

CITY OF EAST PROVIDENCE

**PLANNING BOARD**

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MINUTES

Date: Tuesday, August 9, 2011

Time: 7:00 p.m.

Place: Room 306, Third Floor, City Hall

Present: Chairman Michael Robinson, Anthony Almeida, Burton Batty, Krista Moravec, Matthew Robinson; and staff: Jeanne Boyle, Planning Director; Diane Feather, Chief Planner; Wayne Barnes, Planner 1, and Erik Skadberg, P.E., City Engineer

Prior to the start of the meeting at 7:05 PM, the Pledge of Allegiance was recited.

**1. SEATING OF ALTERNATE MEMBER**

Mr. Matthew Robinson was seated in place of Mr. Robert Cole who was absent.

**2. APPROVAL OF PLANNING BOARD MINUTES**

A. Minutes of May 9, 2011 (to be submitted)

B. Minutes of July 11, 2011 (to be submitted)

**3. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

Upon a motion made by Mr. Matthew Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to accept the following correspondence.

A. Memo dated 7/13/11 to the City Council from the Planning Board; Re: Forbes Street (Former Landfill) Solar Photovoltaic Project, Proposed Amendments to Chapter 19, Zoning (copy enclosed);

Upon a motion made by Mr. Matthew Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to change the order of the agenda and complete #6. Communications prior to #4 New Business.

**6. COMMUNICATIONS (change in order of the agenda)**

Upon a motion made by Mr. Matthew Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to accept the following communication:

A. Memo dated 7/11/11 from the Planning Department to the Planning Board, Re: Taunton Avenue “Auto Row” Study (copy enclosed)

Upon a motion made by Mr. Matthew Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to accept the following communication:

B. Memo dated 7/11/11 to the Planning Board from the Department of Planning/Emergency Management Agency, Re: Report on active Emergency Management Agency projects as of July 2011 (copy enclosed).

On a motion made by Mr. Matthew Robinson, seconded by Ms. Moravec the Board voted 5 – 0 to take a five to ten minutes recess starting at 7:06 AM.

The Board meeting resumed at 7:10 PM.

#### 4. NEW BUSINESS

A. City Request for Unimproved Highway Abandonment – Aberdeen Road; Related to Location of Wastewater Pump Station. Abutting Parcels: Map 209, Block 7, Parcel 1, Owner: City of East Providence; Map 209, Block 6, Parcel 1, Owner: City of East Providence

City Engineer Erik Skadberg explained that there is currently a small pump station along Boyden Boulevard in the Boyden Heights Conservation Area which needs to be replaced by a similar but larger unit as part of the project to upgrade the City's Wastewater Treatment System. Because the site of the pump station is within a designated conservation area, a similar or larger sized area to what is needed for the pump station has to be designated for conservation purposes. The proposed abandonment of an unimproved portion of Aberdeen Road well within the conservation area would accomplish this.

Mr. Batty inquired as to ownership of the conservation property. Director Boyle noted that the property is City land originally designated as a deed-restricted conservation area using Federal funds.

Wayne Barnes of the Planning Department also noted that the proposal represents an exchange of land for purposes of retaining designated conservation acreage while allowing for a portion of the property to have a non-conservation use. He then briefly described the conservation area and recent efforts of the Conservation Commission to improve the trail system, enhance bike path entrance to the property, and to rebuild the wetlands boardwalk near the cove on the property. The abandonment proposal would result in the subject part of unimproved Aberdeen Road being split between the abutting two city-owned conservation parcels, and would result in no physical change at all within the conservation property.

Mr. Barnes mentioned that the proposal supports several objectives and policies of the City's Comprehensive Plan regarding natural resources, open space, and sustainability. The reconstruction of the pump station would a compliant use of the property with respect to the Open Space-1 zoning of the parcel.

Mr. Barnes then summarized the Planning Department's request to the Board regarding their recommendation to the City Council.

