

CITY OF EAST PROVIDENCE  
PLANNING BOARD

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**MINUTES OF SEPTEMBER 29, 2010**

Members present: Robert Cole, Michael Robinson, Burton Batty, Jeanne Boyle (staff), Patrick Hanner (staff).

**1. SEATING OF ALTERNATE MEMBER**

There was no seating of the alternate member since there was a quorum for the meeting.

**2. APPROVAL OF PLANNING BOARD MINUTES**

A. It was noted that the minutes of August 10, 2010 and October 27, 2010 would be forthcoming. The November meeting was cancelled.

**3. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

There was no new correspondence.

**4. NEW BUSINESS**

**A. Request for Bond Release - Appl. #2009-02 Administrative Subdivision, Munroe Dairy 151 South Brow Street, Map 106, Block 02, Parcels 27 & 28**

Ms. Boyle stated they are requesting the release of the entire performance guarantee for the construction of sidewalks. The improvements have been reviewed by the City's engineering division which found them to be complete. Ms. Boyle states the Planning Department is recommending to the Board that they release the total of \$12,440.00 to Munroe Dairy. There were no comments by the Board or the public at this time.

Motion

On a motion by Mr. Batty, seconded by Mr. Cole, the Board unanimously voted to release the Performance Bond in the full amount of \$12,440.00.

Roll Call Vote

Mr. Batty	Aye
Mr. Cole	Aye
Chairman Robinson	Aye

It was noted the staff memoranda and supporting documentation would be admitted into the Board's official record.

#### Motion

On a motion by Mr. Batty, seconded by Mr. Cole, the Board voted to admit the Planning Department's staff memoranda and supporting documentation into the record.

**B. Preliminary Plan application for a two-lot minor subdivision - Minor Subdivision # 2010-03-Minor, Applicant/Owner: Richard Couto and Karen Couto  
Street Address of Property: 106 Terrace Avenue  
Map 414, Block 2, Parcel 11**

Attorney William C. Maaia and Attorney Mark P. Viana who represent the applicant, states that the applicant proposes a two lot subdivision which is classified as a minor subdivision on existing frontage. The existing parcel is 16,886 sq. ft. and has frontage on Terrace Avenue and Bullocks Point Avenue.

At this time, Patrick Hanner went through the staff recommendation. He said the applicant is proposing to subdivide an existing 16,886 sq. ft. parcel that has frontage on Terrace Avenue and Bullocks Point Avenue. The existing parcel is approximately 80 feet in width and a depth of 215 feet. On the property is a single-family dwelling, a detached garage, a paved driveway and several walkways. No sidewalks are present along the frontage of Terrace and Bullocks Point Avenues. The applicant proposes to subdivide the 16,886 sq. ft. parcel into two parcels. A single family dwelling is proposed on parcel 11.1 fronting on Bullocks Point Avenue.

The Zoning Officer has reviewed the site plan and all submitted materials. He has requested clarification of the lot depth. The final plan will be reviewed by the Zoning Officer to determine if the subdivision complies to all dimensional requirements.

The applicant is requesting a waiver from the requirement of installing concrete sidewalks along the frontage of Terrace Avenue and Bullocks Point Avenue. It is the Planning Department's recommendation that the applicant should be required to install concrete sidewalks along the frontage of Terrace Avenue. Sidewalks are currently present in scattered locations on Terrace Avenue and this Street is one of the streets in the immediate neighborhood that has a higher volume of vehicles traveling compared to Bullocks Point Avenue.

#### Consistency with Comprehensive Plan

Mr. Hanner stated that the proposed subdivision is consistent with the Comprehensive Plan, and that the Planning Department's memorandum addresses each of the general purposes of article 1 and that positive findings were made to each of the required findings of section 5-4 of the subdivision regulations.

#### Acceptance of the Staff Memoranda

The Planning Department recommends that the Board accept the staff memoranda and accompanying documentation into the Board's official record.

#### Final Approval of the Subdivision

The Planning Department requests that Final Plan Approval is delegated to the Administrative Officer.

