

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 372

Approved April 24, 1979

MAY 1 2 1979

RESOLVED, DECREED AND ORDERED, That the Director of Public Works be and he hereby is directed to cause the Grade to be Defined along Arbor Drive, from Smith Street to Wyndham Avenue, as delineated upon the plan and profile No. DWG. No. 890-1, Public Works Department, Highway Section, dated November 8, 1978.

IN CITY COUNCIL  
APR 19 1979

READ AND PASSED

*Ralph Fungaro*  
*Rose M. Mendonca* CLERK

**APPROVED**

MAYOR

*Joanna A. Civeri, Jr.*  
APR 24 1979

IN CITY COUNCIL

MAR 15 1979

FIRST READING  
REFERRED TO COMMITTEE ON PUBLIC WORKS

Rose M. Mendonca CLERK

APPROVED

ROYAL

THE COMMITTEE ON  
PUBLIC WORKS

Approves Passage of  
The Within Resolution

Rose M. Mendonca  
Clerk Chairman

April 12, 1979

Council President Targnoli (By Request)

MEMORANDUM OF LAW

This Memorandum is directed to the question whether the acceptance of the City Engineer's approval of Arbor Drive requires a public hearing. The law clearly and emphatically denies such a requirement.

That certain subdivision owned by Downing Associates, Inc., a Rhode Island corporation entitled, "Subdivision Plan of ELMHURST ARBORETUM Situated In Providence, Rhode Island Scale: 1" = 40' Nov. 6, 1978" has been recorded in the office of the Recorder of Deeds for the City of Providence in accordance with the provisions of Title 45, Chapter 23 et seq of the General Laws of Rhode Island, 1956 as amended.

The subdivision plan as recorded included the street presently under consideration by the Public Works Commission which street is entitled Arbor Drive. Rhode Island Statutory Law (45-23-10) provides that approval of a plat shall be deemed acceptance by the public of any street offered for dedication therein, but shall not impose any duty on the City to maintain or improve such street until the governing body of the City shall authorize the same.

Title 45, Chapter 23.1 of the General Laws empowers the City Council to make additions or changes to the official City Map by locating new streets thereon. The specific authority is found in 45-23.1-2 which does set forth a requirement for a public hearing except, in the words of the statute, "...the locating, widening, or closing, or the approval of the locating, widening, or closing of streets by the City or Town under provisions of law other than those contained in this Chapter shall be deemed to be a change or addition to the official map, and shall be subject to all provisions of this Chapter

except provisions relating to public hearings..."

Arbor Drive was located in the subdivision when the plat was recorded as provided in Title 45, Chapter 23 which is a Chapter in the General Laws immediately preceding Chapter 23.1 and therefore the consideration by the City Council or any of its Commissions is not subject to public hearing.

Respectfully submitted,

*Walter J. Lunn*  
\_\_\_\_\_  
*Ronald H. Glantz*  
Acting City Solicitor

# *Selya and Iannuccillo, Inc.*

*Attorneys at Law*

BRUCE M. SELYA  
ANTHONY G. IANNUCCILLO  
MARTIN L. GREENWALD

BURNETT W. NORTON  
OF COUNSEL

JOHN G. HINES  
ROBERT A. GOLDBERG  
RICHARD L. PATZ  
BRUCE A. WOLPERT\*  
\*ADMITTED GA. BAR ONLY

THE WILLIAM EARLE HOUSE  
320 SOUTH MAIN STREET  
P. O. BOX 1355  
PROVIDENCE, RHODE ISLAND 02903  
(401) 274-1500

CABLE ADDRESS: SANDI

March 23, 1979

The Honorable Laurence Flynn  
Chairman, Public Works Committee  
Providence City Council  
139 Burnett Street  
Providence, RI 02907

Re: Elmhurst Arboretum  
Our File 16921

Dear Mr. Flynn:

This office represents Downing Associates, Inc., developers of the new residential area off Smith Street in Providence, which is known as "Elmhurst Arboretum". The subdivision plan has been approved and recorded. The development is one which will greatly enhance the area and will add substantially to the tax base of our city.

The development is located in the Fifth Ward. Council President Fagnoli has recently introduced a resolution to secure City Council approval of the proposed new road within that development. At the most recent meeting of the City Council the resolution was referred to the Committee on Public Works for consideration.

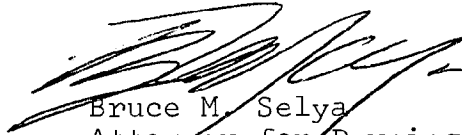
Time is of the essence in connection with the approval of this road (the plans for which have been duly approved by the City Engineer and by the Department of Public Works). It is rare that the City of Providence experiences an opportunity for substantial owner-occupied residential construction, and the appropriate timetable calls for the homes to be built this spring, if at all possible to be made available for sale at the earliest practicable date. Without advertisement of any kind, there are already a substantial number of interested purchasers, with whom the developer cannot deal until final approval has been granted.

The Honorable Laurence Flynn  
March 23, 1979  
Page 2

In view of the several time constraints which are impacting this project, and in view of its desirability to the city, we respectfully request that the Committee on Public Works expedite to the maximum extent possible, its consideration of this matter, so that, should the proposed road meet with your approval, the same can be reported out at the earliest possible date to the City Council for appropriate action. Since a new road is involved, no advertising or public hearing is legally required as a prerequisite by either the Committee action or the action by the City Council, (especially in view of the fact that no zoning change is involved and that the developer owns all of the property on both sides of the proposed new road). I have discussed this legal point with the City Solicitor, and I invite you to check with him should you have any question pertaining thereto.

Anything which you and the members of the Committee on Public Works can do in order to accelerate your deliberation concerning the above would, I assure you, be greatly appreciated by the developer, by the undersigned, and by the many citizens and residents of the City of Providence who are awaiting completion of this exciting new development.

Respectfully yours,



Bruce M. Selya  
Attorney for Downing Associates, Inc.

BMS:JMC

xc The Honorable Ralph Fagnoli,  
President, City Council  
The Honorable Thomas W. Pearlman,  
Minority Leader  
Ronald Glantz, Esq.,  
City Solicitor

*Selya and Iannuccillo, Inc.*

April 5, 1979

Bruce M. Selya, Esquire  
The William Earle House  
320 South Main Street  
P.O. Box 1355  
Providence, RI 02903

Dear Mr. Selya:

The Committee on Public Works is scheduled to meet on Tuesday, May 8, 1979, at 7:00 o'clock P.M. (E.S.T.) in Committee Room "A", City Clerk's Department, City Hall, relative to that Resolution ordering the Grade of Arbor Drive, from Smith Street to Wyndham Avenue, be defined, it being referred to said Committee.

Very truly yours,

Laurence K. Flynn, Chairman  
Committee on Public Works

April 6, 1979

Bruce M. Selya, Esquire  
The William Earle House  
320 South Main Street  
P.O. Box 1355  
Providence, RI 02903

Dear Mr. Selya:

This is to inform you that the meeting scheduled for Tuesday, May 8, 1979 by the Committee on Public Works has been changed to Thursday, April 12, 1979, at 4:30 o'clock P.M. (E.S.T.) City Clerk's Department, City Hall, relative to your Resolution.

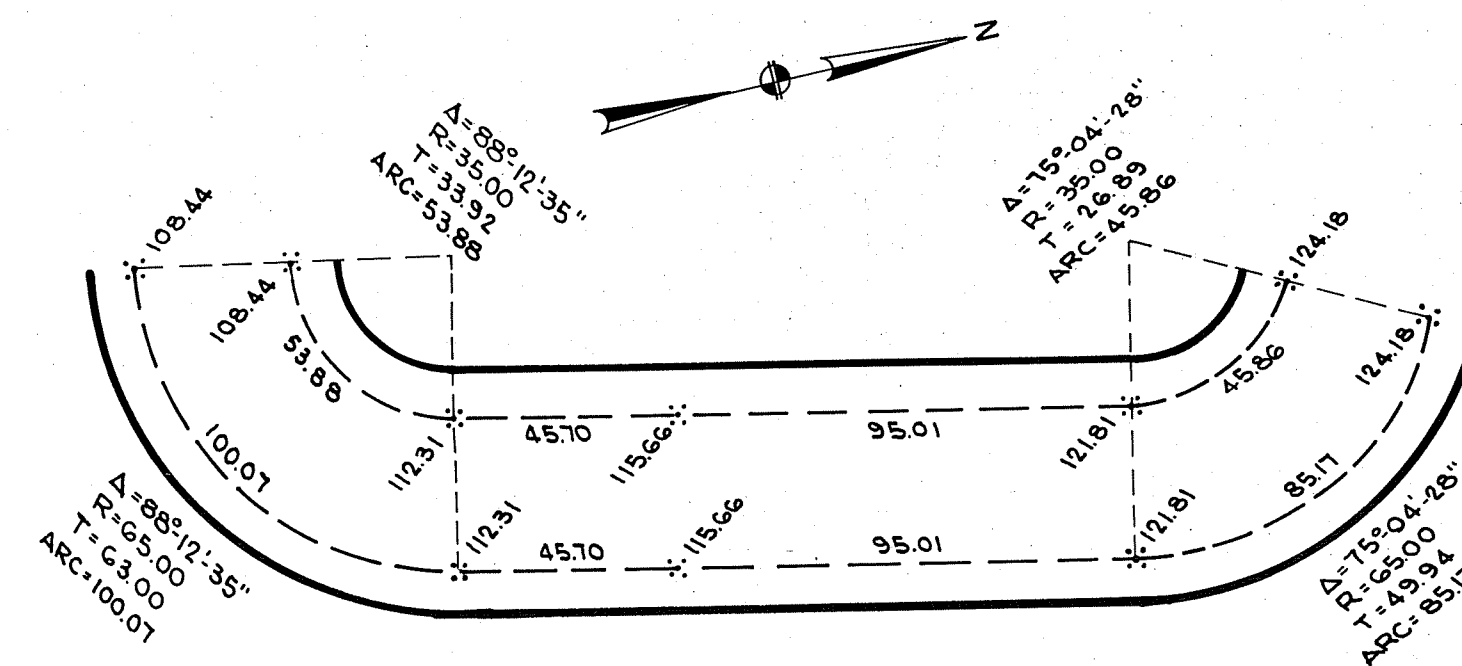
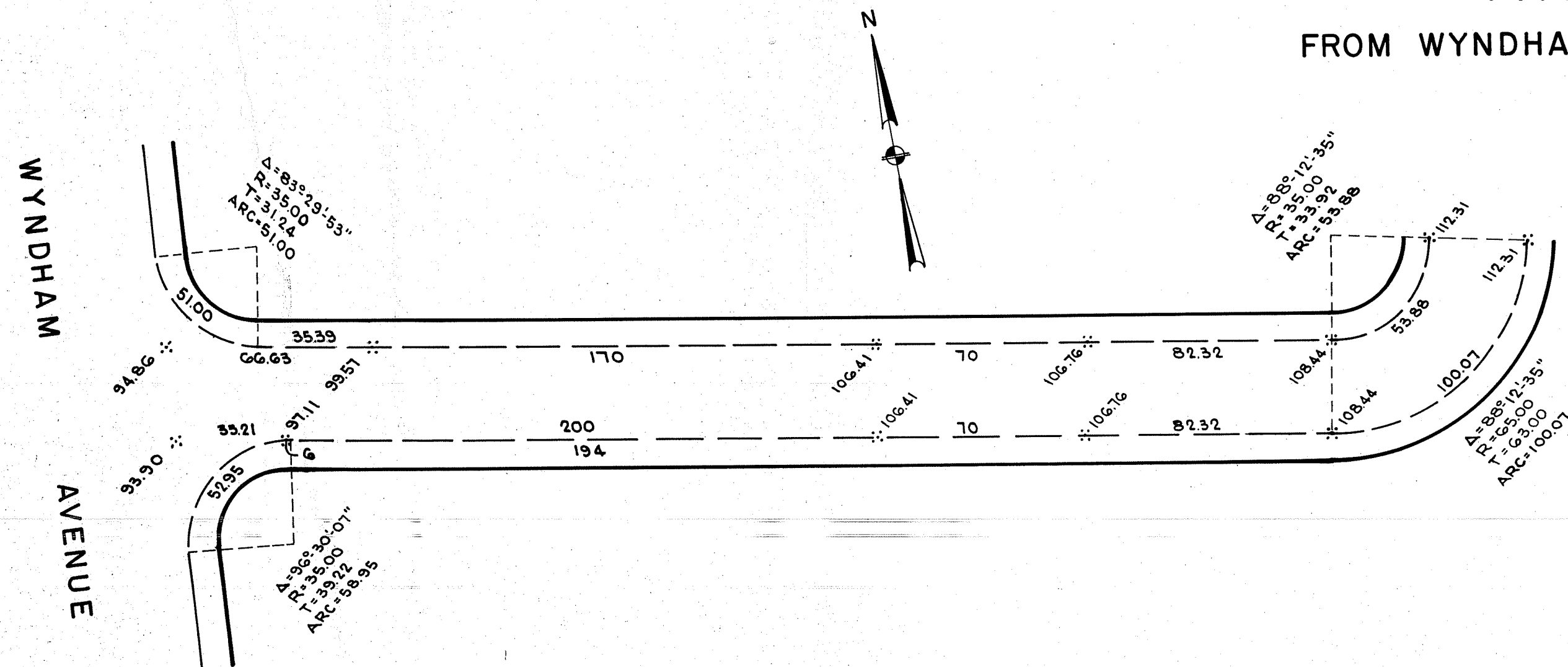
Very truly yours,