He requested on behalf of the Planning Department that the Planning Board recommend that the City Council approve the abandonment of the subject portion of Aberdeen Road as proposed, subject to the following condition.

1. That the City of East Providence apply for a Minor Subdivision in order to create the proposed new parcel and complete the land use exchange necessary to construct the pump station.

(The subdivision process will be carried out separately from the street abandonment, as the subdivision will not have to go before City Council).

Chairman Robinson solicited any questions or comment from the Planning Board.

Upon a motion from Mr. Matthew Robinson, seconded by Ms. Moravec, the Board voted 5 – 0 to enter the staff report on this matter and its attachments into the record of the meeting.

*Roll Call Vote:*

Mr. Batty	Aye
Mr. Robinson	Aye
Ms. Moravec	Aye
Mr. Almeida	Aye
Chairman Robinson	Aye

Upon a motion from Mr. Matthew Robinson, seconded by Ms. Moravec, the Board voted 5 – 0 to recommend that the City Council approve the highway abandonment, with the condition that the City of East Providence apply for a Minor Subdivision in order to create the proposed new parcel and complete the land use exchange necessary to construct the pump station.

*Roll Call Vote:*

Mr. Batty	Aye
Mr. Robinson	Aye
Ms. Moravec	Aye
Mr. Almeida	Aye
Chairman Robinson	Aye

B. *Public Informational Meeting* - File # 2011 - 3 "Wampanoag Farms"  
Assessors Map 711, Block 3, Parcel 15, 1279 Wampanoag Trail  
Owners and Applicant – AMJAM, L.L.C. 56 ± Acres Total

1. Seeking Advisory Recommendation of Approval for a Zone Change for Approximately 5 Acres Along Hospital Road From C-1 to R-2
2. Seeking Approval for Amendment to a Previously Approved Master Plan for Wampanoag Ponds (2006)
3. Seeking Master Plan Approval for a 15 Lot (14-Lot Single-Family Subdivision on the Easterly Side of Hospital Road, plus the Remainder Parcel)

Chairman Robinson asked Attorney Martin Sleprow, representing the applicant A.M.J.A.M. L.L.C. to have anyone who planned to speak on the proposed development stand and state their name and address and be sworn in. Sworn in by the Chair were Mr. Martin Sleprow, Esq., 1481 Wampanoag Trail, Eric Prive, P.E. of DiPrete Engineering of Cranston, and John Shevlin, P.E. of Pare Corporation of Lincoln, and Mr. Michael Leonardo, Managing Partner of A.M.J.A.M.

Mr. Sleprow noted that there are three actions being requested which are an advisory recommendation for the R-2 zone change for the Hospital Road single-family frontage lots, approval of the Amended Master Plan, and Subdivision Master Plan approval for a 15-Lot subdivision for the property designated as Assessors Map 711, Block 3, Parcel 15 and consisting of approximately 55 acres.

Mr. Eric Prive described the proposal, in particular utility, grading and landscaping aspects.

Mr. John Shevlin, P.E. provided a description of traffic impacts associated with the proposed development.

Mr. Matthew Robinson discussed the soil on the site in relation to drainage with Mr. Prive.

Mr. Batty asked Mr. Prive about grading and the grinder pumps maintenance. Mr. Prive said the owners would maintain the grinder pumps.

Mr. Matthew Robinson noted concerns about the security of the site and noted that it is used by persons riding dirt bikes and ATV's. Mr. Sleprow stated that we would work with staff to deal with this issue.

Chairman Robinson asked for public comment from anyone in the audience and asked that they stand and be sworn in. A number of people stood and were sworn in by Chairman Robinson.

Ms. Olivia Howard stated she owns the parcel at 14-16 Hospital Road next to proposed Lot 1 and she is concerned about the loss of trees between the two lots and mentioned a slope between her land and the proposed Lot 1. Mr. Prive stated that they would not be changing her property.

