

January 12, 2009 - Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of January 12, 2009

Present: Anthony Almeida, Burton Batty, Robert Cole, Krista Moravec, Michael Robinson, Matthew Robinson, James Moran (staff), Wayne Barnes (staff), James Briden, City Solicitor.

1. SEATING OF ALTERNATE MEMBER

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of December 8, 2008

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously approved the December 8, 2008 minutes.

B. Minutes of November 14, 2007

The minutes of November 14, 2007 will be forthcoming.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Batty, seconded by Ms. Almeida, the Board unanimously approved correspondence A. below.

A. Memo dated 12/10/08 to the City Council, Re: Proposed Amendment the Revised Ordinances of the City of East Providence, Chapter 19, Zoning, Areas Subject to Flooding, Sec. 19-306 and added sections.

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board unanimously approved correspondence B. below.

B. Memo dated 12/10/08 to the Waterfront Commission Re: Advisory Recommendation – Baer Supply warehouse facility – Consistency with the Comprehensive Plan

4. NEW BUSINESS

There was a request to change the order of New Business and do Item B and C first then go on to Item A.

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted to place Items B and C before Item A.

A. Appl. #2009-01 Minor Subdivision - Baer Supply, Warehousing Housing Facility at 10 New Road

The engineer, Audie Osgood from DiPrete Engineering states he is working with the Ten New Road LLC, the applicant, was sworn in by City Solicitor Briden. Also here to answer questions is Ken Beck who is helping out with the development of the Baer Supply property. Mr. Michael Winitzky, Real Estate Developer from PMI Industries was also present.

Mr. Osgood described the site and said it is located on the northeast side of Pawtucket Avenue and is located on Assessor's Map 301, Block 4, Lot 8, is approximately 44.5 acres and located within the Waterfront District. It is currently owned by Ten New Road LLC. Six and one half acres will be divided for construction of a new 100,000 s.f. warehouse facility which will have access to the Providence and Worcester rail line. The tenant for the building will be Baer Supply. Access to the development will be off an existing curb cut on Pawtucket Avenue that is used now by the existing facility. We are proposing that that access will continue to service this facility and there will be a shared access and maintenance agreement for the purposes of utilities. At the Fire Department's request we have provided a secondary point of access off of Pawtucket Avenue with a shared maintenance and access agreement.

Regarding services, there will be no adverse level of impacts to services for any of the adjacent intersection. The existing rail line will be brought onto the site to provide service for the new building. There is no anticipated increase in rail traffic associated with this project. Service for the site will be provided through the Narragansett Bay Commission. Drainage for the site goes from east to west and will go into a culvert on Pawtucket Avenue into an open swale. That same pattern will continue.

Mr. Osgood also said that comments were received from the Planning Department and that he responded to those comments. The level of detail in the plan sets was discussed and they provided the plan set that had been used for the Baer Supply project which details utilities, the detention pond etc. He addressed all the comments from the staff including the water service which currently runs across the site which is a 10 inch waterline, a meter on the site and also providing a meter inside the building. They are coordinating with the Water Department as to which preference they want and also being coordinated is the pipe size which will be converted to what the Water Department needs. They will also provide a separate domestic fire line protection for the buildings. A set of new plans will be submitted as soon as they complete some additional infiltration testing. Then will submit this to RIDEM.

Water from the roof will be directed to the proposed detention pond.

Chairman Robinson asked if there were any questions from the Board.

Mr. Batty asks if there is a ten inch main in there now. Mr. Osgood reported there is a 10 inch main in Pawtucket Avenue and a 10 inch service connection. There are also additional taps for water service south of Pawtucket Avenue and New Road and another tap on New Road for the existing facility as well. Mr. Batty asks if the new building will draw off that 10 inch line. Mr. Osgood said the new building will have its own tap on the street and be split at the property line. The existing line will run under the corner of the proposed building.

There were no other questions from the Board.

At this time Mr. Moran went through the staff recommendation. He states that comments provided by the Engineering Division and Fire Department were not in the packet, but that he will distribute them to the Board tonight. The additional plan submitted is noted as Design Set #2. The second item distributed is a Notice of Decision dated January 2009 by the Waterfront Commission which renders their decision.

Mr. Moran noted that this project has commenced through the Waterfront Commission's review process and their Design Review Committee. Many of the items discussed tonight were covered as elements within the Design Review Committee and what the Waterfront Commission required as part of their approval process. Part of the approval required that this particular project be certified for Comprehensive Plan consistency and Subdivision and Land Development Regulations. That particular application was presented to the Planning Board last night and approved by the Planning Board as consistent with the East Providence Comprehensive Plan and City's Land Development and Subdivision Regulations.

This is an application for a minor subdivision. The application was initially submitted as a combination of a preliminary and final plan submittal. However, based upon reviews provided by the Fire Department and the Department of Public Works there were several comments that staff felt were required as a Planning Department break out of the preliminary and the final plan to a separate application. They are recommending that this be handled as a preliminary tonight and that final plan approval be delegated to the Administrative Officer. He noted the Certificate of Completeness was issued on December 22, 2008 and the notice to abutters was mailed via certified return receipt mail on December 23, 2008.

