

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of February 8, 2010

CALL TO ORDER: 7:00 pm by Chairman Robinson followed by the Pledge of allegiance to the Flag.

Present: Anthony Almeida, Burton Batty, Octavio Cunha, Krista Moravec, Chairman Michael Robinson, Matthew Robinson. City Staff: Jeanne Boyle (Planning Director), James Moran (Principle Planner), Patrick Hanner (Senior Planner), Wayne Barnes (Planner I), James Briden (City Solicitor).

1. SEATING OF ALTERNATE MEMBER AND CHAIRMAN

Mr. Cunha was seated as a voting member in place of Mr. Robert Cole, who was not present.

2. APPROVAL OF PLANNING BOARD MINUTES

Minutes of the meetings of December 9, 2009 and January 11, 2010 meeting are yet to be submitted.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was no new correspondence.

4. NEW BUSINESS

A. Administrative Subdivision #2009-13

Applicant: Michael T. Prew

Owners: Edward M. and Joan C. Prew (Assessor's Map 513, Block 47, Parcel 6);
and Raymond Stachelek (Assessor's Map 513, Block 47, Parcel 2)

Street Addresses: 43 Rogers Avenue and 44 Burke Street
(with enclosures)

Michael T. Prew, Esq. stated that he is in agreement with the Planning Department's written opinion and concurs with the findings of the Planning Department. Mr. Hanner gave a brief presentation of the staff report. The applicant is proposing to adjust a rear property line to resolve an encroachment of a portion swimming pool and concrete pool deck. No new structures or modifications of any structures are proposed. A portion of a pool and concrete deck extends past the rear property of parcel 6 (43 Rogers Avenue) onto parcel 2 (44 Burke Street). A variance for exceeding the impervious coverage requirement is required for parcel 6. An R-4 district has a maximum impervious coverage of 45% and the applicant is proposing an impervious coverage of 54%. The application was certified complete on February 2, 2010 and notice was mailed to immediate abutters.

Mr. Hanner noted that a variance for exceeding the impervious coverage requirement is required for parcel 6. An R-4 district has a maximum impervious coverage of 45% and the applicant is proposing an impervious coverage of 54%. It is the opinion of the Planning Department that approval of the variance by the Zoning Board of Review will not increase the intensity of the parcel, decrease privacy to abutting property owners, or negatively impact the character of the neighborhood. The applicant is requesting a waiver from the requirement of installing sidewalks and curbing. Sidewalks and curbing are not present on the frontage of parcel 6 (43 Rogers Avenue) and parcel 2 (44 Burke Street). Very few sidewalks and curbing are present in the immediate neighborhood with the exception of Metropolitan Park Drive. It is the opinion of the Planning Department that the applicant's request for a waiver is reasonable considering no construction is being proposed, Rogers Avenue and Burke Street do not have high traffic volumes, and that the purpose of the this subdivision is to resolve an encroachment.

Chairman Robinson asked if Planning Staff considered that the applicant make a payment in lieu of installing sidewalks and curbing. Ms. Boyle responded that considering this is a proposal to only shift an existing rear lot line to resolve an encroachment, staff is not recommending a payment in lieu or the installation of sidewalks and curbing, however if construction was being proposed, staff would recommend a payment in lieu.

Mr. Hanner stated that the positive findings of section 5-4 have been made and that each of the general purposes of section 1-2 have been addressed in the staff report. Staff recommends that the Planning Board: Delegate final plan approval to the Administrative Officer, approve the applicant's request for a waiver of the requirement of installing sidewalks and curbing, and to grant a conditional approval subject to the following conditions:

1. That any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the final plan indicating which variances were granted, date of the Zoning Board approval, and recorded book and page of the East Providence Land Evidence Record;
2. That any outstanding property taxes be paid to date before a final plan approval is granted;
3. That the title block of the Final Plan be revised to indicate Final Plan status;
4. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
5. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Chairman Robinson asked for the number of times the Planning Board waived the requirement of installing sidewalks and curbing, and did not require a payment in lieu. Ms. Boyle responded that several times during 2009 the Planning Board requested a payment in lieu and on two occasions the Planning Board did not request a payment in lieu for subdivisions that were before the board to resolve an encroachment. Mr. Batty asked if the waiver would apply to the two lots or a single lot. Ms. Boyle responded that the waiver would apply to the two lots.