Rose M. Mendonca,  
City Clerk.

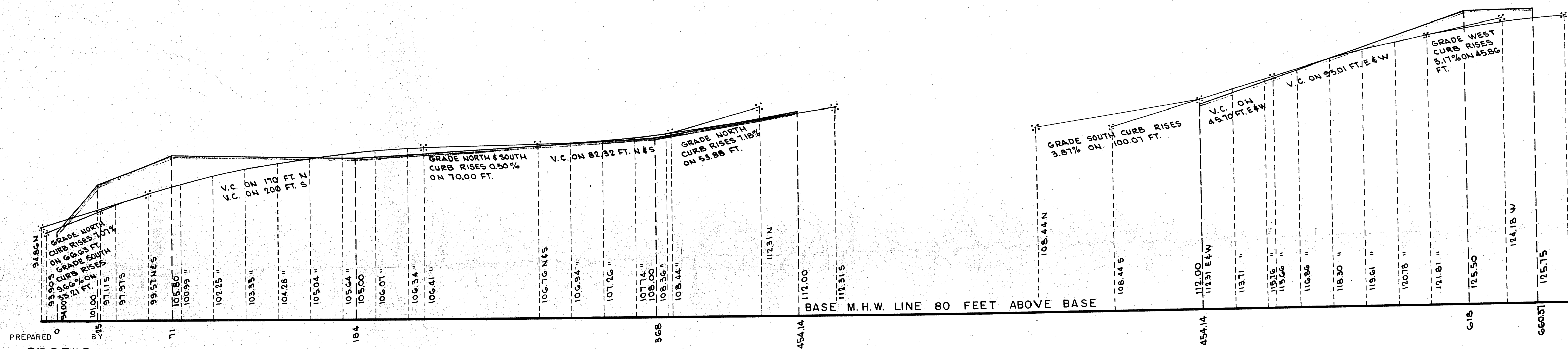
RMM:hgg



# PLAN AND PROFILE OF ARBOR DRIVE FROM WYNDHAM AVENUE TO SMITH STREET



Approved  
JAN 5 1979

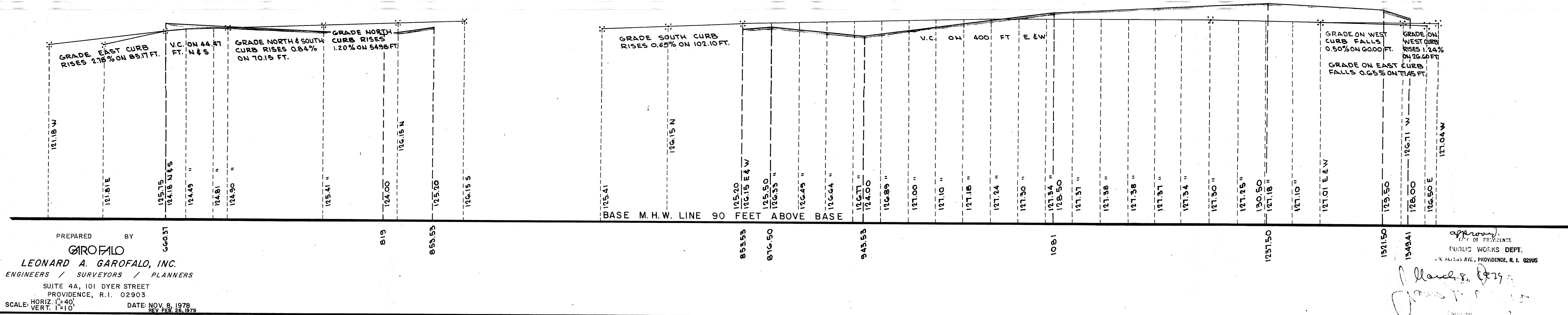
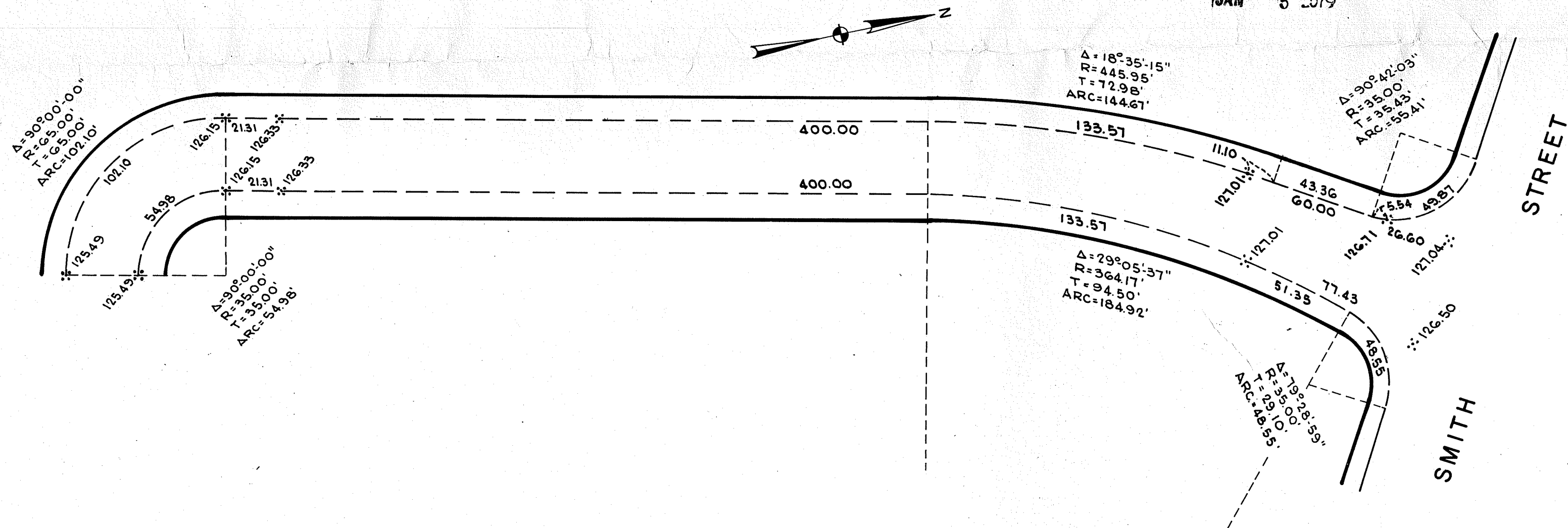
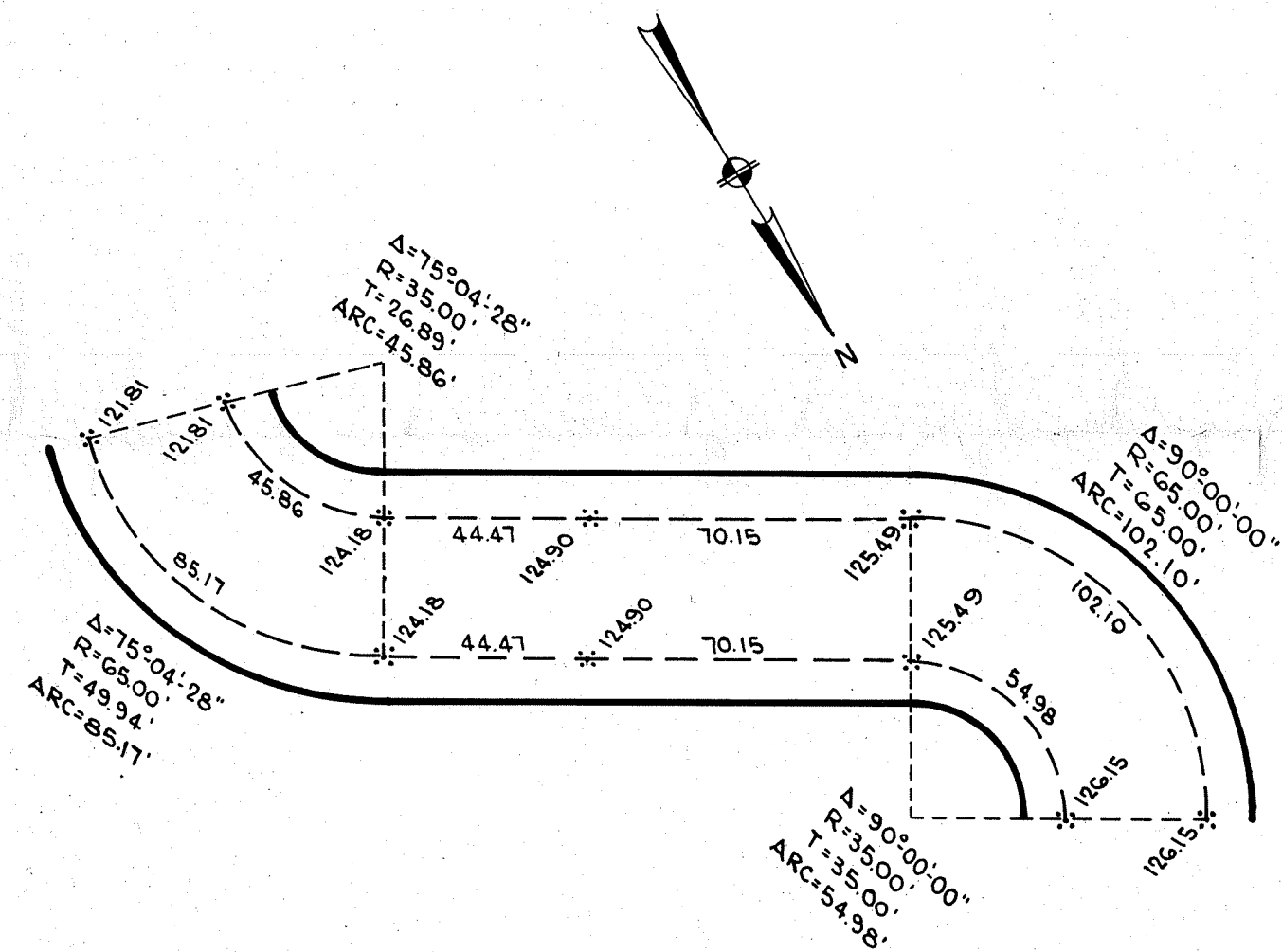


