner shall coordinate with the abutter and shall design and construct a mutually agreed upon a visual buffer along the western property line from the front property line to Unit No. 6, as noted on the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015. The buffer shall be permanent and included within the condominium documents. The buffer shall be designed and installed to incorporate year round screening by and between properties. The design may incorporate hardscape and landscaping that emphasizes screening but is also visually attractive. The design shall be subject to approval by the Administrative Officer.

13. That the Applicant's RI Licensed Landscape Architect shall coordinate with Planning Department Staff, prior to the development of a landscape plan, which shall include, but not be limited to:
 - a) The Applicant/Developer shall install (1) one street tree for every 50 feet of interior roadway, noted as Road A and Road B, of the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015.
 - b) That subject to RIDEM approval, the Developer shall install drip line protection fencing along the entire western side of the 100' Riverbank Wetland perimeter to protect existing trees from being damaged during construction.
 - c) Preserve and protect, with drip line tree protection, any large mature shade trees within the front-yard and side-yard setback. Tree protection must be installed and approved prior to the issuance of an erosion control permit.
 - d) An irrigation plan shall be provided by the Applicant.
 - e) The proposed development will not contain sidewalks and, as such, the developer should consider installing street lighting which is intended to improve, safeguard, facilitate, and encourage vehicular and pedestrian safety.
 - f) Above-grade structures, such as transformers, shall be screened and or enclosed with appropriate screening, fencing or walls.
 - g) Coniferous trees shall be at least 6' in height, at installation.
14. That, prior to Preliminary Approval, the Applicant shall receive approval from the Warwick Historic District Commission for alterations to the existing stone wall.
15. That all structures shall be no less than 20' from another structure and no structure shall be less than 20' from the edge of private roadway noted as Road A and Road B, on the Stonebridge Crossing Master Plan, dated May 18, 2015, most recently revised July 29, 2015.
16. That the Project shall be serviced by Municipal Sewer and Kent Count Water.

Being no testimony, Ms. Pisaturo, seconded by Ms. Stenhouse, made a motion adopt the Planning Department's Findings and Recommendations, as amended and agreed upon, with the exception of recommendation six A & B. The Board requiring the Applicant to coordinate with Public Works Division to design a roadway improvement plan for Major Potter Road that shall include site-line and vehicular access and vehicular and pedestrian safety. The Plan should address resurfacing, as practicable, and provide site distance, as necessary, to safely negotiate the proposed intersection, and to grant and to forward a positive recommendation to the City Council with the modified recommendations. All in favor; none opposed.

Ms. Pisaturo noted that Mr. DePasquale had not modified his recommended stipulation 6 A & B, which reads as below:

6. According to the Applicant's traffic study, this development will introduce some 62 daily trips, divided between the AM and PM peak periods. These new trips will be entering and exiting an un-signalized intersection along Major Potter Road, a roadway that maintains a 25 mph speed limit which was designed as a local road. Beyond the

additional daily traffic, Major Potter Road will be introduced to heavy truck/equipment traffic during the entire construction period as well as having to endure damage from the installation of sewer and/or water utilities. All these factors add significant stresses to this fatigued roadbed which will prematurely advance this roadway's deterioration and declining condition. These verities were also in place with the development of *Briarwood Meadows* and *Eagle Run* and, in both cases, the City Council zone changes accompanied stipulations that required roadway improvements (*Eagle Run PCO 1-82, Ordinance No. 0-82-5 and Briarwood Meadows PCO 27-87, Ordinance No. 0-87-28*).

In fact, when considering a recent and now defunct proposal for single-family dwellings on this site the Planning Department submitted a similar recommendation for roadway improvements to this Board citing the same road width, grade and curvature issues. Accordingly, and after analyzing all the facts, the Planning Department believes this project warrants mitigation pursuant to *Land Development Review Regulations Section 6.3 entitled "Mitigation of Negative Impacts"* as well as that which is contained within *the City's Zoning Ordinance, specifically Section 308.2 (f), entitled Vehicular and Pedestrian Access Points*. To this end the Department recommends:

- (a) The Applicant/Developer design and construct a roadway improvement plan for Major Potter Road, for a distance of 250 linear feet east and 250 linear feet west, of the proposed *new entrance* so as to improve site-lines, and enhance vehicular and pedestrian safety. The improvement shall include resurfacing to City specifications and widening along this 500' linear stretch of roadway to a minimum of 26' wide and a maximum of 30', as practicable, to provide a corner distance sufficient to allow the operators of vehicles approaching the intersection or stopped at the intersection to carry out whatever maneuvers may be required to negotiate the intersection.
- (b) The Applicant/Developer shall fund roadway resurfacing in conformance with City specifications for the entire length and width of Major Potter Road impacted from utility placement associated with the installation of water and sewer to this property.

