

# **August 13, 2008 - Planning Board Meeting**

## **CITY OF EAST PROVIDENCE**

### **PLANNING BOARD**

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#### **Minutes of August 13, 2008**

Present: Anthony Almeida, Burton Batty, Michael Robinson, Matthew Robinson, Krista Moravec, Jeanne Boyle (staff)

#### **1. SEATING OF ALTERNATE MEMBER**

Matthew Robinson was seated in place of Robert Cole who had a prior commitment.

#### **2. APPROVAL OF PLANNING BOARD MINUTES**

##### A. Minutes of July 14, 2008

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously approved the minutes of July 14<sup>th</sup>.

##### B. Minutes of November 14, 2007

The November minutes will be submitted at another time.

#### **3. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

No correspondence

#### **4. NEW BUSINESS**

##### A. Appl. #2007-17 Minor, 3200 Pawtucket Avenue, Applicant: Cary White Map 310, Block 2, Parcel 8

For the record, it was noted that this petition was deferred from the July 14<sup>th</sup> meeting.

At this time, Planning Board member, Burton Batty recuses himself from this part of the meeting.

Attorney Martin Sleprow, attorney for the applicant presented. He noted that Cary White is also available to answer any questions.

Mr. Sleprow noted that this is a minor subdivision. The property is at the Knights of Columbus Hall which will continue. The 36,000 square foot property to the rear, with

frontage on Village Green South and Squire Lane proposes the construction of a three story 12 unit multi-family structure. They are asking for preliminary approval of this minor subdivision. They will immediately file for a special use permit from the Zoning Board. The staff of the Planning Department states that this development is consistent with the Comprehensive Plan including its goals, objectives, policy statements and the Land Use 2010 Plan.

Mr. Sleprow noted that the Zoning Officer wants the applicant to ensure compliance with the one and two bedroom arrangement in terms of density by submitting floor plans. The application will also require a variance for percent impervious coverage where 45 percent maximum is allowed and 50 percent is proposed.

The applicant agrees with the five conditions of the staff report and asks for the Board's approval. He said they understand that the Water Superintendent also needs the fire flow calculations to determine whether the water service is adequate.

There were no other questions of the Board.

James Moran went through the staff recommendation. He stated that staff has consulted with the applicant's engineer to address two major issues; the drainage design for the development and the water line design that comes into the development. There was a lot of discussion regarding the design of the retention basin. Staff requests that the items identified in the recommendation under Item 2 and exhibits 1 through 12 be entered into the record as part of the recommendation.

It is a two lot subdivision on 107,830 square feet or approximately 2.47 acres. The COC was issued on June 30, 2008 and the Notice to Abutters was sent by certified mail on June 30, 2008. The zoning is R-5 which allows lots of a minimum 7500 sq.ft. They are proposing a multi-family development which would require the issuance of a special use permit by the Zoning Board of Review.

The most recent plans submitted by the applicant indicated that lot coverage was 50 percent, 5 percent above the maximum. We can clarify that issue with the Zoning Officer to make sure the right information is in the submission as submitted.

The parcel is serviced by municipal water and sewer service. The water service will come in on an easement on the parcels that fronts on Pawtucket Avenue

The Department of Public Works reviewed the development. Mr. Moran went through their comments.

1. The sheet flow of 100 feet on the pavement is excessive when calculating the Time of Concentration, however for both pre and post development conditions it is less than 6 minutes.

That is a note on the plan that will have to be rectified based on his review.

2. Predevelopment areas exceed post development areas by 4,752 square feet. This should be corrected on the plan.

3. The detention basin on lot 1 shall not encroach upon the water line easement. There is a small portion on the retention basin on the front parcel that extends into the easement area.

The City Engineer is recommending that that particular extension of the drainage basin be removed from the easement. If the City needed to do maintenance on that particular line there would be an issue of cutting into the berm for the drainage retention basin. Removing it from the easement area eliminates that concern

4. An updated watershed area plan for both pre and post development conditions should be submitted. for review.

Mr. Moran stated that the City Engineer, Erik Skadberg agreed that these items were acceptable in terms of reviewing and approving them at final plan submission. These should all be done before the approval of the final plans.