PREPARED BY  
**GAROFALO**  
**LEONARD A. GAROFALO, INC.**  
ENGINEERS / SURVEYORS / PLANNERS  
SUITE 4A, 101 DYER STREET  
PROVIDENCE, R.I. 02903  
SCALE: HORIZ. 1"=40' VERT. 1"=10' DATE: NOV. 8, 1978

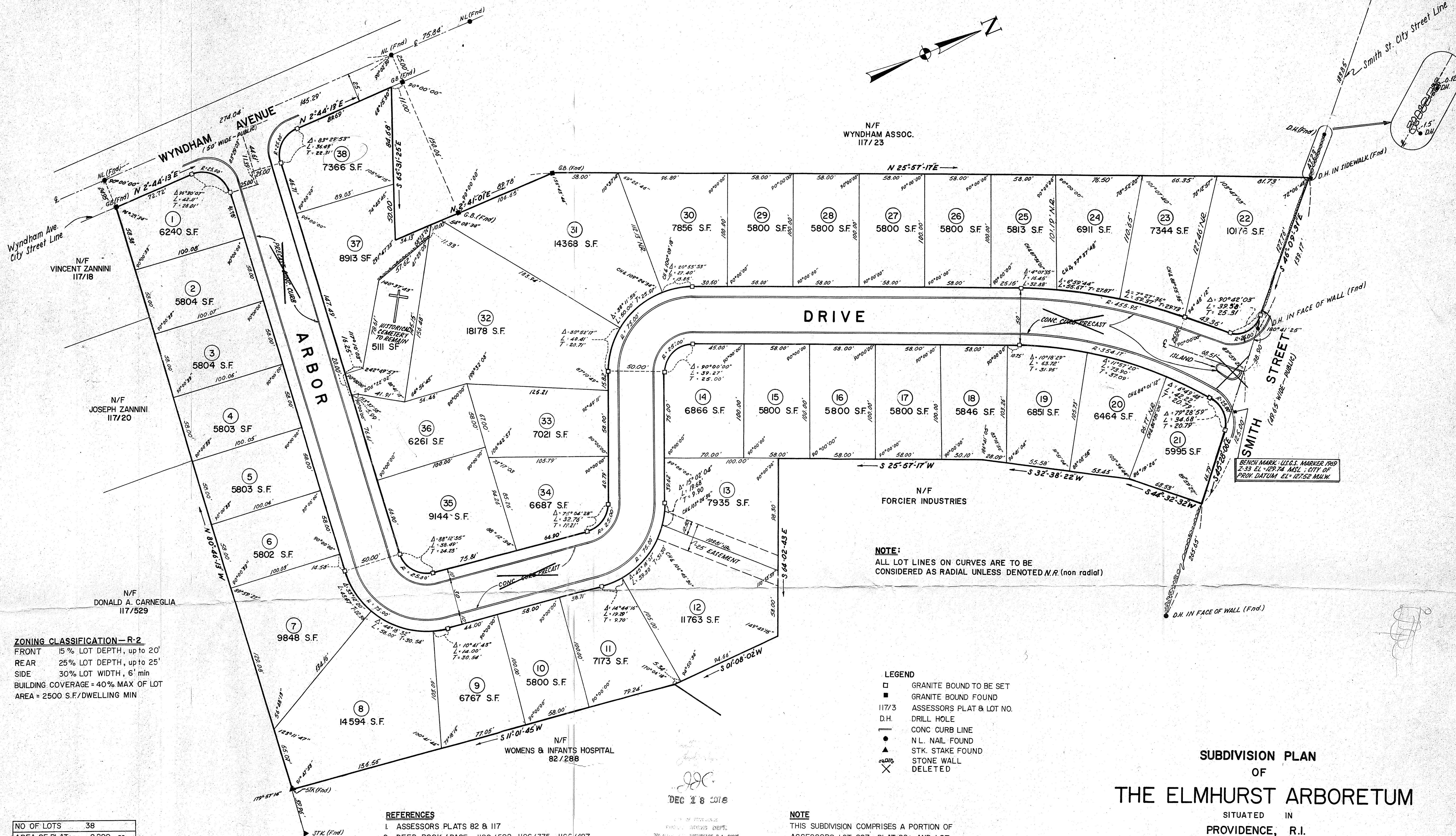
Approved  
CITY OF PROVIDENCE  
PUBLIC WORKS DEPT.  
700 ALLENS AVE., PROVIDENCE, R.I. 02903  
March 8, 1979

PLAN AND PROFILE OF  
ARBOR DRIVE  
FROM WYNDHAM AVENUE TO SMITH STREET

JAN 5 1979







**ZONING CLASSIFICATION - R-2**  
FRONT 15% LOT DEPTH, up to 20'  
REAR 25% LOT DEPTH, up to 25'  
SIDE 30% LOT WIDTH, 6' min  
BUILDING COVERAGE = 40% MAX OF LOT  
AREA = 2500 S.F./DWELLING MIN

NO. OF LOTS	38
AREA OF PLAT	8,299 ac.
AREA OF LOTS	6,725 ac.
AREA OF ROAD	1,551 ac.
LIN. FT. OF ROAD	1351 lin. ft.

- REFERENCES**
- ASSESSORS PLATS 82 & 117
  - DEED BOOK / PAGE: 1189 / 592, 1196 / 335, 1196 / 487
  - PLAT BOOK 41, PAGE 67

DEC 18 1978

Approved March 8, 1979

**NOTE:**  
THIS SUBDIVISION COMPRISES A PORTION OF ASSESSORS LOT 287, PLAT 82; AND LOT 530, PLAT 117.

**DEVELOPER / OWNER**  
DOWNING ASSOC. INC.  
2550 POST RD.  
WARWICK, R.I.

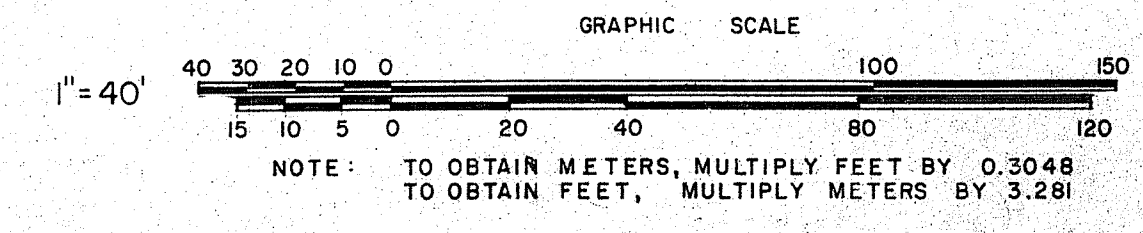
- LEGEND**
- GRANITE BOUND TO BE SET
  - GRANITE BOUND FOUND
  - 117/3 ASSESSORS PLAT & LOT NO.
  - D.H. DRILL HOLE
  - CONC. CURB LINE
  - N.L. NAIL FOUND
  - STK. STAKE FOUND
  - STONE WALL
  - DELETED