On a motion by Ms. Moravec, seconded by Mr. Batty, the board voted 5-0, to enter into the record memorandum from Planning Department to Planning Board dated February 3, 2010

On a motion by Mr. Batty, seconded by Ms. Moravec, the board voted 4-1 (Michael P. Robinson voting nay), to approve the applicant's request for a waiver of the requirement of installing sidewalks and curbing, without the requirement of an in lieu contribution to the City's curbing and sidewalk account.

On a motion made by Mr. Batty, seconded by Ms. Moravec, the Board voted 5-0 to conditionally approve the subdivision based upon the submitted application, testimony presented to the Board, Planning Staff report, and that all of the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed and positive findings were found for all of the standards of Section 5-4, "Require Findings" subject to the following conditions:

1. That any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the final plan indicating which variances were granted, date of the Zoning Board approval, and recorded book and page of the East Providence Land Evidence Record;
2. That any outstanding property taxes be paid to date before a final plan approval is granted;
3. That the title block of the Final Plan be revised to indicate Final Plan status;
4. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
5. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements

On a motion by Ms. Moravec, seconded by Mr. Batty, the board voted 5-0, to delegate final plan approval to the Administrative Officer

B. Public Information Meeting

Major Subdivision #2009-06 – Master Plan

Applicant: S. Paul Ryan, Esq.

Owner: Norman J. & Shirley A. Miranda & Trustee of the Norman J. Miranda Revocable Living Trust

Assessor's Map, Block, Parcel: Map 507, Block 2, Lot 4

Street Address: 864 Waterman Avenue

(with enclosures)

Attorney S. Paul Ryan described the parcel as being a grouping of 9 substandard lots that were merged under the zoning ordinance. He stated that the applicants believed initially that the subject parcel was zoned "Residential-2", but after City review realized that it was actually in an "Industrial-1" zone, necessitating not only dimensional variances but a use variance. Atty. Ryan had two requests for the Board, one being approval of the Master Plan, and the other being a recommendation from the Board to the Zoning to approve the requested

zoning relief. He stated that removing the existing improvements and replacing with an industrial use, it could never comply with I-1 zoning because of the size of the parcel, and that an industrial use would negatively impact the adjacent residential neighborhood.

Richard Lipsitz of Waterman Engineering Company was then sworn in by City Solicitor Briden. He displayed a color site plan of the property and re-iterated the impracticality of establishing an industrial presence on the property, and that a new residence would fit in with most of the adjacent uses, which are residential. Much of the wide driveway and the shed now on the property would be removed as part of the project. No waiver is requested from sidewalks and curbing. He discussed meeting with City Engineer Erik Skadberg regarding the additional amount of impervious surface on the property, which he stated would be 140 square feet and that there would be a net decrease in run-off resulting from the subdivision. Chairman Robinson asked if the Board had any questions. Mr. Batty inquired about actual zoning relief required. Mr. Lipsitz outlined these requirements based on Residential-2 zoning. Mr. Batty also asked if the new dwelling would be single family, to which Mr. Lipsitz replied in the affirmative.

Chairman Robinson then asked for the Staff's recommendation on this application. Planning Director Boyle stated that Wayne Barnes would give the Staff's recommendation, then mentioned to the Board that the zoning relief that is required will be based on the property's "Industrial-1" zoning designation, and not "Residential-2".

Mr. Barnes described the subject parcel, noting that it is over 18,000 square feet, roughly rectangular in shape with the much longer frontage on Rockway Avenue. Most of the improvements to the property are on the southern half, including a dwelling, parking for about 7 cars, and a pool with patio. The northern portion of the property is mostly mowed lawn and also contains an accessory shed. This is designated a Major Subdivision due to the need for relief from the zoning ordinance. The Board must approve, deny, or approve with conditions this applications within 120 days of the Certificate of Completeness issued on December 22, 2009, or by March 16, 2010. This required Public Informational Meeting was advertised in the January 29, 2010 edition of the East Providence Post and notice was sent to abutters within 200 feet of the perimeter of the subdivision on January 27, 2010.

Mr. Barnes stated that there are two central considerations regarding this proposal, drainage and zoning. It is especially important that net stormwater run-off not be increased as a result of this project due to the fact that the property is in the Runnins River drainage basin, and runoff is into a residential neighborhood that is especially prone to flooding. Mr. Barnes noted that this neighborhood has around 30 residences that are in the nearby 100-year floodplain area including seven "repetitive loss" properties as defined by FEMA. The closest distance to any point in the floodplain from the property is about 140 feet, with the closest distance to the larger floodplain area being about 400 feet. He stated that a Preliminary Plan for this project will have to document the proposed change in the amount of impervious surface, and that there will be no net increase in run-off from the property.