Ken Booth, Water Superintendent states that his position is that final approval of the project should not be done until the applicant submits engineering calculations for the required fire flow. Once the preliminary plan is approved he wants to see the fire flow calculations that will indicate if the flow is adequate.

The Zoning Officer indicated that the applicant should adhere to density requirements under Section 19-217 and 19-218 of the Zoning Ordinances and that the applicant is required to submit floor plans to assure compliance with one and two bedroom arrangements. This opinion is noted within this recommendation and should be considered as a condition of the Planning Board's approval of the proposed subdivision that no intensification beyond what is proposed shall occur in the future and that the proposed plan for one and two bedroom units not be increased from the currently proposed number.

The 2010 Map indicates High Density Residential which defines the area at densities of no more than 25 dwelling units per acre. The proposal is consistent with the general character of the neighborhood which is multi-family residential high density development located immediately adjacent to the proposed development. The proposed density is 14.52 dwelling units per acre.

Planning finds that the development is consistent with the East Providence Comprehensive Plan, the Zoning Ordinances and all appropriate Ordinances of the City of East Providence.

Mr. Moran also noted that the proposal is consistent with the General Purposes of the East Providence Land Development and Subdivision Review Regulations. The Department reviewed them and found them to be in compliance with all the findings for

consistency with the General Purposes of the Subdivision and Land Development Review Regulations.

### **Recommendation**

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 the requested Preliminary Plan submission subject to the following comments noted 1 through 5 of the staff recommendation.

Mr. Moran states that the Board may incorporate the staff recommendations by Mr. Booth and Mr. Skadberg directly into the stipulation if they wish.

Chairman Robinson asks if the Board has any comments. There were none.

### **Public Comments**

There were no public comments.

Motion – Submission of the Planning Department’s memorandum and attached exhibits.

On a motion by Matt Robinson, seconded by Ms. Moravec, the Board unanimously voted to accept the Planning Department recommendation, Item 2 numbers 1 through 12 along with Mr. Kenneth Booth, Water Superintendent, and Erick Skadberg, City Engineer’s comments into the record.

Motion – Conditional Approval of the Subdivision

On a motion by Matt Robinson, seconded by Ms. Moravec, the board voted to APPROVE the preliminary plan submission subject to the five conditions noted in the Planning Department’s recommendation.

### **Roll Call Vote**

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

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by Mr. Robinson, seconded by Ms. Moravec, the Board unanimously voted to delegate Final Plan Approval to the Administrative Officer as covered in Section 9-10 of the Land Development and Subdivision Regulations.

B. East Providence Waterfront Special Development District Tax Increment Financing Plan (TIF) – for Comprehensive Plan Consistency

It was noted that Ms. Moravec recused herself at this time.

Mr. Batty rejoined the Board at this time as a voting member.

Jeanne Boyle noted the Board has received a copy of the TIF Plan. The Plan was reviewed by the Waterfront Commission at their meeting of July 21, 2008 and has been recommended for adoption by the City Council. The public hearing of the Council will be on August 19, 2008.

The purpose of the Tax Increment Financing Plan (TIF Plan) is to identify infrastructure projects that are candidates for financing using the mechanism of tax increment financing. There is also a summary of how TIF works. It is using bonding. It is not general obligation bonding it does not have to go before the voters under a referendum, but is basically done through the public sector or private sector where bonds are placed and the proceeds for future tax revenues anticipated from projects are used to pay for the debt services associated with those bonds. The increment associated with those tax revenues is pledged to pay the bonds. The portion of the tax revenues is usually a small portion and the amount being used is carefully assessed based upon the market factors and what they anticipate the growth associated with a particular area or a particular project to be.

This particular plan does not identify specific dollars associated with a particular development. It looks at it in a larger picture.