**SUBDIVISION PLAN  
OF  
THE ELMHURST ARBORETUM**

SITUATED IN  
PROVIDENCE, R.I.  
SCALE: 1"=40'  
NOV. 6, 1978  
REVISED 3/1/79

**GAROFALO**

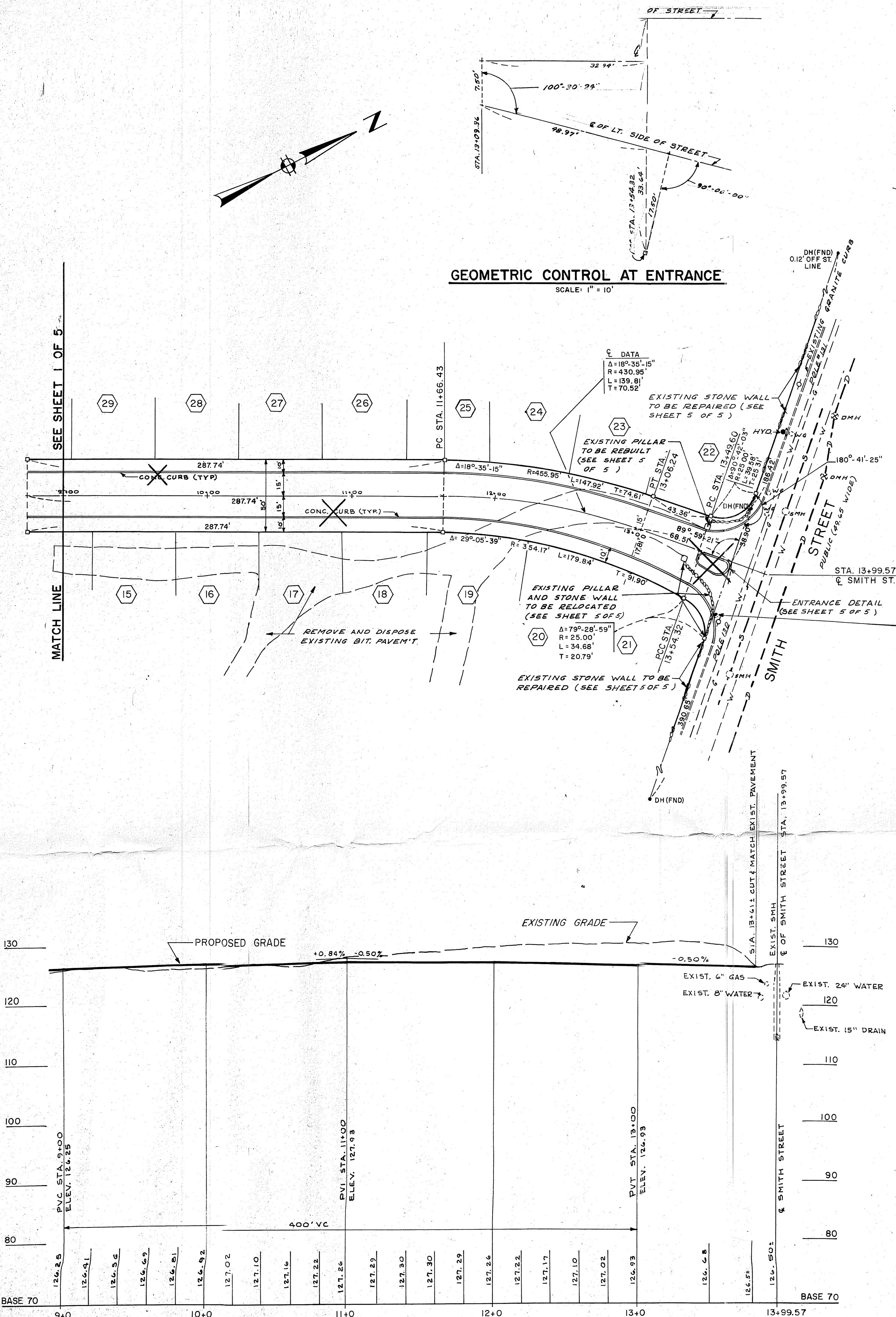
**LEONARD A. GAROFALO, INC.**  
ENGINEERS / SURVEYORS / PLANNERS  
SUITE 4 A 101 DYER STREET  
PROVIDENCE, R.I. 02903





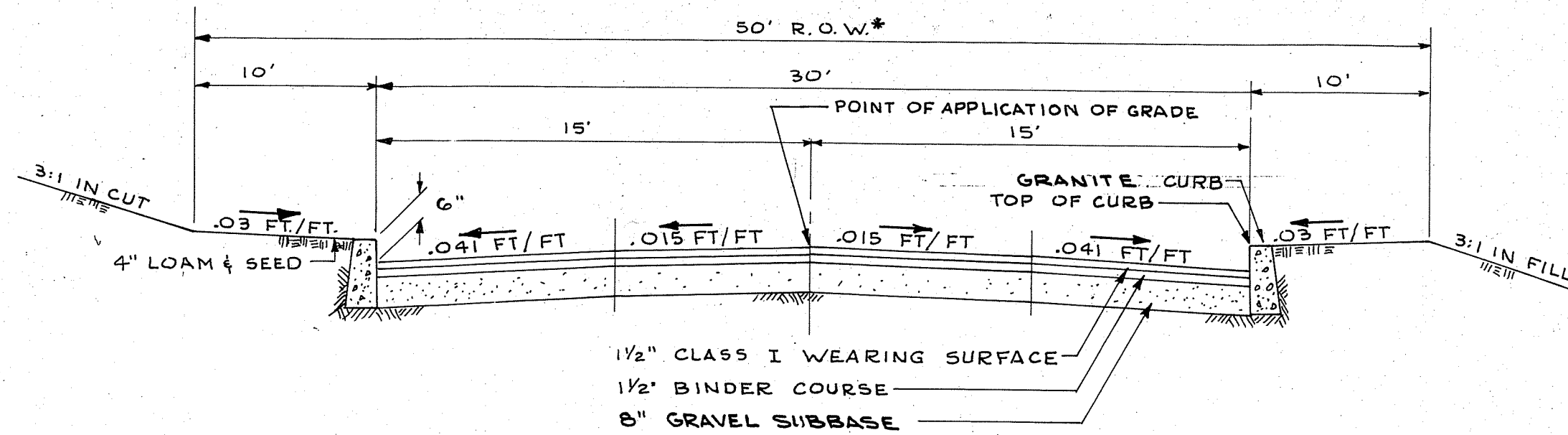






### GEOMETRIC CONTROL AT ENTRANCE

SCALE: 1" = 10'



\* STA. 11+66.43 TO STA. 13+82± WIDTH VARIES; SEE PLAN.

### TYPICAL STREET SECTION

NOT TO SCALE - MINIMUM REQUIREMENT

### LEGEND and ABBREVIATIONS

- PROPERTY LINE
- CURB LINE
- NL (FND) NAIL FOUND
- S — SANITARY SEWER LINE
- ⊗ SMH SANITARY MANHOLE
- D — DRAIN LINE
- ⊗ DMH DRAIN MANHOLE
- ⊗ CB CATCH BASIN
- W — WATER MAIN and GATE VALVE
- G — GAS MAIN and GATE VALVE
- ② LOT NUMBER
- S — EXISTING UTILITY LINE
- HYD. HYDRANT
- DH (FND) DRILL HOLE FOUND
- GB (FND) GRANITE BOUND FOUND
- GRANITE BOUND TO BE SET
- ✕ DELETED

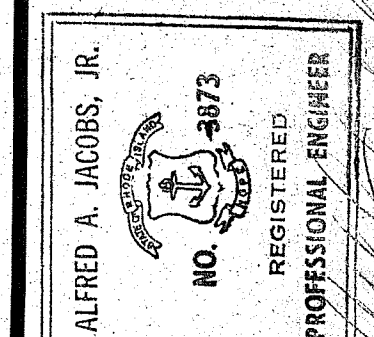
### NOTES

1. REFERENCE RECORD DRAWING BY LEONARD A. GAROFALO, INC. NO. 874 DATED 11-6-78 FOR ADDITIONAL GEOMETRY AND LAYOUT.
2. REFERENCE SHEET 1 OF 5 FOR CONSTRUCTION NOTES.
3. REFERENCE UTILITY SHEET AND/OR CONTACT UTILITY COMPANY FOR APPROPRIATE INSTALLATION.

## GEOMETRIC CONTROL AND LAYOUT STREET PLAN & PROFILE ARBOR DRIVE PROVIDENCE, R. I.

PREPARED FOR: DOWNING ASSOCIATES, INC.

NO.	REVISION	BY	DATE
1	REMOVE CONC. CURB	R.M.	3-1-79



**GAROFALO**  
LEONARD A. GAROFALO, INC.  
ENGINEERS/SURVEYORS/PLANNERS

SUITE 4A  
101 DYER STREET  
PROVIDENCE, RHODE ISLAND  
02903

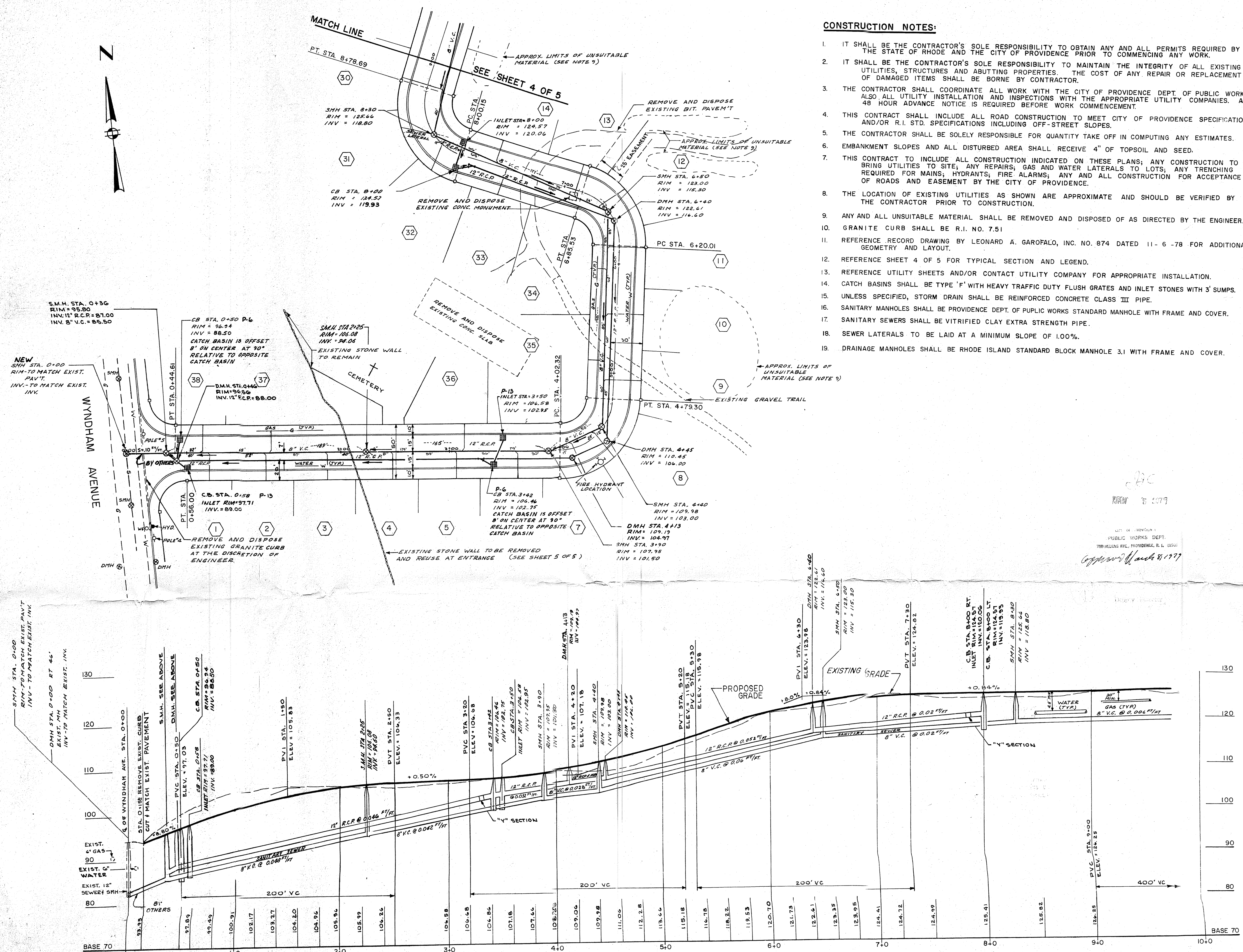
JOB NO. G-1219	DRAWN BY W.R.
DRWG. NO. 868-1	CHECKED R.B.
SCALE HOR. 1"=40' VERT. 1"=10'	APPROVED A.J.
DATE NOV. 6, 1978	