The Planning Department recommends to the Board that they deny the applicant's request for a waiver from the requirement of installing sidewalks along Terrace Avenue and require the applicant to contribute to the City's payment in-lieu account for the cost of sidewalks for the frontage of Bullocks Point Avenue (approximately 85 linear feet).

#### Conditional Approval

The Planning Department recommends that the Board grant Conditional Approval of the subdivision as proposed 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 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;
3. That any outstanding property taxes be paid to date before a final plan approval is granted;
4. That the title block of the preliminary Plan be revised to indicate Final Plan status;
5. 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;
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;
7. 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; and
8. That note number 11 is removed that states "The owner is not restricted to the proposed house shown. If a different style and shape is used, the dry well is to be revised."

Ms. Boyle said to the applicant that they do not have to submit the funds to the account until they are ready to record the final subdivision. She said at this time, there are no time limitations, but we need to discuss this with the Board at some time. You could be waiting a year or more for someone to purchase that lot. If it is an in-lieu contribution and you are waiting for a purchaser or builder you cannot record the final subdivision. Presuming that the Board approves this tonight you have the preliminary subdivision approval which is good for a while, but you do not have to come in immediately with the cash for the in-lieu account until you are ready to record.

Mr. Robinson asked the applicant if he agrees with the staff recommendation as to payment going into an in-lieu account with respect to the sidewalks on Bullocks Point Avenue. The applicant said correct.

Ms. Boyle to the applicant that the preliminary plan is for one year and you have the right to come before the Board again and ask for a year extension.

Chairman Robinson asked if there were any more comments from the Board and staff. Mr. Batty asked about the requirement of the sidewalks and if the sidewalk on the Bullocks Point Avenue is eliminated. Ms. Boyle answered we are recommending granting the waiver, but requiring the in-lieu contribution. Mr. Batty asked about Terrace Avenue. For Terrace Avenue we are recommending that the sidewalk be put in. Ms. Boyle said yes. This will all be part of the requirement of the Final subdivision recording. They would have to post the in-lieu contribution and improvement guarantee.

Mr. Richard Couto, 106 Terrace Avenue was sworn in by Chairman Robinson. He states there is no curb or sidewalk there and that the property is very neat. We have a water system in there that will have to be moved when this subdivision takes place. Some of the sidewalk area is so torn up so badly that it is safer to walk in the street. Across the street on the other side it is not even passable; it is all overgrown. He states his place is kept nice and neat and that people actually walk on it and states he would appreciate not having to deal with that expense at this time.

Chairman Robinson asks if there are any more comments or questions. There are none

Motion – Staff Recommendation and Accompanying Documentation into the Record

On a motion by Mr. Batty, seconded by Mr. Cole, the Board unanimously voted to accept the staff recommendation and accompanying documentation into the Board's official record.

Motion – Requested Waiver of the Sidewalk Requirements on Bullocks Point Avenue

On a motion by Mr. Batty, seconded by Mr. Cole, the Board voted unanimously to grant the waiver of the sidewalks not be installed on Bullocks Point Avenue and that the funds be paid to the in-lieu account of the City.

Roll Call Vote

Mr. Batty	Aye
Mr. Cole	Aye
Chairman Robinson	Aye

Motion – Requested Waiver of Sidewalks on Terrace Avenue

On a motion by Mr. Batty, seconded by Mr. Cole, the Board unanimously voted to deny the applicant's request for waiver of sidewalks on the frontage of Terrace Avenue.

Roll Call Vote

Mr. Batty                   Aye  
Mr. Cole                    Aye  
Chairman Robinson   Aye

On a motion by Mr. Batty, seconded by Mr. Cole the Board voted unanimously to grant conditional approval of the subdivision as proposed subject to the conditions set forth in the Planning Department's memorandum and further that notation # 11 stated on the preliminary plan is removed prior to a final plan approval.