Ms. Sandra Medeiros of 93 Hospital Road stated that her biggest concern is the drainage because she has water problems now. Mr. Prive said the stormwater won't run-off this property onto adjoining properties and that there will be smaller pockets of containment and treatment on their site.

Ms. Gert DiQuinzio of 92-94 Hospital Road stated that she gets drainage from the landfill that is heading north towards them and asked will this drainage run south towards them? Mr. Prive stated that regulations require that there be a decrease of runoff across the site. Ms. DiQuinzio stated that the emergency access road should be fenced because dirt bikes will use it. Mr. Slepchow said there could be a crash gate for the Fire Department and other emergency vehicle access. She asked who would maintain the outside perimeter of the larger piece of land. Mr. Prive stated that the property owner would be responsible. Ms. DiQuinzio asked if people will be able to get out when water line work is going on and will the road be re-paved? Mr. Skadberg stated people will be able to get in and out and it will be re-paved to its existing state. Ms. DiQuinzio asked about the type of construction for the multi-family housing. Mr. Slepchow noted apartments in 2 or 3 story buildings. Ms. DiQuinzio asked if the open space would remain open. Mr. Slepchow replied yes and that the developer can never change that.

Mr. Doug Wood of Warwick, representing his father, asked if access would remain open to Parcel 19, Block 3, Map 711, which his father owns. Mr. Slepchow stated yes.

Mr. Gary McClenathan of 14 Julie Ann Circle stated that there is a hill in back of their property and asked what impact there would be on that. Mr. Leonardo stated that they would not impede on anyone's property.

Ms. Mary Seigny, 65 Hospital Road, stated her concerns regarding drainage and traffic.

Chairman Robinson asked for the staff presentation. Ms. Boyle noted that Ms. Feather would give the staff report. Ms. Feather described the stages of subdivision plan review and the Board's required actions on the subdivision and zone changes.

Ms. Feather noted that should the Zone change and amended master plan be approved, both the 14-lot single-family subdivision and the 1-lot remainder parcel for the 305-unit multi-family apartment development will need to be fully engineered in a Preliminary Plan in accordance with the Land Development and Subdivision Review Regulations and Chapter 19, Zoning, including amended drainage, traffic, fiscal impact and geotechnical studies for the amended master plan, with outside peer review for the Preliminary Plan stage, and submission of all required State permits. The currently approved Master Plan includes all these studies. Ms. Feather noted that State permits would include a Physical Alteration Permit from the Rhode Island Department of Transportation (RIDOT) for the

ingress and egress drives onto Wampanoag Trail and a permit from the Department of Environmental Management because the proposal would disturb greater than five (5) acres of land. The site must also follow the RIDEM Stormwater Regulations and Manual.

Ms. Feather noted that the Residential – 2 zoning district requires a minimum lot size of 10,000 square feet, with a minimum width and depth of 100 feet. She said that approximately five (5) acres are requested to be rezoned to R – 2 for the fourteen lots and the lots range in size from the smallest lot consisting of 14,540 square feet to the largest lot consisting of 16,485 square feet. She noted that they all exceed the minimum lot area required by Zoning. The C-1 District requires a minimum lot size of 10,000 square feet. The C-1 portion comprises approximately 49.9 acres.

Mr. Skadberg noted that the water line would have to extend down the Hospital Road extension and cross onto the multi-family commercial property and loop back to a fire hydrant at the terminus of the line on the Hospital Road extension. He noted that this is what had been agreed to in the previous master plan. The sanitary sewer would need to extend to the Hospital Road extension to approximately Lot 16, Parcel 3, Map 711. Mr. Sleprow agreed that they would do the same as promised in the previous master plan approval. Mr. Skadberg noted that there would be no laterals and that the homeowners would need to install laterals and connect to the mains at their costs. Sidewalk and granite curbing are proposed along the frontage of the 14 single-family lots.