Mr. Barnes referred the Board to the chart listing the variances that will be needed from the requirements of Industrial-2 zoning, including Use Variances, as residential uses area not permitted in an Industrial-1 District. He referred the Board to the original Planning

Department memorandum on this proposal from September of 2009 which recommended that the applicant apply for a Zoning Map Amendment to this property's zoning from industrial to residential, but that the applicant instead intended to apply for a Use Variance to allow for residential uses, followed by the dimensional variances.

Mr. Barnes then moved on to the staff recommendation. He stated that, aside from zoning considerations and with the provision that stormwater run-off could be appropriately accounted for, the proposal was consistent with the East Providence Comprehensive Plan. The Density of the subdivision as-built would be 4.8 dwelling units per acres (du/ac), within the low-density designation of 5.8 du/ac and very close to the density of the adjacent residential neighborhood from this location eastward to the Seekonk border. Additionally, Planning is of the opinion that the subdivision as proposed would not create a condition that is out of character with the surrounding neighborhood and would fit in appropriately. Mr. Barnes reiterated the need to document drainage issues to the satisfaction of City staff as part of a Preliminary Plan, referring to the City Engineer memo of February 4, 2010 which states that impervious surface for the project as-built be approximately the same as it is now. Given this expected compliance, Mr. Barnes recommended that the Planning Board grant conditional approval for the Master Plan for this Major Subdivision, as proposed, subject to following conditions as referenced from the Planning Department Staff Recommendation to the Board dated February 4, 2010:

1. That any new development consists of one single-family dwelling in perpetuity, and that the existing dwelling at 864 Waterman Avenue is designated as single-family use in perpetuity. The existing dwelling shall be labeled as a single-family dwelling on subsequent plans;
2. That the Preliminary and Final Plans reference the updated FEMA Flood Zones based on the revised floodplain maps for the City adopted on March 2, 2009;
3. That future plans include a statement that there will be no increase in net stormwater run-off as a result of any future construction on the site, and that the amount of impervious area to be removed approximate the additional impervious area that is added to the subdivision as-built.
4. That any and all required variances be obtained from the Zoning Board of Review and that notation is placed on the Final Plan, indicating which variances were granted, date of the Zoning Board of Review and the recorded book and page of the East Providence Land Evidence Record;
5. That the title block of the Plan be revised to indicate Preliminary Plan or Final Plan status as appropriate;
6. That the Preliminary Plan be based upon the approved Master Plan, and further that all plans and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;

7. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and
8. That upon project completion, final plans be submitted on Mylar, and electronic format in AutoCAD version 14. The “as-built” drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths and locations (swing ties) to all permanent structures.

Chairman Robinson solicited questions or comments from the Board for the applicant, and noted that the applicant appears to have property addresses inquiries as to the stormwater drainage and impervious surface issues per the December 8, 2009 memo from Waterman Engineering. Mr. Lipsitz stated that from conversations with City Engineer Erik Skadberg, Mr. Skadberg was “okay” with the 140 square-foot increase in impervious surface and that planned drywells from the new dwelling would help with this. Mr. Lipsitz also stated that a complete drainage report would be submitted at Preliminary Plan stage, and that there will be a net decrease in drainage. Chairman Robinson feels that this is an excellent project in that it addresses water issues in this area and fits in with the existing neighborhood.

Mr. Batty inquired about the water table. Mr. Lipsitz did not know the exact water table but that it is high in this area, and that the proposed dwelling will either be slab-on-grade or a narrow crawl space to handle the structure’s mechanicals, and that the water table is too high for a full basement here.

Motions

Mr. Batty moved to accept the staff report and accompanying documents into the record of the meeting. Ms. Moravec seconded the motion.

The motion passed unanimously.

As a courtesy, Chairman Robinson asked if there were any members of the public who wished to be heard with regard to this application. Hearing none, a motion was requested regarding approval of the Master Plan.

Ms. Moravec moved to grant conditional approval of the Master Plan as proposed subject to the conditions set forth in the staff memorandum. Mr. Almeida seconded the motion.

Roll Call Vote

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

Atty. Ryan requested a recommendation from the Board to the Zoning Board regarding approval of zoning relief. Planning Director Boyle stated that this recommendation will be done by Planning staff at which time the relief is formally requested from the Zoning Board.

