

April 13, 2009 - Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of April 13, 2009

Present: Anthony Almeida, Burton Batty, Robert Cole, Krista Moravec, Matthew Robinson, Michael Robinson, Jeanne Boyle (staff), Patrick Hanner (staff), and City Solicitor James Briden.

1. SEATING OF ALTERNATE MEMBER

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of March 9, 2009

On a motion by Mr. Batty, seconded by Ms. Moravec, the minutes of March 9, 2009 were approved unanimously and made part of the Board's official record.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

At the request of Attorney Maaia, the Board voted to have Item C. regarding Devaney Real Estate moved to first on the agenda.

Motion

On a motion by Mr. Batty, seconded by Mr. Almeida, The Board unanimously voted that item C. Devaney Real Estate be moved up to number 1.

A. Request for Bond Release – Luis Mateus – 102 BayView Avenue Minor Subdivision Map 209, Block 1, Parcels 4 & 4.1

The applicant was not present. Ms. Boyle states that the work has been reviewed by the Department of Public Works and they find that the work has been completed satisfactorily. Staff recommends the release of the bond in the amount of \$10,000 as requested.

Motion – Planning Department staff recommendation and attachments into the record.

On a motion by Ms. Moravec, seconded by Mr. Almeida, the Board unanimously voted to accept the staff report and attachments and make them part of the Board's official record.

Motion – Release of the Performance Bond – 102 BayView Avenue Minor Subdivision

On a motion by Mr. Batty, seconded by the Board voted to release the performance bond in the amount requested of \$10,000 to Mr. Mateus.

Roll Call Vote

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

B. Request for Disposition of City Land Metro PCS – Proposal for Ground Wireless Telecommunications at 305 Lyon Avenue, Pierce Field

For the record at this time, Mr. Batty resumed his voting seat.

Ms. Boyle states that a representative from Metro PCS, Mr. John-Markus Pinard is present.

Mr. Pinard was sworn in by City Solicitor Briden.

Mr. Pinard asked if we received the pictures through email. Ms. Boyle said no, but that we did receive the pictures of the proposed configuration of the telecommunications equipment. Mr. Pinard said that Metro PCS is proposing more ground space at the existing facility located at 305 Lyon Avenue. They are looking for a 10 x 16 foot space next to the existing T-Mobile ground space that they are currently leasing from the City. It is 10 x 16 on paper but they are extending out the existing fence making is approximately 8 x 2 1/2 feet for two cabinets and a battery back-up as well. The area will be fenced and secured. Metro PCS is looking to lease an extra 10 x 16 space from the City.

Ms. Boyle explained that what came to the Board last November was the assignment of the lease from Omnipoint to Metro PCS. Omnipoint is the one that got the original lease from the City to construct the tower on City land. They presently lease the land from the City. They assigned the right to put additional antennas and that was what came to the Board last November. As we discussed it with the Board they had the right to lease out additional antenna space under the existing lease with the City. They did not have the right to obtain additional ground space. That triggered the need for this disposition of City-owned land. By enlarging the amount of land that they were leasing that required them to come back before the Board and then go before the City Council again to get the additional disposition of City-owned land action. In order to get this additional land there has to be a request by Metro PCS to get this additional land.

The lease is with Omnipoint. Metro PCS is asking to lease additional space beyond what Omnipoint presently leases. Metro is a sub-lessee of Omnipoint on the tower. The City is the landlord to Omnipoint who built the tower. Under the lease they have with the City they have the right to rent out additional space for antennas. Ms. Boyle said Once they needed additional land then we have additional compensation.

Matthew Robinson said this tower is right next to the playground and asks where the documentation is from the Fire Department or anyone else. He asked how the radio frequency would affect the neighbors and the surrounding area. Ms. Boyle states it is her understanding that that was not an issue; it was referred to the Department of Recreation and they had no objection. Mr. Robinson asked how much expertise the Recreation Department has in radio frequency. Mr. Pinard said he believed that T-Mobile addressed any issue when they initially put up the tower. What Metro PCS is putting up there is far less than any FCC sort of standard on the radio frequency. He said he would give the Board more material if they feel it is necessary. There were no other questions.

Staff Recommendation

Ms. Boyle noted there was a lot of confusion because there were a lot of parties trying to clarify whose role Metro PCS was vis a vis Omnipoint's was a little difficult, but we did get to the bottom of it. Essentially this is just for the lease of that 10 x 16 foot area. To clarify things, Ms. Boyle states that the Board is to look at whether this is an appropriate use of the land itself. We are not looking at the terms of the lease. That will be reviewed by the City Manager, City Solicitor, and City Council. There has been some negotiation between those parties during the interim period while this was being reviewed between November and April. That will have to be finalized before the Council takes action as to whether this is an appropriate disposition of City land.

Ms. Boyle said that one of the issues that did come up with the previous disposition and we did not revisit this was whether or not that this land was developed using State open space and recreation funds and whether or not this is something that could take place. We did discuss this at the original construction of the tower and the feeling of the Department of Environmental Management is that since this tower also includes lighting for the recreation fields that this is considered something that is a betterment to the recreation facility and is not a taking of the recreation area so it should not have any impact from a recreation standpoint. We don't see that it gets in the way of land use and recommend that the Planning Board advise the City Council to make a positive finding on the disposition of this land. The existing compound will be screened as well as this one. It is a betterment to the conditions that are out there now.

There were no questions of the Board.