SHEET

2

2 OF 5 SHEETS

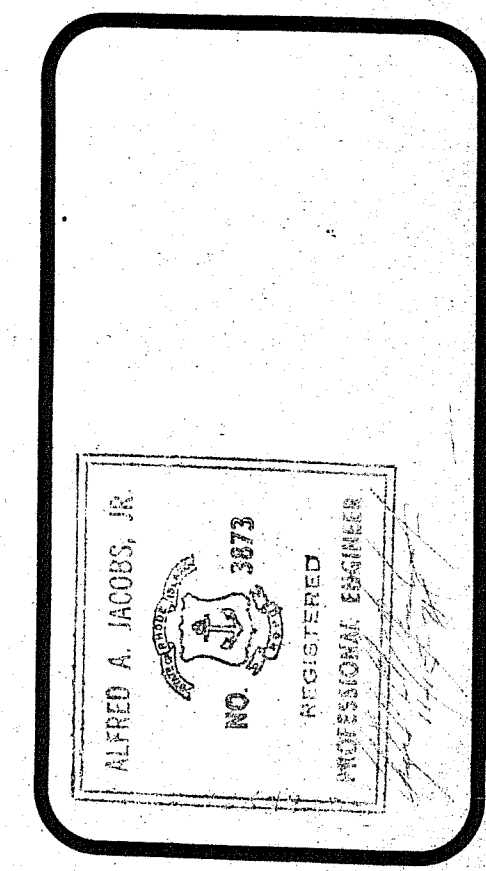




- ### CONSTRUCTION NOTES:
- IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO OBTAIN ANY AND ALL PERMITS REQUIRED BY THE STATE OF RHODE AND THE CITY OF PROVIDENCE PRIOR TO COMMENCING ANY WORK.
  - IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO MAINTAIN THE INTEGRITY OF ALL EXISTING UTILITIES, STRUCTURES AND ABUTTING PROPERTIES. THE COST OF ANY REPAIR OR REPLACEMENT OF DAMAGED ITEMS SHALL BE BORNE BY CONTRACTOR.
  - THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE CITY OF PROVIDENCE DEPT. OF PUBLIC WORKS. ALSO ALL UTILITY INSTALLATION AND INSPECTIONS WITH THE APPROPRIATE UTILITY COMPANIES. A 48 HOUR ADVANCE NOTICE IS REQUIRED BEFORE WORK COMMENCEMENT.
  - THIS CONTRACT SHALL INCLUDE ALL ROAD CONSTRUCTION TO MEET CITY OF PROVIDENCE SPECIFICATIONS AND/OR R.I. STD. SPECIFICATIONS INCLUDING OFF-STREET SLOPES.
  - THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR QUANTITY TAKE OFF IN COMPUTING ANY ESTIMATES.
  - EMBANKMENT SLOPES AND ALL DISTURBED AREA SHALL RECEIVE 4" OF TOPSOIL AND SEED.
  - THIS CONTRACT TO INCLUDE ALL CONSTRUCTION INDICATED ON THESE PLANS; ANY CONSTRUCTION TO BRING UTILITIES TO SITE; ANY REPAIRS, GAS AND WATER LATERALS TO LOTS; ANY TRENCHING REQUIRED FOR MAINS; HYDRANTS; FIRE ALARMS; ANY AND ALL CONSTRUCTION FOR ACCEPTANCE OF ROADS AND EASEMENT BY THE CITY OF PROVIDENCE.
  - THE LOCATION OF EXISTING UTILITIES AS SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
  - ANY AND ALL UNSUITABLE MATERIAL SHALL BE REMOVED AND DISPOSED OF AS DIRECTED BY THE ENGINEER.
  - GRANITE CURB SHALL BE R.I. NO. 7.51
  - REFERENCE RECORD DRAWING BY LEONARD A. GAROFALO, INC. NO. 874 DATED 11-6-78 FOR ADDITIONAL GEOMETRY AND LAYOUT.
  - REFERENCE SHEET 4 OF 5 FOR TYPICAL SECTION AND LEGEND.
  - REFERENCE UTILITY SHEETS AND/OR CONTACT UTILITY COMPANY FOR APPROPRIATE INSTALLATION.
  - CATCH BASINS SHALL BE TYPE 'F' WITH HEAVY TRAFFIC DUTY FLUSH GRATES AND INLET STONES WITH 3' SUMPS.
  - UNLESS SPECIFIED, STORM DRAIN SHALL BE REINFORCED CONCRETE CLASS III PIPE.
  - SANITARY MANHOLES SHALL BE PROVIDENCE DEPT. OF PUBLIC WORKS STANDARD MANHOLE WITH FRAME AND COVER.
  - SANITARY SEWERS SHALL BE VITRIFIED CLAY EXTRA STRENGTH PIPE.
  - SEWER LATERALS TO BE LAID AT A MINIMUM SLOPE OF 1.00%.
  - DRAINAGE MANHOLES SHALL BE RHODE ISLAND STANDARD BLOCK MANHOLE 3.1 WITH FRAME AND COVER.

SEWER AND DRAINAGE  
PLAN AND PROFILE  
FOR  
**ARBOR DRIVE**  
PROVIDENCE, R.I.  
PREPARED FOR: DOWNING ASSOCIATES, INC.

NO.	REVISION	BY	DATE
1	DRAINAGE	W.R.	12-15-78
2	REMOVE CONC. CURB.	R.M.	3-1-79

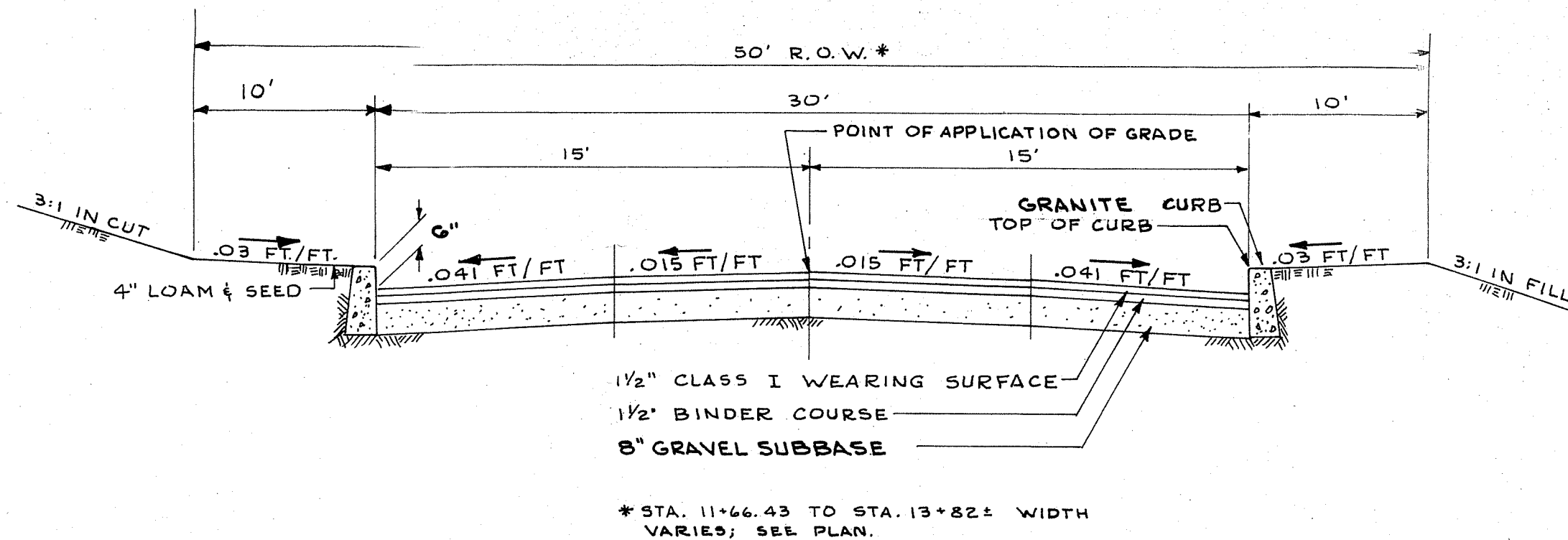


**GAROFALO**  
LEONARD A. GAROFALO, INC.  
ENGINEERS/SURVEYORS/PLANNERS  
SUITE 4A  
101 DYER STREET  
PROVIDENCE, RHODE ISLAND  
401-272-1180

JOB NO. G-1219	DRAWN BY W.R.
DRWG. NO. 868-2	CHECKED R.B.
SCALE HOR. 1"=40' VERT. 1"=10'	APPROVED A.J.
	DATE NOV. 6, 1978

SHEET  
**3**  
3 OF 5 SHEETS





**TYPICAL STREET SECTION**  
NOT TO SCALE — MINIMUM REQUIREMENT

- ## LEGEND and ABBREVIATIONS

- |                        |                                    |
|------------------------|------------------------------------|
|                        | PROPERTY LINE                      |
| =====                  | CURB LINE                          |
| • NL (FND)             | NAIL FOUND                         |
| — S —                  | SANITARY SEWER LINE                |
| ⊗ SMH                  | SANITARY MANHOLE                   |
| — D —                  | DRAIN LINE                         |
| ⊗ DMH                  | DRAIN MANHOLE                      |
| ⊞ CB                   | CATCH BASIN                        |
| — O W <sub>2</sub> W — | WATER MAIN and GATE VALVE          |
| — G — O GG             | GAS MAIN and GATE VALVE            |
| (21)                   | LOT NUMBER                         |
| — S —                  | EXISTING UTILITY LINE              |
| • HYD.                 | HYDRANT                            |
| 12" VC                 | EXTRA STRENGTH VITRIFIED CLAY PIPE |
| 12" RCP                | CLASS III REINFORCED CONCRETE PIPE |
| ×                      | DELETED                            |

