

January 30, 2008 - Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JANUARY 30, 2008

Present: Michael Robinson, Burton, Batty, Krista Moravec, Matthew Robinson, Jeanne Boyle, James Moran, Patrick Hanner, Wayne Barnes (staff).

1. SEATING OF ALTERNATE MEMBER

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of November 14, 2007

It was noted the minutes of November 14th meeting would be forthcoming.

B. Minutes of December 10, 2007

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

A. Request for Release of Performance Guarantee – 249 Juniper Street Subdivision, Applicant: Cary White

Motion

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board unanimously voted to approve the release of the performance guarantee in the amount of \$2,250 for the 249 Juniper Street subdivision to the applicant.

B. Request for Release of Performance Guarantee – 197 Sutton Avenue Subdivision, Applicant: Rose Bezigian Map 205, Block 12, Parcel 37 and 38

Chairman Robinson states this request was not in his packet and asks that it be deferred to the February meeting.

Motion

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously voted to continue the 197 Sutton Avenue request for performance guarantee at the Board's February 11, 2008 meeting.

C. Waiver of Installation of Granite Curbing for 91 and 95 Hood Avenue – Request by Robert Moll

Mr. Robert Moll, 13 Penny Lane was sworn in by Chairman Robinson.

Mr. Moran states that this request was brought before the Board in December . Mr. Moll is asking for an extension of the curbing at 91 Hood Avenue. At that time the Board approved the request with a couple of conditions that were subject to the individual getting a waiver prior to April 1, 2008 which was the expiration of the Bond for installing the curbing before that date. As a result, in the interim timeframe Mr. Moll had sent letters to the Planning Department requesting waivers initially for 91 Hood Avenue which was placed on the agenda. In reading the recommendation of the Planning Department at the time, he was under the impression that his request was to include 95 Hood Avenue as well. The determination by the City Solicitor was that we had only advertised it to the abutters on 91 Hood Avenue and would need to send a letter and that staff would need to send a second notice out to the abutters indicating that the waiver request extended to both 91 and 95 Hood Avenue. Letters were sent through certified registered receipt mailings requesting comment for the request for a waiver for the installation of curbing for both 91 and 95 Hood Avenue. No inquiries from any neighbors were received. The memorandum that the Board has in their packets tonight references 91 Hood Avenue, however, if you included the amended letter that Mr. Moll provided, it extends the same request except that it includes 91 and 95 Hood Avenue. The recommendation from the Planning Department in the memo that we provided has not changed in any way except that it would add that 95 Hood Avenue be inclusive in the waiver request review.

Mr. Moran explained that the waiver extension for the installation of curbing goes through to April 1, 2008. The Planning Department received responses from the Public Works Department who did not have an issue with the approval of the waiver request provided the funds for the installation are deposited into the City's curbing program account to cover the installation of curbing in other areas of the City that were in need of curbing. The Planning Department agreed with Public Works. Staff is recommending to the Board that they approve this requested waiver from curbing installation on 91 and 95 Hood Avenue and that the funds appropriated for the performance guarantee be placed into the City's curbing program.

Chairman Robinson asks Mr. Moran to elaborate more on the memorandum. Mr. Moran states that part of the issue with the curbing in that particular neighborhood was that it is sporadic; some of the areas have cobble curbing. There have been a number of discussions with the applicant and the owner. There were some concerns in previous discussions regarding the owner expressing concern about the flooding in her front yard. Public Works tired to work with the owners to come up with options to help reduce that, but in the end they asked if they could get relief from this particular requirement.

Ms. Boyle stated that the original staff recommendation was not to waive the curbing and said she believes we still have mixed feelings about this, but I think it is probably because

of the adamant position of the property owner who is in opposition to it. That is one of the reasons why we are so clear that we want to accept the offer of Mr. Moll to take that curbing money and deposit it in the curbing account. Having those funds in place will give the City the ability to provide curbing in locations where property owners are much more in favor of it.

Chairman Robinson asks Ms. Boyle to clarify that staff would want the curbing, and that the primary reason why staff is prepared to recommend that the Board grant the waiver request is because the applicant is vocally asking for it. Ms. Boyle states that it is two-fold; that is one of the reasons, but the other reason is in considering the fact that we are going to have this money deposited into the City curbing account and it would be available to use in other locations. In consideration of those two, staff is recommending the Board go with the waiver request.