Motion – Acceptance of the Staff Report and attached documents

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board voted unanimously to accept the staff recommendation and attachments including the new materials that were submitted at this meeting and make them part of the Board's official record.

Motion – Advisory Recommendation to the City Council regarding the disposition of City-Owned Land.

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously voted to advise the City Council to approve this disposition of City-owned land.

Roll Call Vote

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

C. Devaney Real Estate, Inc. – Application for a Zone Change – C1 to C4

Mr. Batty said he must recuse himself because of his business relationship with the applicant.

Chairman Robinson said that Matthew Robinson will be seated in place of Mr. Batty on this matter.

Attorney Maaia gave a brief history of the property. On Sept. 24, 2003 the Zoning Board of Review granted a use variance to allow the sale of vehicles on the subject property. The Board passed a condition of approval that no more than 14 vehicles be displayed for sale on the property. The Board's concern was that introducing the sale of vehicles on the property may encroach upon the sidewalk and impede pedestrian traffic along the front of the property. The applicant is requesting that the parcel be rezoned from Commercial 1 to Commercial 4. A C-4 district allows most retail services i.e. sale of food, clothing, and automotive accessories as well as more intensive commercial uses.

Chairman Robinson asks if there are any issues keeping the use variance in place if the zoning is in fact changed? It is stated there is no legal problem associated with it.

Staff Recommendation

The Planning Department is recommending that the Planning Board make an advisory opinion to the City Council to approve the petition to rezone the subject property from C-1 to C-4 subject to the condition that no more than 14 vehicles are to be displayed on the property.

Motion – Acceptance of the Planning Department's Staff Report and attached documents

On a motion by Mr. Robinson, seconded by Ms. Moravec, the Board unanimously voted to accept the staff report and attached documents into the Board's official record.

Matthew Robinson requests that the Board give an advisory opinion to the City Council to approve the petition to rezone the subject property from its current designation of C-1 to C-4 subject to the condition that no more that 14 vehicles are to be displayed on the property.

Motion – Rezone the property from C-1 to C-4

On a motion by Mr. Robinson, seconded by Mr. Cole, the Board unanimously voted to submit an advisory opinion to the City Council to approve the petition to rezone the property from C-1 to C-4.

Roll Call Vote

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

5. CONTINUED BUSINESS

A. Staff Report

Turner Reservoir Raised Walkway

Mr. Hanner reported on the Turner Reservoir Raised Walkway at Hunts Mills. He noted the design has been completed. The contractor has been hired and construction will start in May. This was funded through the Champlin Foundation in the amount of \$250,000. It will have interpretive signage and benches.

Mr. Cole asked if there are any plans to connect Newman Avenue along the reservoir on the East Providence side. Mr. Hanner replied that we have a loop trail for the reservoir which goes through Pleasant Street to Newman Avenue on both the Seekonk and East Providence sides. He said we are talking with the RIDOT about extending a greenway from Kimberly Ann Rock Field down to Hunts Mills.

Baer Supply

Ms. Boyle reported that Baer Supply Distribution Facility, 100,000 sq.ft. facility will be having their groundbreaking on April 22 at 3:00 at 10 New Road and invited the Planning Board and other City officials. Ms. Boyle said she received a letter from the applicant commending the Planning Board and Waterfront Commission for moving so expeditiously. They said because of the tough financing that they had to go through it

never would have happened had the Planning Board and Waterfront Commission not worked with them.

Village on the Waterfront

Ms. Boyle reported that plans were filed for Village on the Waterfront , a 600 unit and 50,000 sq. ft. of commercial on Veterans Memorial Parkway near Lyon Avenue. That development will be coming to the Planning Board for Comprehensive Plan consistency.

Improvements to Lyon to Warren Avenue

Ms. Boyle reported that the estimates had come in for that project at above available funds. We were concerned that we might not be able to proceed per construction. She noted she just got word from the RIDOT that because it is being funded with stimulus funding they will be funding it and making up that short-fall. It will be going out to bid next month.

Mr. Cole asked about the Wampanoag Ponds and Vamco property status.

Vamco Property - Riverside

Ms. Boyle said that staff sent out another RFP for Vamco to see if there are any additional interested developers who want to partner with us. Only one response was received, but we did get numerous phone calls. We will be doing the actual selection of contractors and we have been working with RIDEM on finalizing some of the phase II environmental aspects.

CD Coordinator, David Bachrach has also submitted grants to assist us with some of the environmental clean-up costs. It will probably be two years before any buildings are constructed.

Wampanoag Ponds

Ms. Boyle reported that this development is still on hold given economic conditions.

Solmar Restaurant on Warren Avenue

Ms Boyle reported that a Sip and Dip will be going in there. There are some traffic issues. The developers proposal is to create a by-pass lane. It is a state road and RIDOT liked the developers' proposal.

Tockwotton Home on Waterfront Drive

Ms. Boyle reported that construction will start in late May or early June and they have applied for their building permits. HUD is requesting that they build an escape lane out of the 500 year flood plain. They will be building an emergency access road up to Braga Way.

Comprehensive Plan Meeting

Ms. Boyle informed the Board they will be notified of the next Comp Plan meeting.

6. COMMUNICATIONS

Motion

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board unanimously approved Communications A below and made it part of the Board's official record.

A. Memo to the Zoning Board of Review from the Planning Department regarding Zoning Board March 25, 2009 Cases.

7. ANNOUNCEMENT

A. Next Meeting - Monday, May 11, 2009, 7:00 p.m., Room 306

8. ADJOURNMENT

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board adjourned the meeting.

JMB/SAC