**PETITION REQUESTING AN AMENDMENT TO THE ZONING
ORDINANCE OF THE CITY OF WARWICK**

To the Honorable City Council of Warwick:

Respectfully represent: M&M Land Company c/o Kevin Murphy

who furnishes the following information in connection with (his-her) request for an Amendment to the Zoning Law.

Amendment to the Zoning Law:

1. Ownership of Premises: M&M Land Company c/o Kevin Murphy
(Name)
370 Shawomet Avenue
(Address)
Warwick, RI 02889

(Furnish name of title owner of property and address of owner)

2. Description of Premises: Plat No. 228 Lot (s) 97 & 98
Street Major Potter Road
Ward 9

(Furnish Address, Assessor's Plat and Lot Numbers, and Ward number that property is in)

3. Present Zoning Classification: A-40
4. Zoning Change Requested A-40 PDR
5. Reasons for Proposed Change: Land Development Project

WHEREFORE, it is respectfully requested that the Zoning Law be amended by changing the Zoning Classification of the above-described premises from A-40

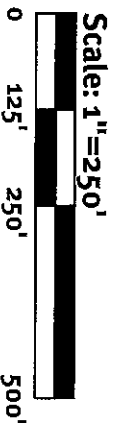
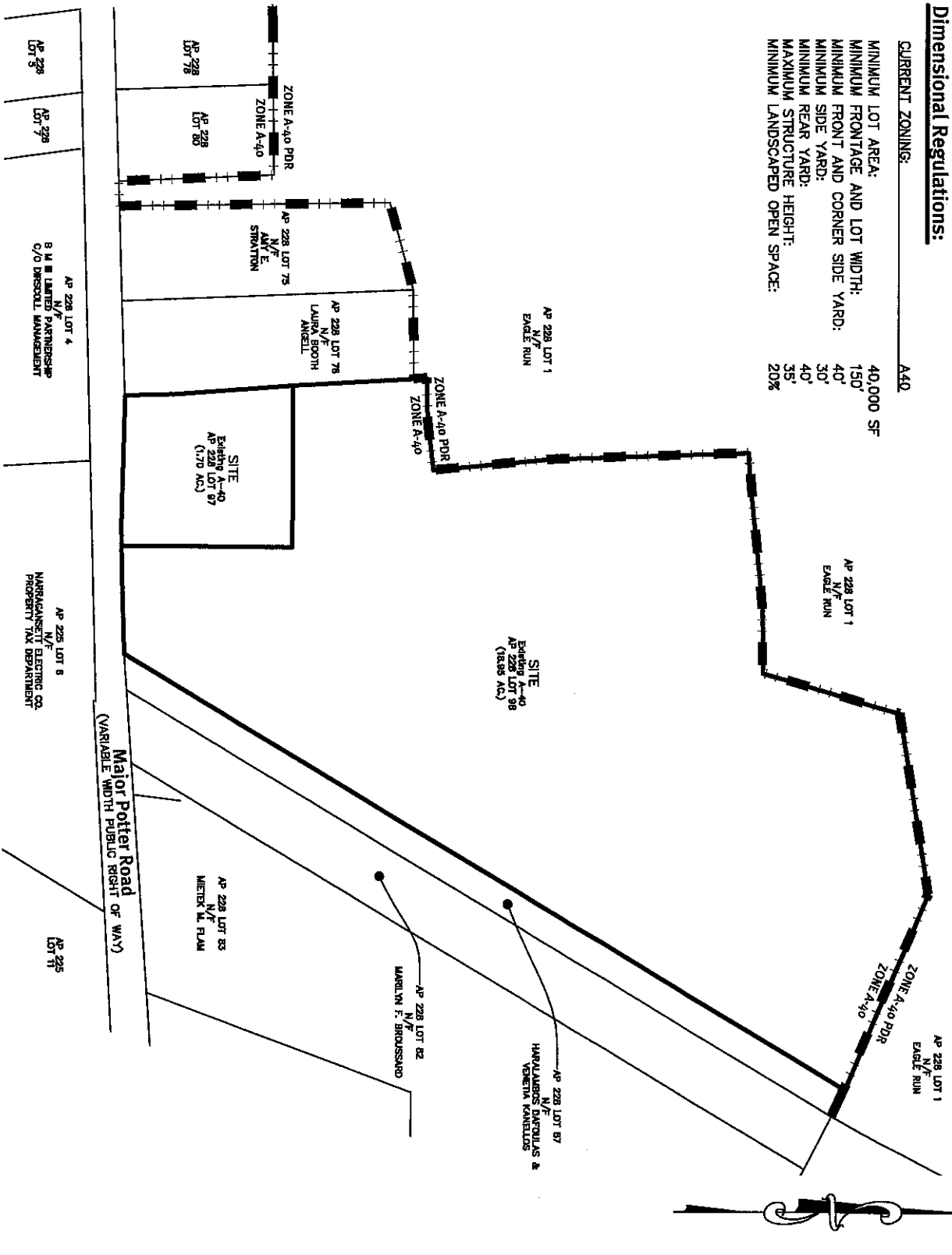
to A-40 PDR