Ms. Feather noted that the applicant must address requests by the Fire Chief regarding the width of the Hospital Road emergency access drive and other drives and that the dead-end section of the access/parking area that leads to Building 25 exceeds one-hundred-fifty (150) feet in length and does not provide a suitable turnaround area for fire apparatus. She noted these issues and emergency gating would be reviewed with the Fire Chief and incorporated into the Preliminary Plan submission.

Ms. Feather also noted that staff wanted greater detail on the backyards of the single-family lots and as to whether there is a steep grade drop-off from the backyards for a few of the lots due to the former sand and gravel operation in the Preliminary Plan. She noted these fourteen lots should be shown at 1-inch equals 40 feet and existing and proposed contours at intervals of two (2) feet.

Ms. Feather noted that the this master plan involved the set-aside of more open space than the previously approved master plan for the 321-unit town home development, which extended across the entire property from the Wampanoag Trail (Rt. 114) to Hospital Road. She said this plan involves less impervious surfaces and allows for more stormwater to infiltrate on-site. She noted that since drainage is a main concern, that staff recommends that a comprehensive drainage analysis be prepared for the entire development and submitted with the Preliminary Plan submission and noted any outside peer review would be at the expense of the applicant.

*Land Use and Comprehensive Plan*

Ms. Feather noted that there is residential development along both sides of Hospital Road nearest to Forbes Street. She noted that the abutting development on Julie Ann Circle is single-family residential (zoned R-1 and R-3), and there is also low-density residential land use to the south along the Hospital Road extension (zoned R-1). Ms. Feather noted that on the westerly side of Hospital Road the residential development stops before the Abraham Road intersection, after which point there are commercial recreational uses, including swimming and tennis clubs along the remainder of the westerly frontage of Hospital Road to its terminus, and in recognition of these recreational uses, the majority of the westerly frontage of Hospital Road is zoned Open Space – 1.

Ms. Feather noted that the approved 321-unit town home Master Plan included a Fiscal Impact Assessment (FIA) which showed a positive fiscal impact to the City, and that plan proposed development of the entire 56± acres. She noted that the proposal now includes approximately 36.5± acres of open space between the proposed 305-unit apartment complex and the 14 single-family homes. An Amended FIA would be requested.

Ms. Feather noted that the property is designated as “Low Density Residential” on the 2010-2015 Land Use Map of the East Providence Comprehensive Plan, which requires a density of 5.8 or fewer lots or units per acre. She stated that the density of the 14 lots is 2.8 per acre, which is in conformance with the Comprehensive Plan, and the overall density of the property including the single-family frontage lots and the multi-family development is 5.8 units per acre, which is in conformance with the Comprehensive Plan.

She noted that the applicants had submitted a planning report prepared by JDL Enterprises, Joseph D. Lombardo, AICP, President that concluded that the proposed fourteen lots and 305-unit apartment complex comprising the proposal is consistent with and in compliance with the Comprehensive Plan and the Zoning Ordinance, and Mr. Lombardo cited a number of goals and objectives supporting the project’s consistency with the Comprehensive Plan. She noted that in the staff memoranda, the staff also offered a number of objectives from the plan that support project consistency with the Plan.

She noted that for the rezoning, the consistency with Section 19-2 of Zoning, General Purposes is summarized on pages 6 and 7 of the staff memorandum, and that consistency with the comprehensive plan is discussed on pages 5 and 6 of that memorandum. Ms. Feather noted that land use and consistency with the Comprehensive Plan for the Amended Master Plan is discussed on pages 6 and 7 of the staff memorandum. Ms. Feather also noted that the required findings for Subdivision/LDP Master Plan approval of Sec. 5-4 of the Subdivision Regulations is discussed on pages 7 through 9 of the staff memorandum, the positive findings related to Article 1, Sec. 1-2 of the Regulations are discussed on pages 9 and 10 of the staff memorandum, and consistency with the Comprehensive Plan is discussed on pages 6 and 7 of that memorandum. Ms. Feather noted that positive findings were met in all cases and the proposal is consistent with the Comprehensive Plan.