Mr. Batty asks about the grading problem. The developer answered that he came before this Board, got his approvals and subsequent to getting his approvals, sold the project to a local builder who put everything in at the wrong grade. The neighbors came to Mr. Moll asking that no curbs be put in. They felt that the curbing would present tremendous liability to them because they would not be able to meet the curb requirement on height especially with the yard set at the grade it was. They initiated this with the board, then brought me into it. My only connection now is that the developer that bought it from me left me holding a bad check on his performance bond. My check, in effect, is the performance bond. I am responsible at this point and am trying to accommodate the property owner. On the new houses on Sylvan Road that we are building, all the curbing will be replaced

Chairman Robinson asks the Board if there are any other comments. There are none. He asks the public if they have any comments.

John Moen, 91 Hood Avenue is sworn in. He said it is a public safety issue. Part of the neighborhood has no curbing. Our concerns are that people may trip over them, being that the area does not have much lighting and the curbing would be creating a raised obstacle.

Motion

On a motion by Mr. Robinson, seconded by Mr. Batty, the Board votes unanimously to accept the staff recommendation with an amendment to include 95 Hood Avenue into the record along with Mr. Moll's letter dated November 23 including the amendment to the January 10th letter.

Motion

On a motion by Mr. Robinson, seconded by Mr. Batty, the Board unanimously votes, based upon the testimony that has been brought forth tonight and with the understanding that the developer will deposit the funds appropriated for the installation of curbing on 91 and 95 Hood Avenue into the City's curbing installation program account, the Board

recommends approval of the waiver of curbing request by the applicant for 91 and 95 Hood Avenue.

Roll Call Vote

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

D. Appl. #2007-22 Minor Subdivision - 800 Waterman Avenue, Applicant: B.A. Ballou and Company, Map 506, Block 1, Parcel 10

Ms. Boyle stated the representatives of BA Ballou were notified of this meeting, but no one is in attendance tonight. She suggests to the Board that in the absence of their representation that the Board continue this matter at another time. Someone noted that since there is a Zoning Board hearing that the applicant may be downstairs attending that meeting. Ms. Boyle asked Mr. Barnes if he could check.

At this time, the Board adjusted the order of business to hear Item E while Mr. Barnes checks on BA Ballou downstairs.

Motion

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted to hear Item E out of turn.

E. Appl. #2005-16 – Modification - Fairview Avenue Subdivision-Major - Applicant: Luis Mateus - Request to modify previously approved subdivision, Map 308, Block 2, Parcel 1

Mr. Luis Mateus of Mateus Realty, Warren Avenue, East Providence, was sworn in. He explained that the Fairview subdivision was previously approved by the Planning Board. At that time, the subdivision proposed the existing dwelling at 2585 Pawtucket Avenue to remain on the site. A buyer was not found for the property and a demolition permit was requested to be issued by the City. Following a request for a demolition permit, the City requested 90 days to seek a buyer for the property and notified Mr. Mateus that demolition of the structure would require permission by the Planning Board as a modification of an approved subdivision.

Chairman Robinson states he noted in the memorandum that the property was on Craig's List. Mr. Mateus affirmed.

Mr. Batty said he noted that the grade had been altered and if there was a waterline connection. Mr. Mateus said yes, before he could get the demo permit he had to have the water and gas cut off. Everything was in line to demolish the property as of December 1st. Then he received a call around November 30th and agreed to allow the City 90 days to attempt to find a buyer.

Mr. Batty asked if the grade was 3 feet lower than the original plan. Mr. Mateus said that is possible since they were getting ready to demolish the dwelling.

Patrick Hanner went through the staff recommendation at this time.

Mr. Hanner stated that the subdivision was approved by the Board in February 2007 and that during staff review, there was always a concern that the structure may be demolished. In a meeting held in February 2007 with Dean Martineau, Chair of the Historic Properties Commission, Nancy Moore, representing the Historical Society, Patrick Hanner and Luis Mateus in attendance, concern was expressed of the demolition of the building. The structure has been determined to hold local historic significance to the City. At one time, it was the center of an agricultural community and the site contributed towards the Industrial Revolution as serving as a foundry.

Mr. Hanner stated that Rick Greenwood of the RI Historical Preservation and Heritage Commission inspected the property and prepared a written assessment. Notice of the pending demolition was sent to the Providence Preservation Society, Housing Network of RI, National Parks Service, Preserve America which listed the property on their "Endangered Properties 911" listing and other local and state agencies and non-profits.