Respectfully submitted,

M&M Land Company by
Kevin Murphy
(Signature of Owner and Petitioner)

Dimensional Regulations:

CURRENT ZONING:	A40
MINIMUM LOT AREA:	40,000 SF
MINIMUM FRONTAGE AND LOT WIDTH:	150'
MINIMUM FRONT AND CORNER SIDE YARD:	40'
MINIMUM SIDE YARD:	30'
MINIMUM REAR YARD:	40'
MAXIMUM STRUCTURE HEIGHT:	35'
MINIMUM LANDSCAPED OPEN SPACE:	20%



Existing Conditions Plan
Stonebridge Crossing

Warwick, Rhode Island

Applicant
M&M Land Company

Date:
 10-06-2015

c/o Mr. Kevin Murphy, 370 Shawomet Avenue, Warwick, Rhode Island 02889



DiPrete Engineering

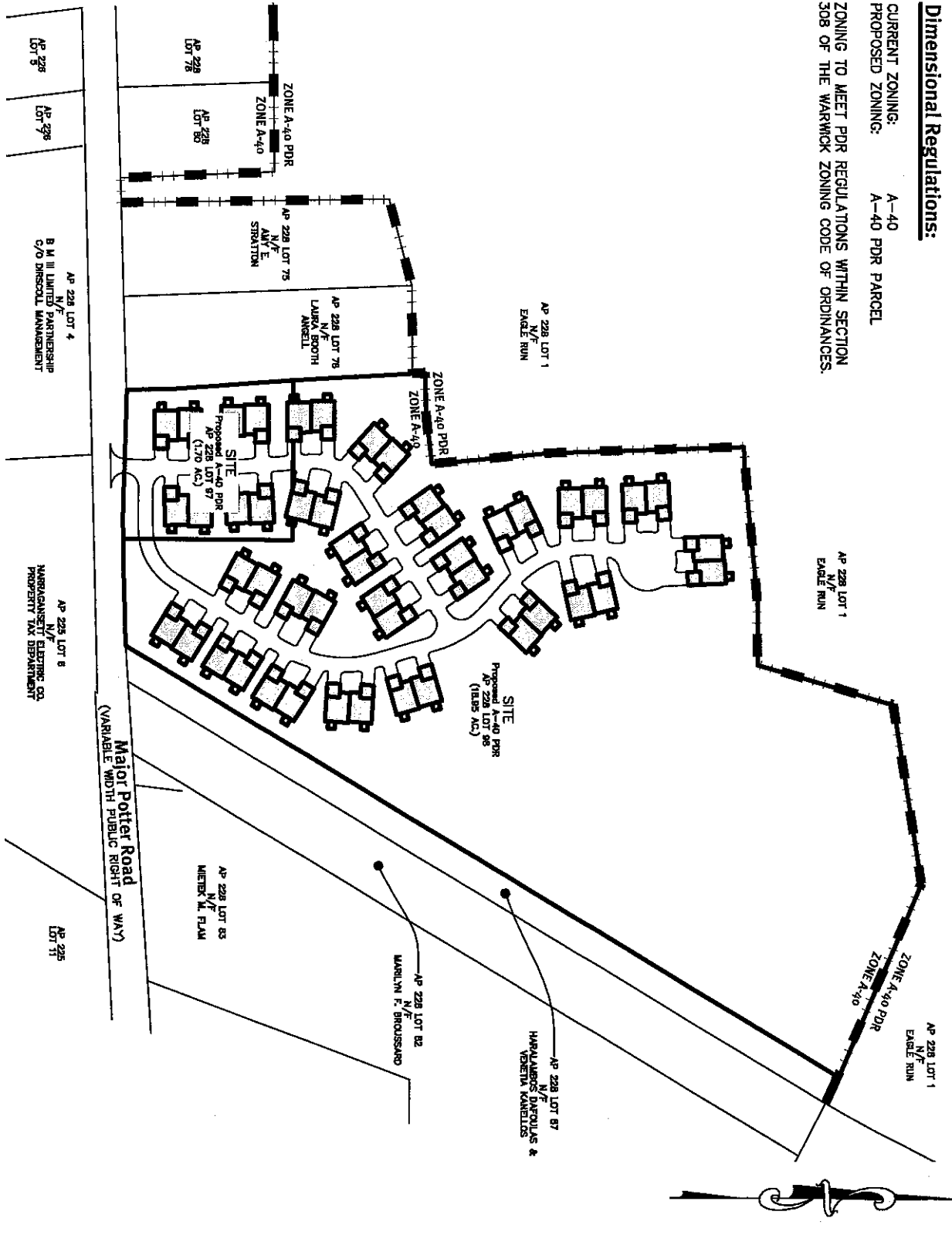
Two Stafford Court Cranston, RI 02920
 tel 401-943-1000 fax 401-464-6006 www.DiPrete-Eng.com