Mr. Moran also explained that this is a 100,000 square foot building built in two phases; 75,000 s.f. in the first phase with an additional 25,000 feet of warehouse being built as phase 2. It was approved by the Waterfront Commission on January 5, 2009. Parcel 1 on this proposal will be 6.56 acres for Baer Supply and the second parcel is 37.1 acres. The Department of Public Works reviewed the development and they had several comments that reference design elements provided in a more detailed set that was submitted to the Waterfront Commission (which is marked as Design Set 2; Design Set 1

is the actual subdivision application that is to be approved by the Board this evening). The Fire department also reviewed the plan.

The development is consistent with the Land Use and Economic Development Element Goals of the Comprehensive Plan and is consistent with the goals of the Waterfront Plan. The Planning Department included the report in this particular memorandum as it was presented to the Board last month. The lots conform with the standards and provisions of Chapter 19 Zoning including the Section under Article X of the East Providence Zoning Ordinances entitled "Waterfront Special Development Districts". There will be no significant environmental impacts based on the drainage design that was submitted to the Waterfront Commission and that this development is serviced by City water and sewer.

Consistency with the General Purposes of the East Providence Land Development and Subdivision Review Regulations

The review found that the development is consistent with the General Purposes of the East Providence Land Development and Subdivision Regulations (reference a. through i. in the Jan 8, 2009 staff memorandum to the Planning Board).

The Planning Department recommends that based on the finding that the proposed Preliminary Plan subdivision application 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 the Preliminary Plan submission subject to the following:

1. That all comments in the technical staff memoranda to the Planning Department (as attached) and all other requested modifications identified in this recommendation memoranda be incorporated into the plans as submitted; and that any and all conditions of the Planning Board approval be reflected in the Final Plan submission;
2. That the Final Plans and supporting documentation be based upon this Preliminary Plan approval, and that the Final Plans meet all City regulations and ordinances, and all applicable State and or/Federal Regulations;
3. That the Title Block of the Plans, which currently state Preliminary/Final submission, be revised to indicate Final Plan status;
4. 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.

At this time Chairman Robinson asks if there are any questions by the Board.

Mr. Batty asks on page 2 25,000 s.f. of cold storage meaning un-heated storage rather than cold storage refrigerated. Mr. Osgood answered yes. Mr. Moran states the warehouse in phase 1 will also be cold storage.

Mr. Batty asks about the flow rates in the water lines and if the process has not been reviewed yet by the Fire Department. Mr. Osgood said yes; they have gotten some initial information from Ken Booth of the Water Department, but have not gone through an analysis for the Building Code and Fire Code demands at this time. Mr. Batty asks if Mr. Booth is satisfied with flow rates. Mr. Osgood answered that Mr. Booth, at their meeting, did not express any concerns about the flow rates. Tape 34:54

Mr. Batty said he is looking at the 10 inch line on the City street and is concerned about water suppression by the Fire Department for the large old Fram Building. Mr. Osgood states that the Fire Department did not express any concern with that. Tape 35:38 He noted that all three taps at the building has 6 inch and 8 inch all tied into the Fire Department system service that surrounds the existing building.

Mr. Batty asks if they are going to tap in with a 6 inch line and increase it to a 10 inch line. Ms. Osgood said they are proposing a 10 inch single tap that would be extended to the property line and then split to provide both domestic and fire service. Tape 37:23

Motion – Acceptance of the Planning Department Recommendation

On a motion by Batty, seconded by Ms. Moravec, the Board voted unanimously to accept the Planning Department memorandum with attachments and also the distributed materials i.e. January 2009 Notice of Decision and January 7, 2009 memorandum to Stephen Coutu from Erik Skadberg and make them part of the Board's official record.

Motion – Conditional Approval of the Preliminary Plan Only.

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously voted to accept the Preliminary Plan only and not the Final Plan based on all the regulations which have been met with the City of East Providence Subdivision and Land Development Regulations.

Roll Call Vote

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

Chairman Robinson asks Mr. Moran if there should be an additional motion for delegation of Final Plan Approval to the Administrative Officer. Mr. Moran agreed.

Motion – Conditional Approval of the Preliminary Plan Submission

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board unanimously voted to grant conditional approval of the Preliminary Plan submission subject to the four items in the Planning Department memorandum.

Roll Call Vote

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

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted to delegate Final Plan approval to the Administrative Officer.

Roll Call Vote

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

B. Request for Bond Release – Rumford Center

Mr. Moran states that the Rumford Center project has been moving along very efficiently and is look very good. The applicant has requested a public improvement guarantee release in the amount of \$185,000. Mr. Jordan Stone of PK Rumford is requesting a full release of the Letter of Credit from Citizens in the amount of \$185,000.