Mr. Hanner stated that the existing building has a square footage of 1,560 sq. ft. and the applicant is proposing a single family dwelling with a building footprint of approximately 1,552 sq. ft., a gravel driveway of a distance of 15 feet and the installation of a sewer line to be connected to Pawtucket Avenue. There were comments received from the City Engineer which are requested to be made part of the record along with the staff memorandum. The Planning Department is recommending to conditionally approve the request to modify the previously approved subdivision subject to the following condition:

1. That a notation is placed on the plan referencing the previously recorded site plan that was recorded in the EP Land Evidence Records as plat card 598, Book 37, Pages 43-50;
2. 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;
3. That the proposal shall meet all applicable City, State and/or Federal regulations and requirements;
4. That the City Engineer's comments dated January 8, 2008 are also included as a conditional of approval as well as follows:
 1. The City Standard apron to insure that water will not flow from Pawtucket Avenue down the proposed driveway; and

2. An adequate grade to connect the sewer lateral from the existing house to the sewer line of Pawtucket Avenue. There is a grade change of 4 to 5 feet on surface between Pawtucket Avenue and the dwelling.

There are minor grade changes being proposed, but they are at the rear of the structure and we don't think they will impact any type of drainage issues.

Mr. Hanner introduced Nancy Moore from the Historical Society of East Providence, as well as Dean Martineau of the Historic Properties Commission who would like to comment.

Motion

On a motion by Mr. Robinson, seconded by Ms. Moravec, the Board unanimously voted to accept the staff recommendations and conditions along with the recommendation dated January 8, 2008 from the City Engineer into the Board's official record.

At this time, Chairman Robinson asks if the public has comments or questions.

Dean Martineau, Historic Properties Commission and Nancy Moore of the Historic Society were sworn in.

Mr. Martineau states he has a letter that he would like to submit and read. He also has a copy of an article that was in the newspaper, plus photos of the site which he distributed to the Board.

Mr. Martineau states that according to the City's ordinance, the Historic Properties Commission role is to *“enhance public awareness in the interest of those structures, sites, monuments in neighborhoods that contribute to the aesthetic, archeological, and cultural heritage of the City. The preservation, protection of such structured sites, monuments and neighborhoods which serve as visible reminders of the history of the heritage of the City is hereby declared a public necessity required in the interest of the prosperity, safety and welfare of the people of the City”*.

Mr. Martineau stated that the Ide House is dated to the early 1800's. There were originally five houses owned by the Ide family and this is the last one left. Another one was on North Broadway which was demolished about 2 years ago. The Commission strongly feels that a lot of the historic houses are being torn down.

In 2006 the City passed a Historic District Ordinance for the purpose of preserving our culture and architectural history in the City, however the only established district is the Hunt's Mills property, owned by the City. At the present there is no protection for historic structures scattered throughout the City.

Mr. Martineau says he disagrees strongly with the applicant's request to demolish the house and asks that the Board deny his request because of the historical significance of the site.

Chairman Robinson asks Mr. Martineau how long Mr. Mateus should be required to maintain that house. Mr. Martineau said until the end of the 90 days which would be at the end of February. He asks that his letter be part of the Board's official record.

Mr. Batty asks Mr. Martineau if there are any tax incentives for Mr. Mateus. He answered yes, he or anyone interested in refurbishing the house can get historic tax credits which are equal to 20 percent of whatever money is spent to rehabilitate the building and you can also apply for historic tax credits in order to do that whole subdivision. This is a combination of state and federal monies. 30 percent through the state and 20 percent through the Federal end.

Mr. Mateus said he will not tear it down until the end of February.

Mr. Batty asked if this was included in any of the City's advertisements. Ms. Boyle noted that she knows of other properties that have gone through the tax credit process and they are not in an actual historic district. It is a costly and involved process.

Nancy Moore reads her letter to the Board. She states that the Historical Society would like to go on record as opposing the demolition of this William T. Ide house at 2585 Pawtucket Avenue. The Historical Society realizes that this Board has no other recourse then to grant the request since East Providence has no demolition delay ordinances. We ask the Planning Board salvage this house in some way. The cost to salvage the house would be about \$20,000 and \$30,000. That means taking the house apart piece by piece, labeling all items, and then storage. There are a lot of pieces in the house such as the doors and cabinets that are beautiful and should be saved. The Historic Society requests that the Board require Mr. Mateus to salvage the Ide House.