Ms. Boyle noted while phasing had not been discussed, that a development of this would be phased.

Chairman Robinson asked if there were any more questions of staff or of the public and hearing none he called for a vote on the three actions before the Board.

### **Rezoning Advisory Recommendation Vote**

On a motion made by Mr. Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to enter the staff recommendation dated August 4, 2011 and all its attachments into the record of the meeting.

Mr. Robinson based motioned to recommend that the City Council Conditionally Approve the requested zone change, based upon on the staff recommendation which found consistency with the Comprehensive Plan and consistency with the General Purposes of Zoning, and subject to five conditions; seconded by Mr. Batty, subject to the following:

- 1) that the applicant continue to work with city staff in the preparation of the fully engineered Land Development Project/Subdivision Preliminary Plan including details on traffic and drainage, and that all staff comments are adequately addressed in the Preliminary Plan;
- 2) That the Planning Board fully scope the submission requirements of the Preliminary Plan Stage prior to its submission, including the requirement for an updated fiscal impact analysis for the entire development, and any requirements for outside peer review of certain aspects of the proposal, such as traffic, drainage, and geotechnical.
- 3) that the approximate 5-acre area being rezoning for single-family residential be restricted to single-family and single-family accessory uses in perpetuity;
- 4) that the applicant obtain any and all required federal, state and city permits for the proposed use, including building and occupancy permits from the City of East Providence; and
- 5) that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

The Board voted 5 – 0 to approve the motion.

### *Roll Call Vote*

Mr. Almeida	Aye
Mr. Batty	Aye

Ms. Moravec           Aye  
 Mr. Robinson        Aye  
 Chairman Robinson   Aye

**Amended Master Plan Vote**

On a motion made by Mr. Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to enter the staff recommendation dated August 4, 2011 and all its attachments into the record of the meeting.

Mr. Matthew Robinson motioned to approve the Amended Master Plan, based upon the finding that the proposed subdivision is consistent with the general purposes of Zoning and the City’s Comprehensive Plan and with the five (5) conditions as recommended by staff in their staff memorandum of August 4, 2011, with condition #3 slightly modified by staff during the meeting to read as noted below; seconded by Ms. Moravec, and subject to the following:

1. that the applicant continue to work with city staff in the preparation of the fully engineered Land Development Project/Subdivision Preliminary Plan including details on traffic and drainage, and that all staff comments are adequately addressed in the Preliminary Plan;
2. That the Planning Board fully scope the submission requirements of the Preliminary Plan Stage prior to its submission, including the requirement for an updated fiscal impact analysis, and any requirements for outside peer review of certain aspects of the proposal, such as traffic and drainage.
3. that the applicant receive rezoning approval for the approximate 5-acre area being rezoned for single-family residential and that it be restricted to single-family and single-family accessory uses in perpetuity;
4. that the applicant obtain any and all required federal, state and city permits for the proposed use, including building and occupancy permits from the City of East Providence; and
5. that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

The Board voted 5 – 0 to approve the motion.

*Roll Call Vote*

Mr. Almeida           Aye  
 Mr. Batty             Aye  
 Ms. Moravec         Aye  
 Mr. Robinson        Aye  
 Chairman Robinson   Aye

**Subdivision Vote**

On a motion made by Mr. Robinson, seconded by Mr. Batty, the Board voted 5 – 0 to enter the staff recommendation dated August 4, 2011 and all its attachments into the record of the meeting.