5. CONTINUED BUSINESS

A. Administrative Subdivision #2009-12 (Reassigned to Minor Subdivision)

Applicant: Estate of Jean Pereire, Thomas Morris, Guardian

Assessor's Map 513, Block 45, Parcels 2, 13, 14 and 15

Street Addresses: 3 and 7 Spring Street 53 Peck Avenue and 48 Promenade Street
(continued from January meeting, with enclosures)

Planning Director Boyle indicated that the memoranda that they received for this meeting was a supplement to the previously forwarded recommendation that was received by the Board at its January meeting.

Mr. Moran provided an overview of the supplement to the January recommendation memoranda and described the situation that arose late in the review process in January that identified drainage lines on the property. Mr. Moran noted that, as a result of this late finding, the application was continued from the January meeting to allow the drainage lines to be shown on the property and to allow the owners of the properties involved to be made aware of these drainage lines on their property. The continuation would also allow all property owners to sign off that they are aware of the lines and still wish to continue with the subdivision as submitted. Mr. Moran described the location of the drain lines on the property. He indicated that the Public Works Department has been working with the applicant's surveyor to locate the lines on the subdivision properties.

Mr. Moran indicated several encroachments that were identified on the amended plans including fencing and an old concrete outbuilding cement pad. He indicated that the Board should require that the applicant either remove/relocate the encroachments, or enter into an agreement between property owners to allow the encroachments to remain.

Mr. Moran identified the letters from Mr. Brown and Ms. Coughlin and Mr. Newton indicating that they are aware of the drain lines and wish to continue to remain as associated parties of this application.

Mr. Moran repeated the recommendation from the January memoranda for the February record:

Waiver Request

<u>Requested Waiver</u>	<u>Required</u>	<u>Proposed</u>	<u>Recommendation</u>
1. Section 13-6 (a) Sidewalks	yes	waive	approve
2. Section 13-3 (m) curbing	yes	waive	approve

Subdivision

Based on the finding that the proposed subdivision is consistent with the East Providence Comprehensive Plan, that it meets the General Purposes of Article 1 of the Regulations and that the required positive findings of Section 5-4 can be met, Planning recommends Conditional Approval of this Minor Subdivision subject to the following:

1. That all comments in the technical staff memoranda to the Planning Department and all other requested modifications identified in this addendum recommendation memoranda, as well as the prior Planning Department recommendation, as appropriate, be incorporated into the plans prior to final recording;
2. That Final Plans meet all City regulations and ordinances, and all applicable State and or/Federal Regulations;
3. That the appropriate owners obtain the necessary Zoning Variances as identified by the City Zoning Officer in his review memorandum of December 23, 2009;
4. That the Final Plan submitted to the Planning Department be amended to reflect the re-assigned status of "Minor Subdivision" and that the plans include a notation that the plan is a "Final Plan";
5. That all unpaid taxes on the properties, as identified in the Tax Lien Certificate report submitted with the application, be paid prior to the recording of Final Plans;
6. That proposed Parcel C be restricted from being subdivided in the future for the purposes of creating a new buildable lot;
7. That all encroachments associated with this subdivision application be addressed by the applicant by removal or agreement among the property owners;
8. That a drainage line easement agreement for the drainage structure utility segment from Peck Avenue to the rear lot Line of proposed Parcel C be submitted to the City at Final Plan. This easement agreement will be subject to the review and approval of the City Public Works Department and Law Department;
9. That upon project completion final "as-built" plans be submitted on mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths and locations (swing ties) to all permanent structures.

Final Plan Review

As a result of the subdivision being re-assigned as a Minor Subdivision, there is a requirement to delegate Final Plan approval of this Minor Subdivision to the Administrative Officer. Planning recommends that Final Plan review be delegated to the Administrative

Officer as covered under Section 9-10 of the Land Development and Subdivision Review Regulations. Planning is of the opinion that Final Plan Review of the subdivision can be adequately reviewed under a ministerial Final Plan Review by staff.

Mr. Moran added that the Planning Department was only recommending an easement agreement for those portions of the drainage line within the current subdivision. Easement agreements for other lines on other properties would not be included. He noted that it may be prudent for the City to move forward in the future to obtain easements with other property owners in the neighborhood in the future.