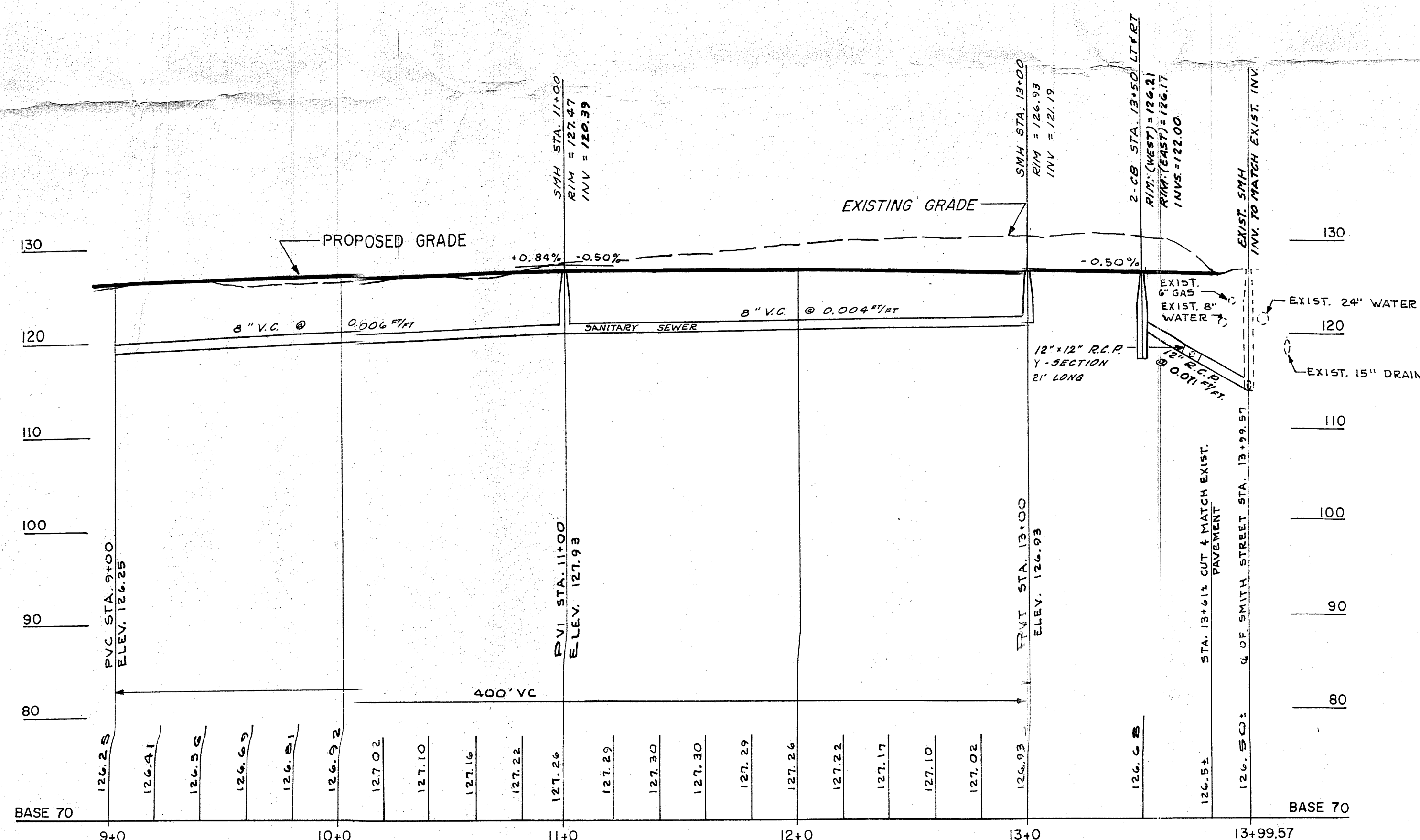
NOTES

1. REFERENCE RECORD DRAWING BY LEONARD A. GAROFALO, INC. NO. 874 DATED 11-6 -78 FOR  
ADDITIONAL GEOMETRY AND LAYOUT.
2. REFERENCE SHEET 3 OF 5 FOR CONSTRUCTION NOTES.
3. REFERENCE UTILITY SHEET AND/OR CONTACT UTILITY COMPANIES FOR APPROPRIATE INSTALLATION.

JAN 6 1979

PUBLIC WORKS DEPT.  
700 ALLIANCE AVE., PROVIDENCE, R. I. 02904

Approved March 5, 1929

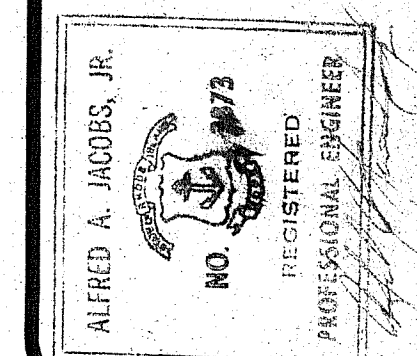


**SEWER AND DRAINAGE  
PLAN AND PROFILE  
FOR  
ARBOR DRIVE  
PROVIDENCE, R. I.**

PROVIDENCE, R. I.

PREPARED FOR: DOWNING ASSOCIATES, INC.

NO.	REVISION	BY	DATE
1	DRAINAGE	W. R.	12-15-79
2	REMOVE CONC. CURB	R.M.	3-1-79



**GAROFALO**  
LEONARD A. GAROFALO INC.  
ENGINEERS/SURVEYORS/PLANNERS

SUITE 4A  
101 DYER STREET  
PROVIDENCE, RHODE ISLAND  
401-272-1180 02903

JOB NO. 6-1219	DRAWN BY W.R.
DRWG. NO. 868-3	CHECKED R.B.
SCALE	APPROVED A.J.
HOR. 1"=40'	DATE
VERT. 1"=10'	NOV. 6, 1978

SHEET

4

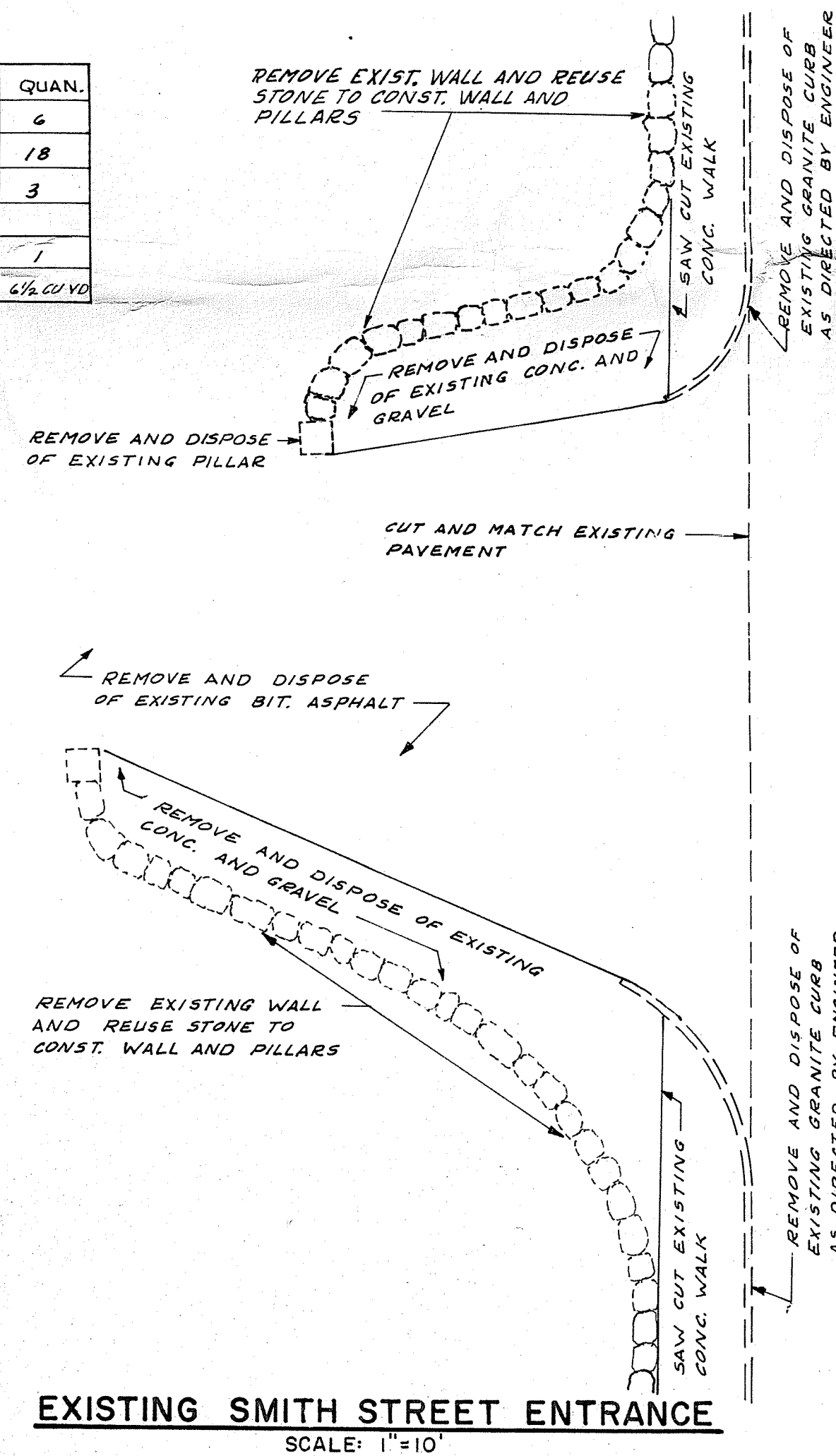
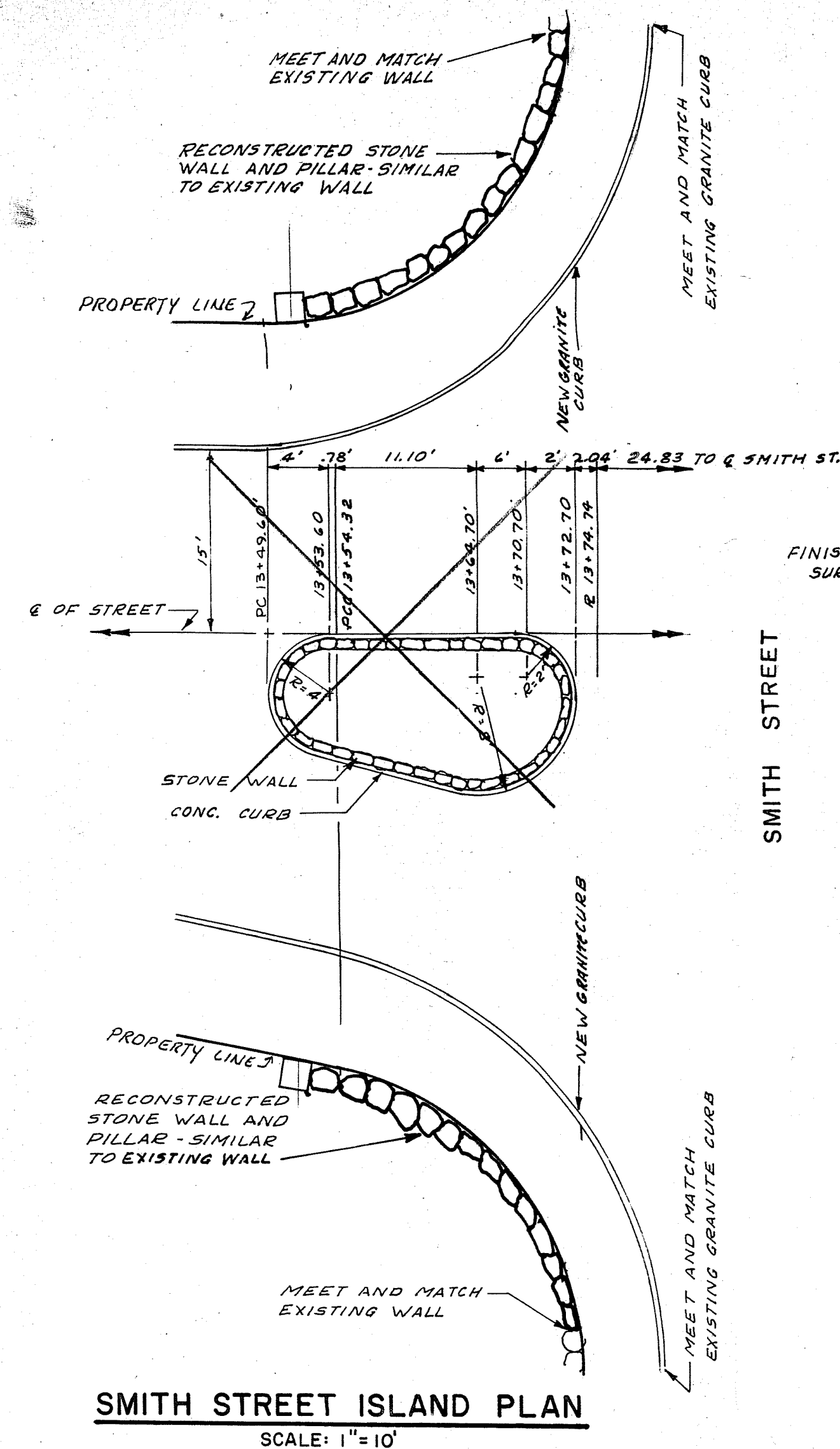
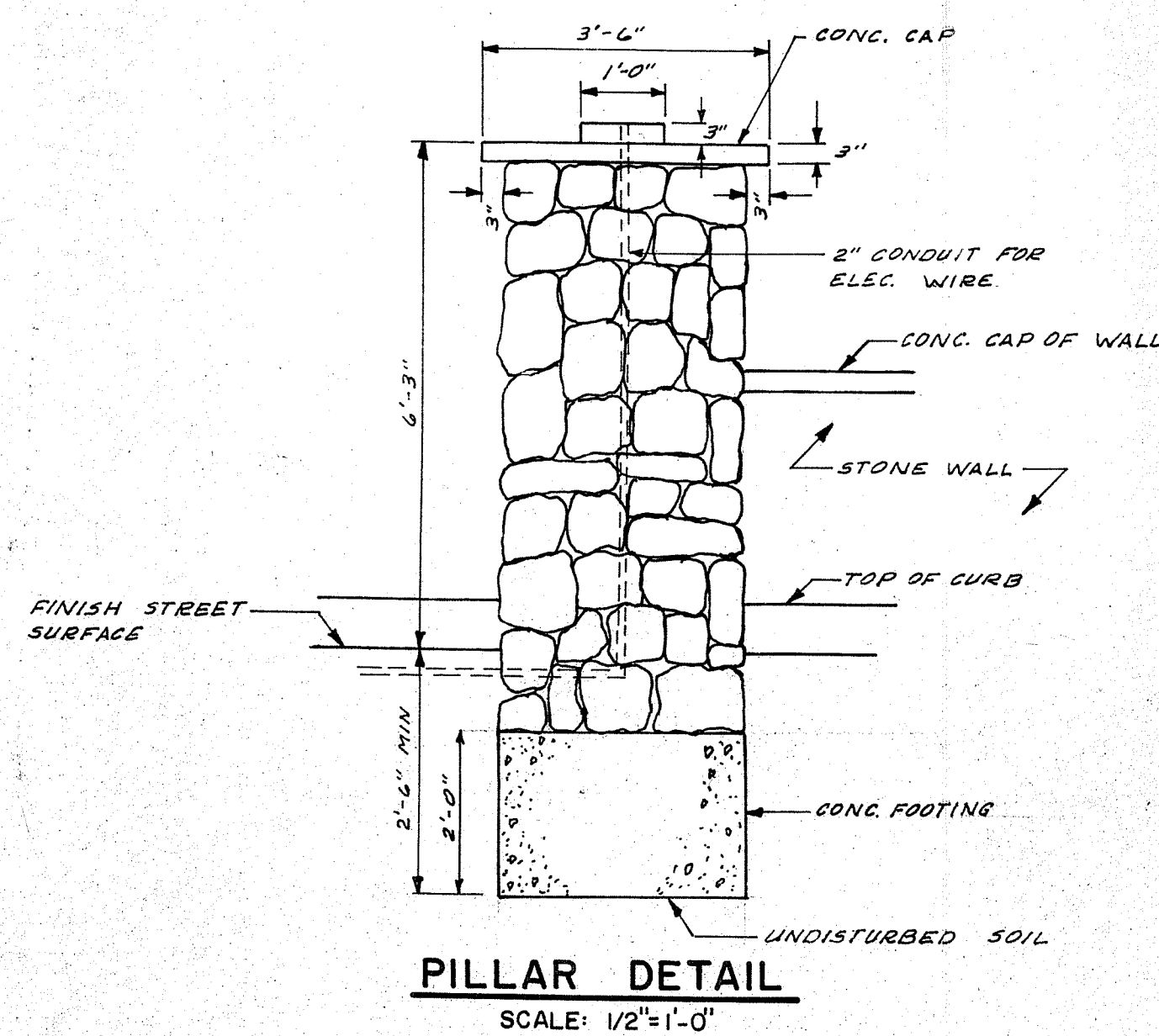
4 OF 5 SHEETS

