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## Memorandum

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: February 2, 2022

Re: Request of Benjamin J. Contessa for approval of an administrative subdivision to transfer 1,960 sq.ft. of land from one existing lot to another. Property located at 183 Wolcott Ave., Plat 115SE, Lots 282 & 283.

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**This item was continued to the February 9, 2022 Planning Board meeting at the request of the applicant, who indicated he would revise the plan in response to comments from Board. The revised plan is attached. As suggested by the Board, revisions result in a reduction in the amount of zoning relief that will be necessary. It appears that minimum lot area, and setbacks for the existing structure will be achieved. A street frontage variance will be needed for Lot 282. The plan provides 41.78 feet of frontage where 100 feet is required. Lot 283 would meet the street frontage requirement.**

Due to the nature of the proposed administrative subdivision, pursuant to Section 405 of the *Rules and Regulations Regarding the Subdivision and Development of Land*, I have decided to refer the above referenced application to the Planning Board for consideration.

The applicant is proposing to relocate the property line between the subject lots. The line currently bisects the existing dwelling. The relocated line would avoid the dwelling. Lot 282 would become a vacant, developable lot. The property is located in the R-10 zoning district. Both resulting lots would meet the minimum lot area requirement of 10,000 sq.ft. Zoning relief would be required for the proposed side setback on Lot 283, where the existing building would be within 2.3 feet of the relocated property line. Both lots would also have less than the required street frontage of 100 feet along Wolcott Ave.

Should the Board wish to proceed with an approval of the plan, it must be a conditional approval subject to the applicant seeking, and being granted the required zoning relief by the Zoning Board of Review.

**Required findings** (Subdivision rules and regulations section 403)

The following is a list of the required findings the Board **must** make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan.

2. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance.
3. There will be no significant negative environmental impacts from the proposed development.
4. The subdivision will not create lots where physical constraints would make building on the lots impracticable.
5. All subdivision lots shall have adequate and permanent physical access to a public street.

The application was certified complete on October 28, 2021. The Planning Board must approve, approve with conditions, or deny the application with 65 days of certificate of completeness: January 1, 2022. Due to the applicant's requests for continuances, the time frame for Planning Board action was extended to February 9<sup>th</sup>. Therefore, action must be taken during the February 9<sup>th</sup> meeting unless a continuance is agreed to by the applicant. If no action is taken to either approve or deny the application, the application will be deemed approved in accordance with state law (§ 45-23-37(d) RIGL)

cc. Town Solicitor  
Applicant's representative