On a motion made by Mr. Batty, seconded by Mr. Cole, 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 the residential use of the proposed single-family dwelling is restricted to single-family use and accessory uses in perpetuity;
2. 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;
3. That any outstanding property taxes be paid to date before a final plan approval is granted;
4. That the title block of the preliminary Plan be revised to indicate Final Plan status;
5. 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;
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;
7. 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; and
8. That note number 11 is removed that states "The owner is not restricted to the proposed house shown. If a different style and shape is used, the dry well is to be revised."

Roll Call Vote

Mr. Batty                    Aye  
Mr. Cole                    Aye  
Chairman Robinson    Aye

Motion – Final Plan Approval to be delegated to the Administrative Officer

On a motion by Mr. Batty, seconded by Mr. Cole, the Board voted unanimously to delegate final plan approval the Administrative Officer.

Roll Call Vote

Mr. Batty                    Aye  
Mr. Cole                    Aye  
Chairman Robinson    Aye

**C. Special Waterfront Redevelopment District Tax Increment Financing Project Plan - dated July 2008 and 2003 Waterfront Special Development District Plan/Redevelopment Plan**

Ms. Boyle explained that there is currently a proposal that has been submitted to the City and that will be going to the City Council for actual Tax Increment Financing for Village on the Waterfront/Chevron project for \$17 million. She said that in August 2009, a request for Tax Increment Financing was submitted by Village on the Waterfront/Chevron for financing of portions of the public infrastructure including the extension of Waterfront Drive, the construction of the waterfront park and fishing pier, the extension of the East Bay Bicycle Path and looping of the City's water system, and replacement of the portion of the City sewer line.

Ms. Boyle explained to the Board that the City's Bond Counsel has indicated that State Enabling Law for Tax Increment Financing (TIF) requires the adoption of a TIF Project Plan and a Redevelopment Plan by the City Council with an advisory opinion from the Planning Board. Bond Counsel indicated that the 2008 Waterfront TIF Project Plan and the Waterfront District Plan contain all the legally required elements, but must be adopted by ordinance, rather than motion and vote of the Council, as was the case in 2008 and 2003. She said both documents must be re-adopted through an ordinance to meet the TIF Enabling Law requirements and the Planning Board must provide an advisory recommendation to the City Council on both documents.

Ms. Boyle noted that a public hearing has been advertised for October 5, 2010 for City Council consideration of an ordinance in support of adoption of the Waterfront TIF Project Plan and the Waterfront District Plan as a redevelopment plan. She said the Planning Department strongly endorses the re-adoption of both documents. The Waterfront TIF Project Plan identifies a number of infrastructure needs within the Waterfront District and cites (TIF) financing as a possible funding tool.

Ms. Boyle stated that Village on the Waterfront is a great project to do tax increment financing because there will be such a significant increase with the tax base associated with it. We are getting \$40,000 a year now on that project. If it is not developed, the City will be getting the same amount forever. Chevron is proposing to spend about \$167 million of their own money over about 10 plus years. The financing proposal is that over the course of the tax financing deal essentially 50 percent of the new tax revenues coming in will go to the City and the other 50 percent will be going to retire the debt service on that \$17 million bond. Over the life expectancy of the deal there will be about \$23 million dollars in new net taxes.

She explained about the infrastructure and said if the developer does not build enough units according to the City's satisfaction, and if they don't bring in enough taxes to pay for the debt service, the City never actually sells the bonds. When that happens then the tax revenues from the new development go towards paying the debt service. It will be the same for the other phases. It is all front loaded on the developer and minimizes any risk for the City. She noted that these are TIF bonds and not general obligation bonds. You're not pledging the full faith and credit of the City. If something happened and the development did not work out the City's taxpayers are not on the hook.

She informed the Board that Chevron is waiting to get the permits from the RIDOT. They are working on getting the approvals from the RI Coastal Resources Management Council. Once they get all the approvals from the other agencies it will be full speed ahead. Remediation will start and some of the first phase units will probably be built in late 2011. The ordinance language is being reviewed and hopefully the ordinance will go before the City Council at their next meeting.