The Department of Public Works conducted an inspection and noted some outstanding items that were still not completed with the project. They were relatively minor items. Item #1 being white shoulder striping to be replaced at utility trenches on Newman Avenue and #2 trench crossing Greenwood Avenue may require replacement in the spring of 2009.

The Department of Public Works felt it would be official to retain \$3,000 in funds to assure these particular elements would be completed. As-built plans have been submitted and reviewed. The Department advices the Planning Board that the Final Plan Approval was necessitated with the shared parking lot. Sec. 19 279B allows shared parking provided that the peak period of usage of such building structures for uses will not be simultaneous with each other. In this case the residential and retail commercial elements

do not have peak periods that co-inside with each other. The plan is consistent with the Board's previous approval of this Land Development Project. The parking plan will be recorded in the City's Land Evidence Records.

The Planning Department recommends that the Letter of Credit from Citizens Bank is fully released to the applicant in the amount of \$185,000 and require that the developer submit a replacement guarantee in the amount of \$3,000 in order to assure completion of the items noted during the inspection. The Planning Department has received a check for \$3,000 from the applicant. We will submit this to the Finance Department for deposit into the account.

There were no comments or questions by the Board or the public.

Motion – Acceptance of the Planning Department memorandum and attached documents

On a motion by Ms. Moravec, seconded by Batty, the Board voted to make the Planning Department's memorandum with attachments part of the Board's official record.

Motion – Request of Release of Performance Bond

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to release the bond in the amount of \$185,000 and that the applicant replace it with a \$3,000 check to the City of East Providence for a guarantee of future improvements.

Roll Call Vote

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

C. Request for Release of Performance Guarantee for Improvements to the City Right-of-Way at 74 Wannissett Avenue Minor Subdivision #2006-23.

Mr. Barnes states that this will essentially complete a subdivision that has been on-going since the later part of 2006. This is a two-lot minor subdivision located on Wannissett Avenue, north of the Vintner Avenue Playground and very close to the East Bay Bike Path. There were two issues with this property. The yard needed to be cleaned of debris and the applicant did that. Also there was zoning relief that was required. There was room on the lot for it to be subdivided and to put another dwelling on it, but it is an odd shaped lot and needed a variance for the lot depth.

Mr. Barnes also states that on the property is an easement to allow water service to Wannissett Avenue to the property behind 74 Wannissett on Lloyd Avenue. This was taken care of.

When the subdivision was in the preliminary stage a waiver was requested for sidewalks and curbing. Subsequently the Board decided not to waive the curbing, but to waive the sidewalk requirement. The amount of guarantee was based on the curbing. Since the subdivision was given final approval, that work has been done and has been inspected by the Public Works Department. The property now looks good and the curbing is an improvement to the frontage of the property.

Recommendation

The Department of Planning recommends that the amount of the performance guarantee in the total of \$6,030 be released to the applicant.

Chairman Robinson asks if there are any questions of the Board or the public. There were none.

Motion – Acceptance of the Planning Department memorandum and attached documents.

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board unanimously voted to approve the Planning Department memorandum and attachments.

Motion – Release of Performance Guarantee

On a motion by Mr. Moravec, seconded by Mr. Batty, the Board unanimously voted to approve the release of the performance guarantee in the amount of \$6,030.

Roll Call Vote

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

5. CONTINUED BUSINESS

A. Staff Report

1. Flood Plain Ordinance

Mr. Barnes stated that the Flood Plain Ordinance that was reviewed by this Board last month will be going before the City Council on January 20, 2009 for its approval. If the Council approves it, it will go to FEMA for their review and to make sure it is in

compliance. After that, it can be formally adopted by the Council with the condition that it gets FEMA approval. The maps will then be adopted on March 2, 2009.

Mr. Robinson asked about the November 17, 2007 minutes. Mr. Moran noted that the recorder failed that night and no minutes are available for this meeting, but that Patrick Hanner had reviewed the project.

Mr. Batty stated that he remembers that he had to recuse himself at that particular meeting because it was regarding the Ashburton Subdivision and his daughter lives on that street. He also said there were drainage issues. He said there was also a 25 foot buffer between the property and back. Matt Robinson said he remembers there was a motion made to allow the abutters to go in and clear dead branches and debris, but not to change the vegetation or elevation of the ground. Mr. Batty states the developer has put in a berm of woodchips and also a silt fence. He noted he has gotten phone calls from the neighbors and it can be handled without any difficulty. The contractor seems to be willing to do it.

6. COMMUNICATIONS

1. Notice of Decision by the Waterfront Commission dated January 8, 2009 – Baer Supply Development, 10 New Road. (this was distributed at the meeting)

7. ANNOUNCEMENT

A. Next Meeting - **February 9, 2009, 7:00 p.m.**, Room 306

8. ADJOURNMENT

On a motion by Mr. Batty, seconded by Ms. Moravec, the meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Michael Robinson, Chairman

MR/JMB/sac