DWG. NO. 868-3



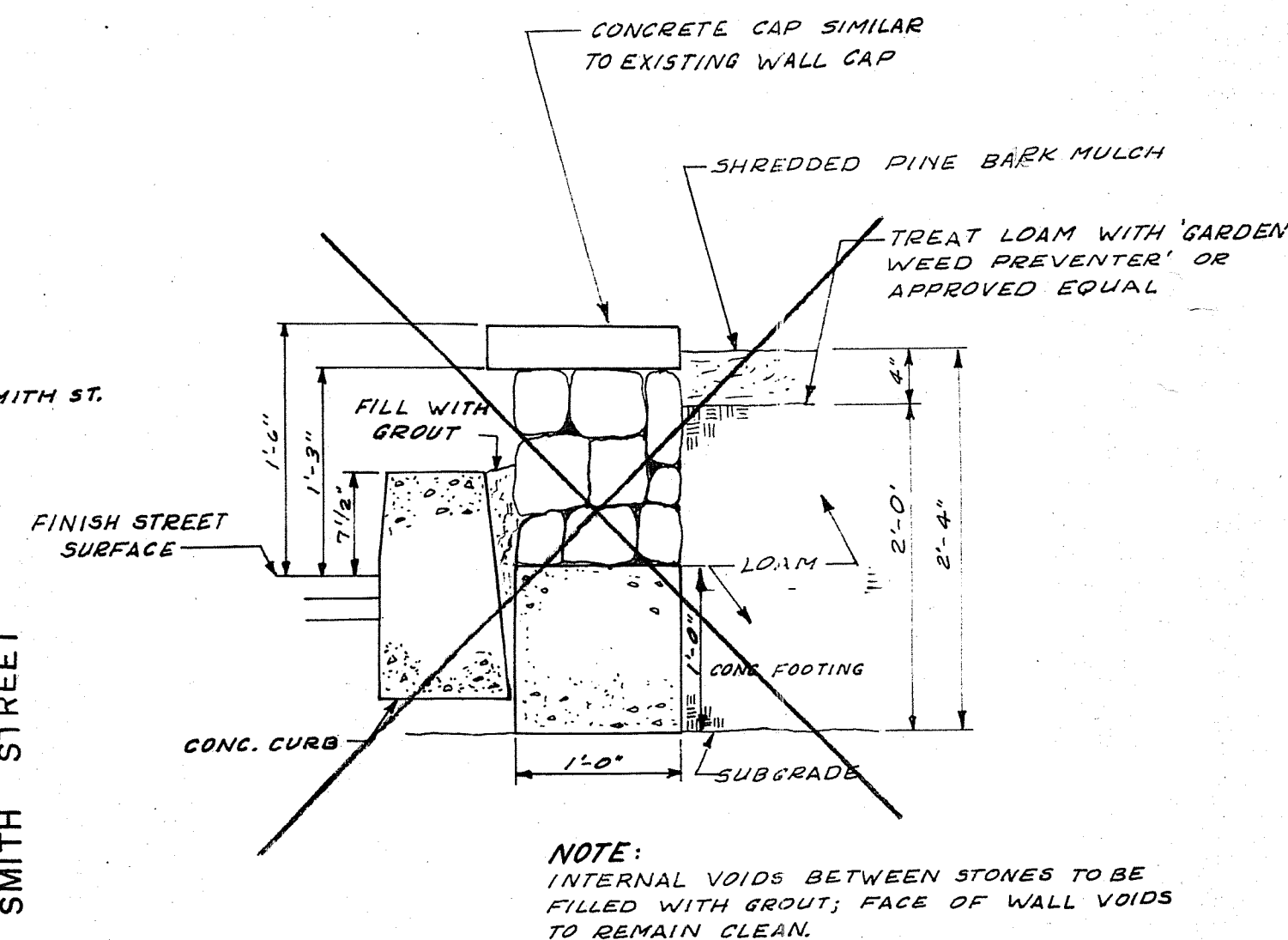
**ENTRANCE PLANTING PLAN**  
SCALE: 1" = 10'

ENTRANCE PLANT LIST				
SYM	NAME		SIZE	QUAN.
A	COTONEASTER APICULATA NANA	DWARF CRANBERRY COTONEASTER	12" - 15"	6
B	JUNIPERUS 'BLUE PACIFICA'	BLUE PACIFIC JUNIPER	15" - 18"	18
C	POTENTILLA FRUTICOSA	POTENTILLA	18" - 24"	3
D	RHOODOENDRON WILSONI	WILSON RHODOENDRON		
E	PINUS THUNBERGI	JAR BLACK PINE (TO BE SEL.)	3 1/2" - 4" CAL	1
F	4" SHREDED - PINE BARK MULCH			6 1/2 CU YD