If we get another TIF request in the future we could finance them outside the Waterfront District. Any additional revenues we get from developments has to be applied to TIF projects otherwise it has to go to taxpayer relief instead.

There were no further questions.

Motion - Staff Memoranda and attached documentation

On a motion by Mr. Batty, seconded by Mr. Cole, the Board voted to accept the staff memoranda and attached documentation into the Board's official record.

Motion – Special Waterfront Redevelopment District Tax Increment Financing Project Plan - dated July 2008 and 2003 Waterfront Special Development District Plan/Redevelopment Plan to be Consistent with the Comprehensive Plan

On a motion by Mr. Batty, seconded by Mr. Cole, the Board voted to advise the City Council to adopt the "Special Waterfront Redevelopment District Tax Increment Financing Project Plan" dated July 2008 and the 2003 "Waterfront Special Development District Plan/Redevelopment Plan" which are both consistent with the Comprehensive Plan.

#### Roll Call Vote

Mr. Batty                   Aye  
Mr. Cole                    Aye  
Chairman Robinson   Aye

### 5. CONTINUED BUSINESS

#### A   Staff Report

##### 1. Comprehensive Plan Update

Ms. Boyle reported that she received a letter from Statewide Planning noting that the City's Comprehensive Plan has not been approved because of the format and some minor items they wanted addressed. There was one major item regarding the Waterfront District Plan regarding the port at the Providence and Worcester Railroad. CRMC and Statewide Planning want us to consider allowing port uses at the Providence and Worcester property and changing our Comprehensive Plan to allow that. Statewide Planning wants mixed uses.

Chairman Robinsons asked Ms. Boyle if they are going to refuse it unless we revise it. Ms. Boyle stated that there is no specific state policy that the P&W needs to be used as a port use. She noted Statewide Planning sent a delegation to meet with City staff and were very anguished about it. She noted our locally approved Plan has the force of law. The major downside of not having a State approved plan is funding. She said she will talk with the City Solicitor about it before it goes back to the Board. Chairman Robinson said he would also like it discussed with the City Solicitor before it goes back to the Board.

##### 2. Fish Ladders

Mr. Hanner reported and invited the Board to a groundbreaking ceremony regarding the fish ladders on October 5<sup>th</sup>, 10:00 a.m. at Hunts Mills. The Federal and Local Delegation and others are also invited. Ms. Boyle said that we will send the invitation out.

##### 3. Hydroelectric Study

Ms. Boyle informed the Board that a Hydroelectric study will be done on the Ten Mile River by the Essex Partnership. The source of funding is by an Economic Development Corporation grant.

##### 4. Auto Row Re-Use of Dealerships

Ms. Boyle reported that there will be a study done regarding looking at a reuse of the empty auto dealerships. This is being funded thorough a challenge grant from Statewide Planning.

5. Safe Routes

Ms. Boyle reported that Wayne Barnes worked on two grants for Safe Routes to Schools Program at Kent Heights and the Myron Francis Schools. A total of \$160,000 of grant funding was received to make sidewalk improvements in the vicinity of those two schools.

**6. COMMUNICATIONS**

**Motion**

On a motion by Mr. Batty, seconded by Mr. Cole, the Board unanimously voted to approve Communication 1 below.

1. Memo dated 9/14/2010 to Municipal Planners, Clerks, Zoning Officials and Solicitors from RI Statewide Planning Program, Re: 2010 Tolling of Zoning Board and Planning Board/Commission Decision Expirations

**Motion**

On a motion by Mr. Batty, seconded by Mr. Cole, the Board unanimously voted to approve Communication 2 below.

2. Memorandum of Planning Department to Zoning Board of Review for Requests for Variances and Special Use Permits for August 2010

**7. ANNOUNCEMENT**

A. Next Meeting - Tuesday, October 12, 2010, 7:00 p.m., Room 306. Chairman Robinson was not sure he could make this meeting so it was decided to poll the members for a new date.

**8. ADJOURNMENT**

On a motion by Mr. Batty, seconded by Mr. Cole, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Jeanne M. Boyle, Director

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