Chairman Robinson asked the reason for the Planning Department's position on the waiver requests for this development. Director Boyle indicated that, as it was in the previous subdivision this evening, it is typical for the Planning Department to grant waivers when the applicant proposes no new construction and is not proposing any physical changes to the development. Chairman Robinson said that he understands the reason why these waivers would be granted but believes that in all cases, the Board should be requiring an in lieu payment as a result of the waiver and for that reason, he would not be supporting the waiver request when it is time to vote on it.

Chairman Robinson thought that it made sense at this time, to include an easement around the drain line that traverses the rear of proposed Parcel C and proposed parcel D. He felt that a ten foot wide easement on the eastern side of this drain line would be simple to accomplish at this point and since the easement is being established, now would be a good time to include this along with the easement connecting the line at Peck Avenue. Mr. Moran indicated that while the Public Works Department did not have any issues with not having that segment of the drainage line included in the easement, it was certainly within the purview of the Board to include that segment of drainage for an easement as a condition of the approval. Chairman Robinson indicated that it was his preference to include this additional easement as a condition of approval. Director Boyle recommended that in the event the Board elected to include this additional easement segment, that it would be possible to amend condition eight in the recommendation.

Motions

Ms. Moravec moved to accept the staff report and accompanying documents from the January Planning Board meeting and the February Planning Board meeting into the record. Mr. Cunha seconded the Motion.

Ms. Moravec moved to grant the requested waivers to sidewalk and curbing without the in lieu payment requirement. The Motion was seconded by Mr. Batty.

Roll Call Vote

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

Ms. Moravec moved to grant conditional approval of the Minor Subdivision Plan as proposed subject to the conditions set forth in the staff memorandum and with the amendment to condition #8 associated with the inclusion of a ten foot drainage line easement on proposed parcel C and D. Mr. Batty seconded the motion.

Roll Call Vote

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

On a Motion by Ms. Moravec and Seconded by Mr. Cunha the Board unanimously approved the Motion to delegate approval of the Final Plans to the Administrative Officer

B. Administrative Subdivision #2009-04

Applicant: Derrick Rose

Owners: Derrick Rose and Cora Rose (Assessor's Map 309, Block 1, Parcels 1 and 2);

Street Address: 2987 Pawtucket Avenue

(continued from January meeting, with enclosures)

James M. Russo, Esq. stated that a RIDOT physical alteration permit and a revised title report was submitted to the Planning Department following the January Planning Board meeting. Mr. Russo concurs with the Planning Department staff recommendation with the exception of denying the waiver for the installation of sidewalks and curbing. No residential properties on the parkway have sidewalks and curbing. No changes are being proposed to the intersection, traffic patterns, and the bus stop. The only proposed change to the property is a curb cut and that is not enough to deny a waiver.

Chairman Robinson stated that he disagrees with the Planning Department's recommendation but does agree with staff's finding that the granting of the PAP was contrary to the goal of protecting the scenic qualities, roadside vegetation, and safe traffic operations of the parkway. The only answer provided by staff in response to why they are recommending approval of this subdivision is that a PAP was issued by the RIDOT. Considering this proposal is in the City, it is the purview of the Planning Board to make a decision based upon the character of the neighborhood, the public's welfare, consistency to the comprehensive plan, and standards of the subdivision review regulations. For a number of reasons the proposal is offensive to the character of the neighborhood and the City as a whole. Chairman Robinson further stated he will be voting in opposition of the proposal, especially since the applicant has an option for a shared driveway on Pawtucket Avenue.

Mr. Hanner stated that the Planning Board at its January 11, 2010 meeting granted a continuation of the minor subdivision and requested the applicant to submit a revised title report and the Physical Alteration Permit (PAP) that was issued by the RIDOT. The Planning Department has received all the requested items. The proposal before the Planning Board is

to request permission to create a parcel for the purpose of constructing a single-family dwelling. The applicant is not requesting permission for the placement of a curb cut. Permission to install a curb cut was previously granted by the RIDOT. It is the opinion of staff to deny the applicant's request for a waiver from the requirement of installing sidewalks and curbing and grant a conditional approval of the subdivision subject to the following conditions:

1. That the residential use of the proposed single-family dwelling is restricted to single-family use and accessory uses in perpetuity;
2. That the title report is found to be sufficient by the City Solicitor before a final plan approval is granted;
3. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City's Right-of-way;
4. That any outstanding property taxes be paid to date before a final plan approval is granted;
5. That the title block of the Final Plan be revised to indicate Final Plan status;
6. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;
7. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements, including a physical alternation permit (PAP) issued by the Rhode Island Department of Transportation, if needed, for the installation of concrete sidewalks and granite curbing along the frontage of proposed parcel 1; and
8. That upon project completion, final "as-built" plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

Chairman Robinson asked if a driveway is currently located at the site. Mr. Hanner responded that a driveway is not present, only a curb cut. Chairman Robinson asked if the subdivision was submitted without an existing PAP permit, would staff's recommendation be different. Mr. Hanner responded that staff's recommendation would most likely be different. Ms. Boyle stated that the current proposal meets all of the standards and required findings of the land development and subdivision review regulations.