Mr. Robinson asks Mr. Mateus when he purchased the property and at what price. He replied \$440,000 in 2004. It was subdivided in 2007 into eight parcels which included the Ide House. He said he checked to see if it was listed on the Historical Register. It was not I then went through the subdivision process which included dealing with the electric company. He said he also spent money on the soil testing, taxes, insurance etc. The tax bill is over \$5,000 a year. My asking price for the house was \$185,000. A purchase and sales agreement was signed, but the person's check bounced. I kept the property under agreement. There was a fire in it. I told the Historic Society and I would do everything I could to come up with a buyer for the property. Mr. Martineau agreed to secure the property; he sent me a bill and I have been paying for that also. I've done this for four years and have gone the extra step to maintain that property.

Mr. Robinson wants to clarify everything that was said before the Board. He states that Mr. Mateus came before the Board, obtained approval of a subdivision which included retaining the Ide House. In that subdivision process it was stipulated that this house

would not be demolished. Am I correct? Ms. Boyle said no, it was on the plan as to remain. There were no specific stipulations. Mr. Robinson asks if we are meeting tonight to modify that plan and demolish the house. If we do not modify the plan, deny the request to modify the subdivision, then the applicant will not be allowed to demolish the house and will have to keep the original plan? Is this correct? Ms. Boyle states yes. Mr. Robinson asks if we are talking about the section in the Regulations where it pertains to circulation of pedestrian and vehicular traffic for adequate surface water runoff for suitable building sites and the preservation of natural historical or cultural features that contribute to the attractiveness of the community and to the extent feasible. Ms. Boyle said yes the feasibility of saving that dwelling. He asked if the decision of the Board is going to come down to this particular Article? Ms. Boyle states she is not the City Solicitor, but the Board does need to make those findings.

Matthew Robinson asks Mr. Mateus how he arrived at the \$185,000 for the house. He noted that Mr. Mateus back in 2004 paid \$440,000 for the entire site. Mr. Mateus explained the all the expenses plus the 440,000 are added up and divided by the number of lots; in this case there are eight, to determine this particular sale price.

Mr. Robinson said that in all fairness you paid 440,000 divided by eight, so you invested about 55,000 invested in each lot. You spent the money to divide up the lots. In all fairness you have 55,000 invested in the Ide House and the rest is to gain you seven lots. Mr. Mateus says there are the expenses of the Ide House such has, insurance, taxes, expenses of development etc. You obviously knew there was some sort of historical significance that is why you inquired if it was registered. Mr. Mateus responded only because he was approached by Mr. Kelleher of this Historic Properties Commission. Mr. Robinson asked did you mean you did not do this research before you bought the subdivision. Mr. Mateus said he did not. He said when Mr. Kelleher asked him what his plans were with the Ide House I told him I was not going to fix it but sell it. That's when Mr. Kelleher said it was historic. Mr. Mateus said that's when I checked to find out whether or not this was historical. Mr. Robinson then asked Mr. Mateus when that conversation took place, before or after you applied for the subdivision. Mr. Mateus said it was prior.

Mr. Robinson said when you applied for the subdivision at that time you knew there was historical significance and you still were going forward with your subdivision and made all your plans and applied for a subdivision indicating that you were going to keep this property because you knew of the significance. Mr. Mateus stated no, he was going to keep the property because he was lead to believe that the Historical Society was interested in that property and when I presented the plans with the existing dwelling on there was with the intent that once it was subdivided at that point that when I could sell it and at that point the Historical Society was going to purchase the property.

Mr. Robinson asks Mr. Mateus if there was a discussion with the Historical Society that they were going to buy this property? Mr. Mateus said that he was told by Mr. Kelleher that the Society was interested in purchasing that property. Mr. Robinson said no, they were interested in saving it and hoping to find a potential buyer.

Mr. Robinson said it was obvious that when you submitted the original application that there was historical significance. You knew of that significance. That plan was to subdivide, save it, and make your money on the seven lots that you gained. Further, in the fact that most of your money was spent on the subdivision you were doing anyway, you really don't have \$55,000 invested in that particular lot if you divide \$440,000 by eight. You want to sell it at 185,000. This is a bad market and has been bad since December 4th when the City actually went on your behalf to try to sell it. It doesn't sound like much time. Six months is the standard realtor contract. Six months in a bad market is reasonable to not have a house sold. I believe your price is a little inflated.