Engineers • Planners • Surveyors

Dimensional Regulations:

CURRENT ZONING: A-40
 PROPOSED ZONING: A-40 PDR PARCEL

ZONING TO MEET PDR REGULATIONS WITHIN SECTION 308 OF THE WARWICK ZONING CODE OF ORDINANCES.



**Proposed Conditions Plan
 Stonebridge Crossing**

Warwick, Rhode Island

Applicant

M&M Land Company

c/o Mr. Kevin Murphy, 370 Shawomet Avenue, Warwick, Rhode Island 02889

Date:

10-06-2015



DiPrete Engineering

Two Stafford Court Cranston, RI 02920

tel 401-943-1000 fax 401-464-6006 www.DiPrete-Eng.com

Engineers • Planners • Surveyors

SHEET 2 OF 2

Prepared By: Liberty Ann Jones
Please return to: Liberty Title & Escrow Company
Manness Law Group
273 West Menick Rd.
Warwick RI 02886
File No.: T11207943-R

QUITCLAIM DEED

THIS DEED, made this 24 day of April, 2005, by and between CitiMortgage, Inc. of 1000 Technology Drive, O'Fallon, MO 63368 hereinafter referred to as "Grantor", party of the first part; and Kevin J. Murphy, Individually of 33 Cottage Hill Rd. Ste 15E, Warwick RI 02886, hereinafter referred to as "Grantee", party of the second part.

That for and in consideration of the sum of One Hundred Sixty Thousand and no/100 Dollars (\$160,000.00), the consideration received therefore by the Grantor for the conveyance made hereby, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, subject to the matters described herein, does hereby grant, bargain, sell and convey to the Grantee, in fee simple, absolute and with **QUITCLAIM COVENANTS**, all that certain lot or parcel of land, together with the improvements thereon and appurtenances thereto, as described below. Said parcel being situated in the City of Warwick, State of Rhode Island, having an address of 89 Major Potter Rd., and being more particularly described as follows, to-wit:

That certain lot, tract or parcel of land with all improvements situated thereon, located on the northerly side of Major Potter Road in the City of Warwick, County of Kent, State of Rhode Island, comprising of 73,986 square feet or 1.70 acres and laid out and designated as Parcel A on that certain plan entitled, "MINOR SUBDIVISION A.P. 228/LOT 2 MAJOR POTTER ROAD WARWICK, RI SCALE 1"=80' DATE: OCTOBER 20, 2004 PREPARED FOR: LEITH MACARTHUR AND ELLEN B. HIGHT, PREPARED BY: OCEAN STATE PLANNERS, INC." which said plan is recorded in the Land Evidence Records for the City of Warwick on June 14, 2005 at 1:02 p.m. in Book 5743 at page

RECORDED
LIBERTY ANN JONES
2/15/05

INST: 00005725 3/19/2015

Being the same property conveyed to CitMortgage, Inc., by Purchase Agreement
00000005 and recorded on 3/19/2015 in Book 8397 at Page 224 in the Land Records of
Warwick, Rhode Island.