Mr. Robinson motioned that the Board Conditionally Approve the 15-Lot subdivision Master Plan, based on the staff recommendation which found that the Subdivision Master Plan met the required positive findings of Section 5 – 4 of the Land Development & Subdivision Review Regulations and the General Purposes of Zoning, and subject to nine conditions; seconded by Mr. Batty; and subject to the following:

1. That the Preliminary Plan Submission comply with and reflect the conditions of the Planning Board Master Plan approval and meet the plan format and requirements of the East Providence Land Development and Subdivision Review Regulations, and Chapter 19, Zoning and be based on a Class 1 survey; and
2. That the Planning Board fully scope the submission requirements of the Preliminary Plan Stage prior to its submission, including the requirement for an updated fiscal impact analysis for the entire development to be submitted prior to the Preliminary Plan submission, and any requirements for outside peer review of certain aspects of the proposal, such as traffic, drainage. and geotechnical.
3. That the dimensions of the fourteen lots be identified on the preliminary plan as well as all the required zoning setbacks, and that an area for off-street parking and potential curb cut be shown on each lot; and that existing utility poles be shown in relation to proposed driveway openings;
4. The Preliminary Plan for the fourteen lots shall show the lots at 1-inch equals 40 feet and existing and proposed contours at intervals of two (2) feet.
5. That the comments of the City Engineer Erik Skadberg in the attached memorandum dated 7/8/11 to Stephen Coutu, Director of Public Works, be addressed in the Preliminary Plan submission;
6. That a proposed method of performance guarantee for the required public improvements and the estimated dollar amount for the public improvements is included in the Preliminary Plan submission.
7. That a note be placed on the plan and be reflected on deeds of conveyance that the lots are to be restricted to single-family uses and uses accessory to the single-family use.
8. That the proposed subdivision meet all city, state and federal rules, regulations, and ordinances.

9. That the security concerns regarding the unauthorized use of the site by persons riding dirt bikes and ATV's be addressed in the Preliminary Plan submission.

The Board voted 5 – 0 to approve the motion.

*Roll Call Vote*

Mr. Almeida	Aye
Mr. Batty	Aye
Ms. Moravec	Aye
Mr. Robinson	Aye
Chairman Robinson	Aye

**5. CONTINUED BUSINESS**

**A. Staff Report.**

1. Update on Forbes Street Solar Project

Ms. Boyle gave an update on the former Forbes Street landfill solar photovoltaic project. She noted that the zoning amendments, for which the Board gave an advisory recommendation to the City Council to approve in July, were due to be heard in a Public Hearing before the City Council on September 6, 2011.

Ms. Boyle noted that a second public meeting had been scheduled for Wednesday, August 31, 2011 at 6 PM in the Weaver Library Conference Room on Grove Avenue. She noted that the Board was invited and welcome to attend.

Ms. Boyle noted that she continues to work with the chosen developer (Cornerstone/OCI Solar Power), National Grid, and the State Energy office on moving this project forward.

2. Hunt's Mills Improvements

Ms. Boyle noted that the fish ladder project is 90 percent complete. She noted that as the Board is aware this area used to be an amusement park and that a project involving the addition of interpretative signs, and the creation of nature trails and walking trails is about to be underway and should be completed in less than one year.

3. Exxon Mobil Port Disaster Exercise

Mr. Barnes, as part of his Emergency Management function, participated in a major port exercise run by Exxon Mobil on August 2<sup>nd</sup> and 3<sup>rd</sup>. The exercise simulated a 4100-barrel oil spill into the water near their port facility in Riverside. Mr. Barnes, two City police officials and the Harbormaster participated in the exercise, and other City staff including the Fire Dept. personnel participated in exercise design meetings earlier in the year. Local

personnel from RI aided by supplying local information and knowledge that will help the company deal with any actual emergencies of this sort that could develop in the future.

[Note: Agenda Item #6 was taken out of order before Agenda Item #4.]

## **7. ANNOUNCEMENTS**

A. Next Meeting – **Monday, September 12, 7:00 PM**, Room 306

B. Mr. Matthew Robinson stated that his term on the Board was about to expire and due to wanting to spend more time with family that he might not be continuing past his appointment expiration date.

C. Mr. Batty questioned whether the Board could get identification badges so that when they are out inspecting properties they would be able to notify citizens why they were viewing certain sites. Ms. Boyle said it was a good idea and she would look into getting them.

## **8. ADJOURNMENT**

9:36 PM