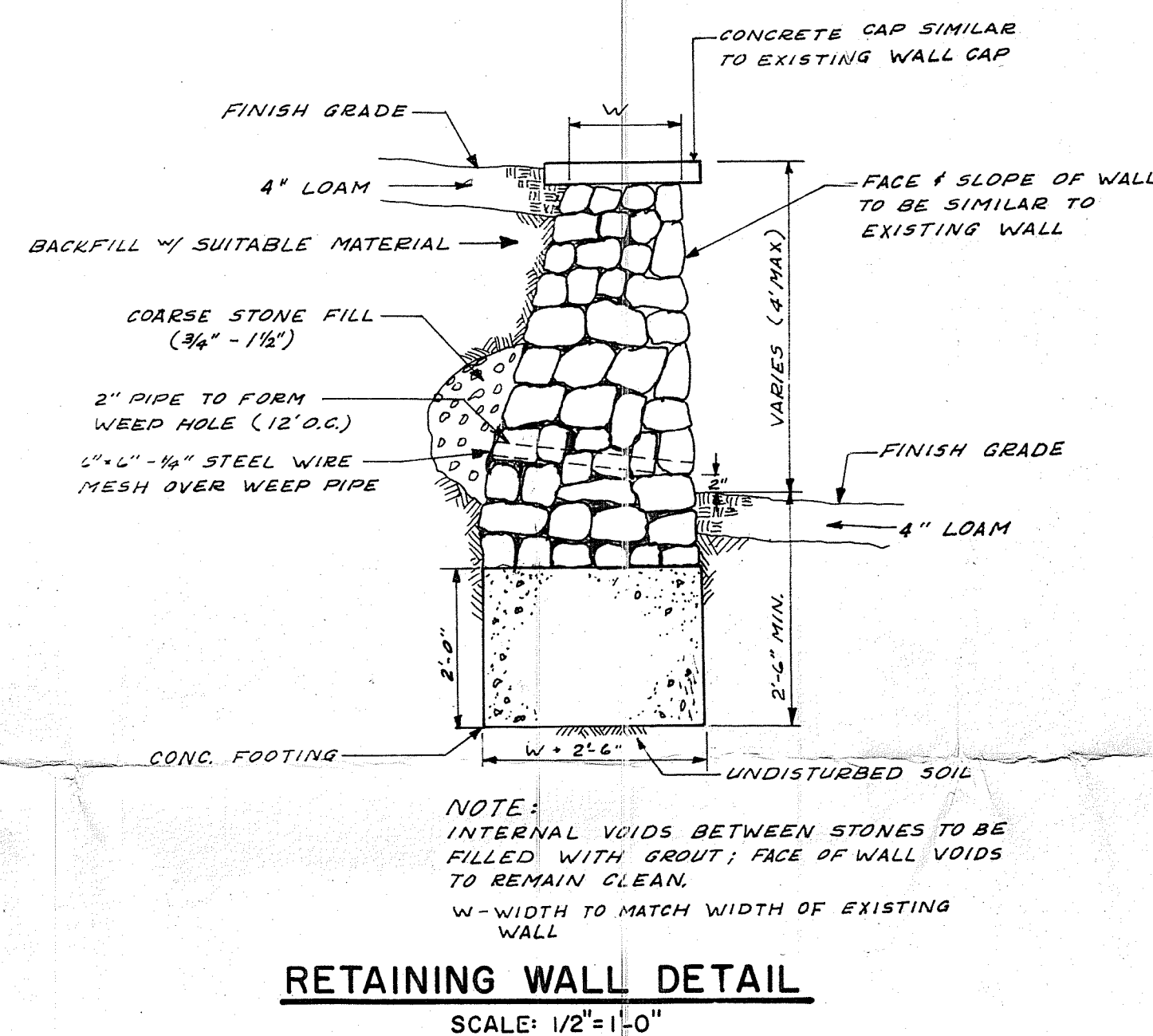


SMITH STREET

SMITH STREET

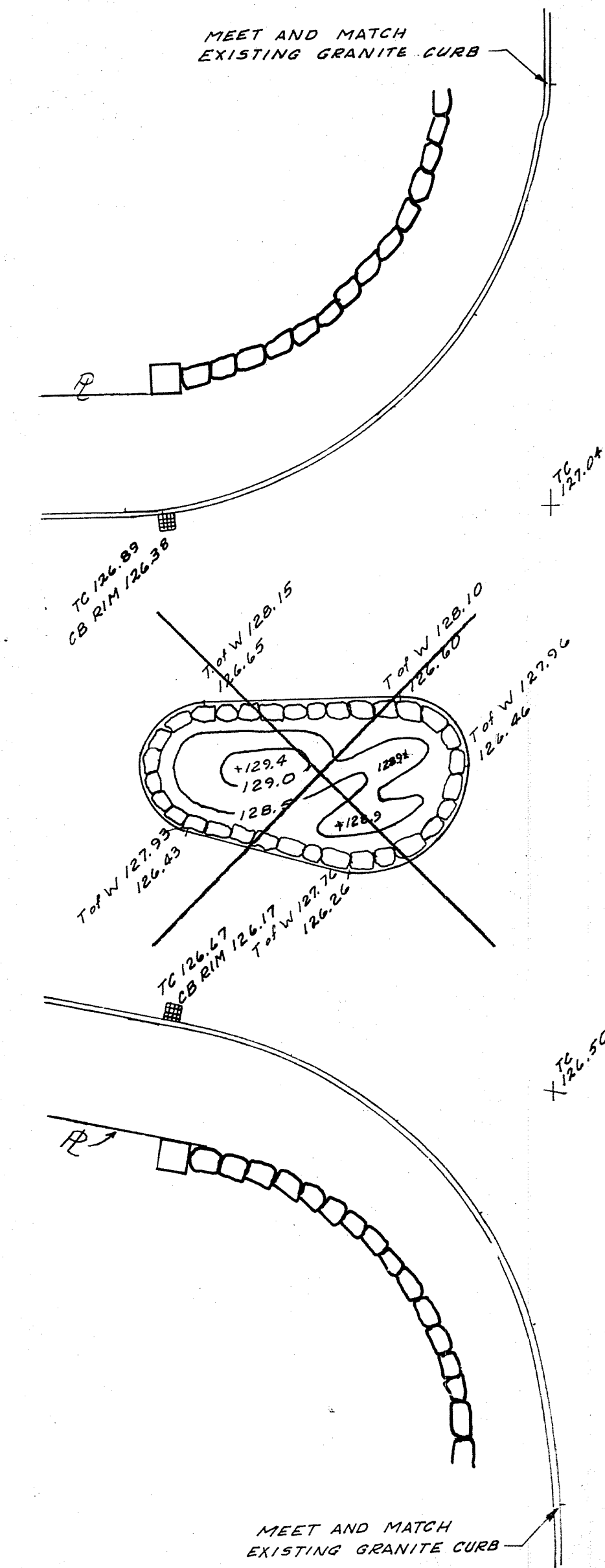


~~ISLAND WALL DETAIL~~  
~~SCALE: 1" = 1'-0"~~

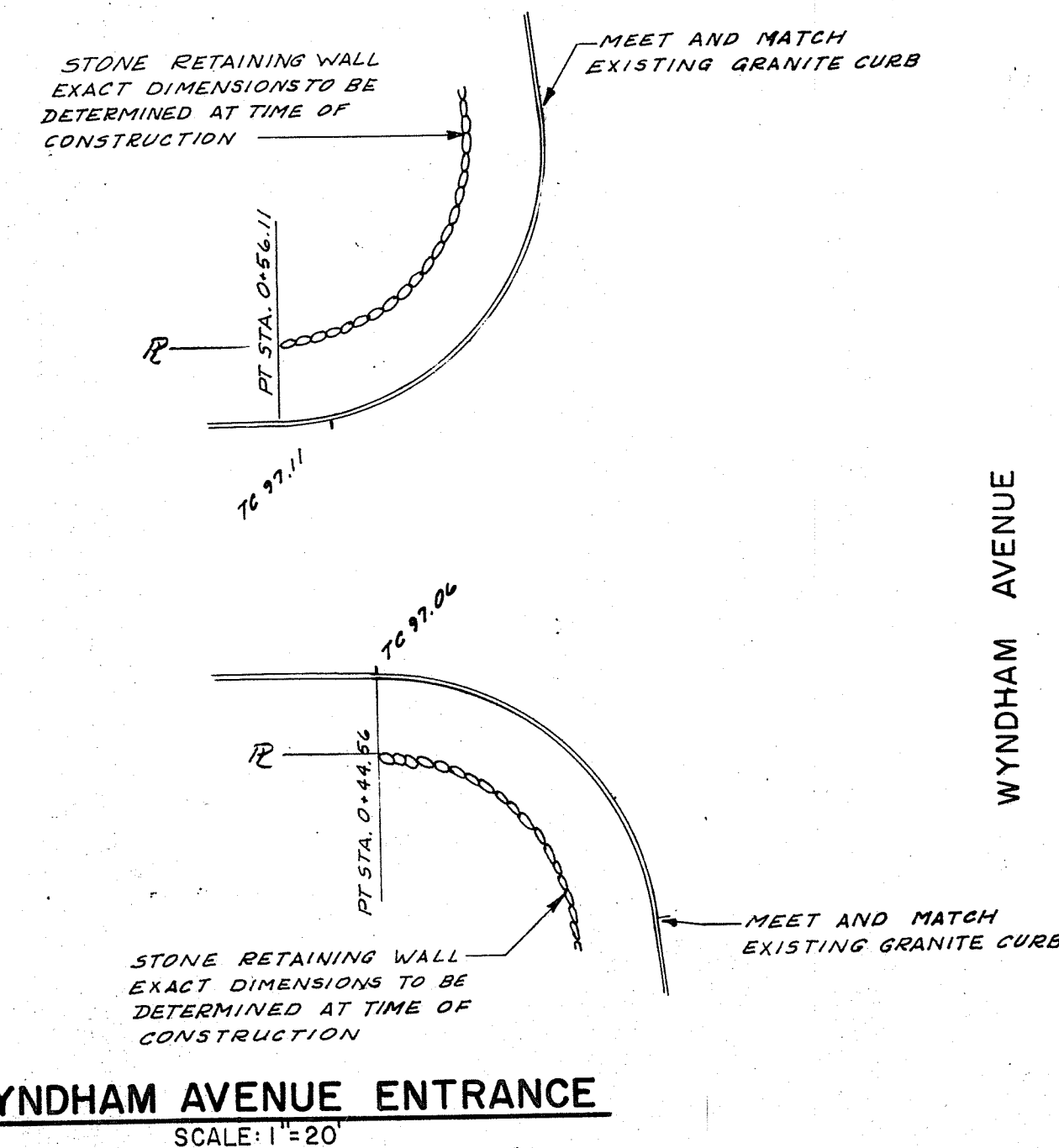


RETAINING WALL DETAIL  
SCALE: 1/2"=1'-0"

**LEGEND**  
X DELETED



**SMITH STREET ENTRANCE**  
SCALE: 1" = 10'



**WYNDHAM AVENUE ENTRANCE**  
SCALE: 1" = 20'

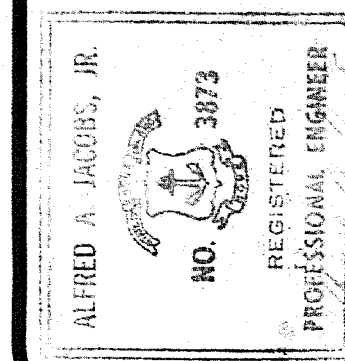
DETAILS

ELMHURST TERRACE

PROVIDENCE, R. I.

PREPARED FOR: DOWNING ASSOCIATES, INC.

NO.	REVISION	BY	DATE
1	DRAINAGE	W. R.	12-15-78
2	REMOVE ISLAND / CONC. CURB	R. M.	3-1-79



**GAROFALO**  
LEONARD A. GAROFALO INC.  
ENGINEERS/SURVEYORS/PLANNERS

SUITE 4A  
101 DYER STREET  
PROVIDENCE, RHODE ISLAND  
401-272-1180 02903

JOB NO. G-1219	DRAWN BY W.R.
DRWG. NO. 868-4	CHECKED R.B.
SCALE	APPROVED A.J.
AS NOTED	DATE

SHEET

5

5 OF 5 SHEETS

DWG. NO. 868-4