Grantor Address:

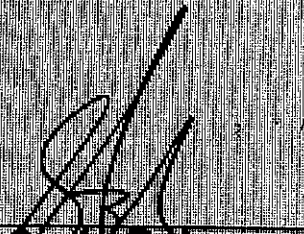
895 Major Potter Road
Warwick, RI 02886

The Grantor hereby certifies that he/she is in compliance with the requirements of R.I.
Gen Laws section 23-28-35-1 et seq, the Smoke Detector Law, and with the requirements
of the Carbon Monoxide Detector Law, R.I. Gen Laws section 23-28-34.1 et seq

Grantor certifies that it has complied with the withholding requirements pursuant to R.I.
General Laws § 44-30-71.3

Witness the following Signatures and Seals.

CitiMortgage, Inc. by Authorized signor
of National Default RED Services, a
Delaware Limited Liability Company dba
First American Asset Closing Services
("FAACS") as attorney in fact



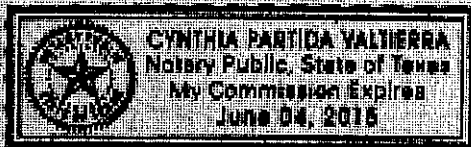
Attest - Sandra Taylor

BY: 

Printed Name: **Mark Via**
TITLE: **SP**

State of Texas
County of Dallas

I hereby certify that on this 24 day of April, 2015, before me, the subscriber,
Notary Public of the State aforesaid, personally appeared **Mark Via**
its representative of **Authorized signor of National Default RED Services, a Delaware
Limited Liability Company dba First American Asset Closing Services ("FAACS")**
as attorney in fact for CitiMortgage, Inc. whose name is subscribed to the within
instrument, and acknowledged the foregoing deed to be his/her act under authority of the
Grantor and the free act and deed of the Grantor, and also certify, under penalties of
perjury, that the consideration recited herein is true and correct.



Notary Public:
My Commission Expires:

Property Address: 895 Major Potter Road Warwick, RI 02886

RECORDED
Apr 30 2015 11:35A
Marie T. Ahlent, CEA Clerk
City of Warwick, RI

WARRANTY DEED

MAJOR POTTER ASSOCIATES, LLC a Rhode Island Limited Liability Company

and

MAJOR POTTER COMPANY, LLC a Rhode Island Limited Liability Company

WITNESSETH

that the property with the legal description described in Exhibit "A" which is attached to this instrument

is being transferred to MAJOR POTTER COMPANY, LLC such that no R.I.G.L. §44-30-713 withholding is required, as such is evidenced by the Certificate of Good Standing attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Limited Liability Company has caused its presents to be signed, sealed and duly authorized member on the 23rd day of JUNE 2014.

MAJOR POTTER ASSOCIATES, LLC

By its: MANAGER/MEMBER

Name: DOUGLAS DESMARE

NOTARY PUBLIC
STATE OF RHODE ISLAND
COMMISSION EXPIRES 06-30-14
06-11-14
MAJOR POTTER COMPANY, LLC
11500000

STATE OF RHODE ISLAND

COUNTY OF KENT

In the presence of me on the 23rd day of JUNE 2014, before me personally appeared DOUGLAS DESMARE, in his/her capacity as MANAGER/MEMBER for MAJOR POTTER ASSOCIATES, LLC a Rhode Island Limited Liability Company, to me known and known by me to be the party executing the foregoing instrument and his/her acknowledged and insurmount by his/her hand to be his/her free act and deed and the free act and deed of said Rhode Island Limited Liability Company.

[Signature]
Notary Public
My Commission Expires 6-30-14

JOSEPH SHEWARCH, ESQ.
NOTARY PUBLIC
MY COMMISSION EXPIRES
6-30-14

MAJOR POTTER ASSOCIATES, LLC
[Signature]
MAJOR POTTER COMPANY, LLC
[Signature]

MAJOR POTTER ASSOCIATES, LLC

(land) Major Potter Road

Warwick RI 02818

AP 228 Lot 98

Exhibit "A"

That certain lot, tract or parcel of land with all improvements situated thereon, located on the northerly side of Major Potter Road in the City of Warwick, County of Kent, State of Rhode Island, comprising of 825,463 square feet or 18.95 acres, and laid out and designated as 'Parcel B' on that certain plan entitled, "MINOR SUBDIVISION A.P. 228/LOT 2 MAJOR POTTER ROAD WARWICK, RI SCALE: 1"=80' DATE: OCTOBER 20, 2004 PREPARED FOR: LEITH MACARTHER AND ELLEN B. HIGHT, PREPARED BY: OCEAN STATE PLANNERS, INC." which said plan is recorded in the Land Evidence Records for the City of Warwick on June 14, 2005 at 1:02 p.m. in Book 5743 at page 162.

RECORDED

Jun 24, 2014 11:34A

Marie T. Ahlert, City Clerk

City of Warwick, RI