Mr. Russo stated that the property is being taxed as two parcels, a PAP was issued by the RIDOT, and that there are many curb cuts on the parkway.

Ms. Moravec asked if a shared driveway on Pawtucket Avenue was considered as an option. Ms. Boyle responded that it was considered during the early stages of review of the subdivision.

Councilman Bruce DiTraglia stated that he is familiar with the history of the PAP permit and that the RIDOT has control over State roads. The installation of sidewalks would deteriorate from the aesthetics of the parkway.

On a motion by Mr. Batty, seconded by Ms. Moravec, the board voted 5-0, to enter into the record memorandum from Planning Department to Planning Board dated January 7, 2010 and February 2, 2010, including all attachments.

On a motion by Mr. Almeida, seconded by Mr. Batty, to approve the applicant's request for a waiver of the requirement of installing sidewalks and curbing, and not to require a payment in lieu. On a roll call vote:

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

Motion fails

On a motion by Ms. Moravec, seconded by Mr. Cunha, the board voted 5-0 to approve the applicant's request for a waiver of the requirement of installing concrete sidewalks and granite curbing, and submit to the City a payment in lieu of the cost of concrete sidewalks and granite curbing for the frontage of parcel 1.

On a motion made by Mr. Batty, seconded by Mr. Cunha, the Board voted 3-2 (Mr. Michael Robinson and Ms. Moravec voting nay), to conditionally approve the subdivision, as proposed, based upon the submitted application, testimony presented to the Board, Planning Staff report, and memorandum from various City Departments, all of the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed and positive findings were found for all of the standards of Section 5-4, "Require Findings" subject to the conditions stated in staff's memorandum dated February 2, 2010.

On a motion by Ms. Moravec, seconded by Mr. Batty, the board voted 5-0, to delegate final plan approval to the Administrative Officer.

C. Staff Report

1. Update on the Comprehensive Plan (CD enclosed)
2. Taunton Avenue Planning Study

Planning Director Boyle solicited any other staff member reports.

Mr. Moran updated the Board on the status of the Warren Avenue Phase 2 Enhancement Project. Mr. Almeida commented on the condition of some of the sidewalks in Phase 1, stating that some were already cracking. Mr. Moran said that the issue may be able to be looked at when construction of Phase 2 commences. There was also a brief discussion regarding the decorative lighting used in the projects.

Mr. Barnes noted that the City is updating its Hazard Mitigation Plan as mandated by the Rhode Island Emergency Management Agency (RIEMA). The original 2004 plan had been sent to City Departments for review and comment. This comment period ended with a few comments received. Mr. Barnes solicited comments and suggestions from Board members and will forward an electronic copy. Hard copies of the Plan are available and Mr. Barnes can provide them if requested. The City has received an \$8,000 planning grant from RIEMA for this project.

6. COMMUNICATIONS

- A. Memo to the Zoning Board of Review from the Planning Department Re: Zoning Board Cases to be heard on January 27, 2010

On a Motion by Ms. Moravec, Seconded by Mr. Batty, the Board unanimously voted to accept the Memo.

- B. Copy of letter dated January 29, 2010 to Kevin Nelson, Division of Planning, Re: Five Year Comprehensive Plan Update

On a Motion by Mr. Batty Seconded by Ms Moravec, the Board unanimously voted to accept the letter.

- C. Downtown Business Association of East Providence – Schedule of 2010 Meetings

On a Motion by Mr. Batty, Seconded by Mr. Almeida, the Board unanimously voted to accept the Schedule.

7. ANNOUNCEMENT

The next meeting is scheduled for March 8, 2010 at 7:00 pm in Room 306

8. ADJOURNMENT

On a Motion by Ms. Moravec, Seconded by Mr. Batty, the Planning Board unanimously voted to adjourn the meeting.

The meeting adjourned at 9:00 pm.