Ms. Boyle explained that there is specific enabling law that allows communities to do tax increment financing. 49 out of the 50 states have the ability to do tax increment financing. It is very common in the Mid-West and West. Enabling Law sets up a redevelopment authority which is already in place. The next step is to create a tax increment district project plan; that is what this is. The City Council will have to adopt a tax increment district project plan before it can entertain a proposal by either the City or by a private developer to do tax increment financing. Another step that is required under the State Enabling Law is that the local Planning Board review the TIF Plan to make sure it is consistent with the local Comprehensive Plan. She asks that the Board review the plan to make sure it is consistent with the Comprehensive Plan.

If the City Council chooses to adopt the TIF Project Plan, then they will have the ability to do TIF projects in the future.

Staff finds it consistent with the Comprehensive Plan and we recommend that the Planning Board advise the Council to proceed with the adoption of the Waterfront TIF District Plan.

Chairman Robinson asked when the Waterfront Commission utilizes that financing structure for any particular project do they still need clearance from the City Council. Ms. Boyle answered yes.

Matt Robinson asks if every project thereafter regarding TIF has to go before the Board first. Ms. Boyle said no just the overall TIF Plan comes before the Planning Board. Each and every project would have to go before the Waterfront Commission and the City Council. It is a rigorous process with underwriting and market analysis before it can get approved by the City Council.

#### Motion – Planning Department Memorandum and Supporting Documents

On a motion by Mr. Robinson, seconded by Mr. Batty, the Board unanimously voted to accept the staff recommendation and supporting documentation into the Board’s official record.

#### Motion – Advise the City Council that the Tax Increment Financing Plan is Consistent with the City’s Comprehensive Plan

On a motion by Mr. Robinson, seconded by Mr. Almeida, the Board unanimously voted to advise the Council that the Tax Increment Financing Plan is consistent with the City’s Comprehensive Plan and the Board advises the City Council to accept this measure as a viable option in the future.

#### Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. Robinson	Aye
Chairman Robinson	Aye

#### C. Capital Budget and Six Year Capital Improvement Program FY 2008-2014

Matthew Robinson recuses himself from this particular agenda item.

The record shows that Ms. Moravec is back and will be voting on this matter.

It was noted that everyone recusing themselves from a vote will fill out the Conflict of Interest statement. The Planning Department will keep a copy with the original to be sent to the City Solicitor.

Ms. Boyle explained that this is the recommendation that is given to the City Manager and Council on the Capital Budget for Fiscal Year 2008-2009 and also the Capital Improvement Program of 2008-2013.

A number of requests were received from the City departments including the School Department. She noted it was very challenging this year. Wayne Barnes who worked on this met with the City Manager to get an idea of what could possibly be funded in this year's fiscal year. Our recommendation for funding for the FY 2008-2009 out of the operating budget is very slim. Our total recommendation for the net capital budget and not out of any enterprise accounts is only for \$184,000.

Ms. Boyle explained the Capital Budget charts and noted the number of capital budget requests received for 2008-2009 was a total of \$41 million. That number was pared down to \$184,000. The total number of requests including water and sewer which is an enterprise account from FY 2008 through 2013 is a total of \$103,755,000. \$45 million was coming in the first fiscal year. We tried to spread that out over the five year period in a more sustainable fashion.

Ms. Missy Andrade asked to address the Board about the poor condition of the Silver Spring Playground. She acknowledges the city's budget difficulty but asked that the Board give consideration to providing funding to Silver Spring Playground..

Motion- Capital Budget 2008-2009 and Five Year Capital Improvement Program 2008-2013

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to recommend to the City Council the \$184,000 in FY 2008-2009 and to amend the Five Year Capital Improvement Program regarding the Silver Spring basketball rehabilitation from \$50,000 to \$75,000 and to change that title to the Reconstruction of the Silver Spring Playground.

Roll Call vote

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

## **5. CONTINUED BUSINESS**

A. Staff Report

## **6. COMMUNICATIONS**

A. Copy of memo dated 7/15/08 to the Zoning Board of Review from the Department of Planning, Re: Requests for Variance or Special Use Permit to be heard 7/30/08.

## **7. ANNOUNCEMENT**

A. Next Meeting - Monday, September 8, 2008, 7:00 p.m., Room 306;

**8. ADJOURNMENT**

Respectfully submitted,

Michael Robinson, Chairman

MR/JMB/sac