Mr. Robinson asks the planning staff at this time if any attempts made to have the property donated to the City and Mr. Mateus receive a tax right off.

Mr. Hanner stated that he did discuss the possibility with Mr. Mateus donating the property to the City for tax relief. Mr. Mateus said he would speak with his accountant, but never got back to me.

Mr. Robinson asks how that would work. That one portion of the parcel is assessed at around 85,000. Would he receive a tax right off for 85,000 or whatever he stipulated the property was worth based on his own appraisal? Mr. Hanner said it would be an IRS requirement.

Mr. Robinson asks if they would take into consideration that the house is being donated to the City and actually inflate the price even more than \$85,000? Ms. Boyle said probably. Mr. Robinson says to Mr. Mateus that his price is an inflated price. You are looking at probably a tax right off of at least \$85,000 and that is probably conservative, to donate it to the City and I believe the City is willing to accept the donation. He asks Mateus if he responded to that? Mr. Mateus said no. Mr. Robinson states that since Mr. Mateus keeps the inflated price of 185,000 guarantees that no one is going to buy, you will say I must tear it down for safety reasons and the City has to approve my amended plans which you just got several months ago seems to me this was not done in good faith on your part. I think you knew this was going to be the outcome in that you were going to cite safety concerns, you are going to inflate the price and then ask for it to be torn down and then make your profit. He said to Mr. Mateus you are a good businessman and acted in that regard, but I in all good conscience cannot approve this petition based on the opinion that this was not done in good faith on your part for what this City should preserve. You knew that when you submitted those plans that you were going to save this house. If you had invested more money in that house you would have had a nice piece of property to sell. I don't believe that a month and a half is near feasible time to sell the property and personally think this petition should be denied and further avenues explored.

At this time, Chairman Robinson asks if there are any other questions. There were none.

Nancy Moore responded to Mr. Mateus's misconception that the Historic Society was willing to buy this property. She states that was never the intent.

Mr. Mateus responded that if he misunderstood his conversation with Mr. Kelleher about the Historical Society being interested in the property he apologizes. I was under the impression that the Society somehow was going to purchase it. When I purchased the property, the property was a disaster and I was not going to take a chance and put any tenants in that property because of its condition. He said he is not trying to take advantage of the situation; no one has even made an offer on the property. Mr. Mateus states it is his property and he should be able to ask what he wants. He pays the taxes and insurance.

Mr. Robinson said to Mr. Mateus you indicated that the house was worthless and should be razed. Why is your asking price \$125,000. It would sell a lot quicker. Mr. Mateus responded that he can ask what he wants to. No one has called me to ask me to reconsider an offer. Mr. Mateus said here is nothing on the plan that says that this subdivision is granted subject to him keeping the Ide House.

Chairman Robinson states this piece of property is privately owned and would prefer that it not be razed either, but how long is the owner required to carry it. I'm sure if he reduced the price significantly it would sell quickly, but the Board is not in the position of telling a private developer and landowner that we believe that the property has historic value and ought to be maintained. The property is a piece that is part of a larger project. I have a lot of trouble telling Mr. Mateus to do anything with respect to that property. Mr. Martineau said there has been talk about finding an agency, but they have not found one yet.

Ms. Boyle states that we did discuss the possibility of trying to get grants either from a non-profit or through historical groups. A non profit will also look at the purchase price. Mr. Hanner was in contact with many agencies such as the Historical Preservation and Heritage Commission, RI Housing Network and other non-profits.

Motion – Documentation submitted by Mr. Martineau and Ms. Morevac.

On a motion by Mr. Robinson, seconded by Mr. Batty, the documents submitted by Dean Martineau of the Historic Properties Commission and Nancy Moore of the East Providence Historical Society were unanimously approved by the Board and made part of their official record.

Motion

Mr. Robinson makes the motion with the stipulation under the Land Development Subdivision and Review Regulations, Article 5, Subsection 5-4, (F) in regards to the "preservation of historical features and the extent feasible to save them he does not believe that feasible measures and as Mr. Mateus offered that his intent or his actions haven't been to specifically sell this piece of property. I believe that the extent feasible

has not been met; at least the applicants aren't and recommend denial of this application at this time.

The motion was not seconded.

Chairman Robinson said with some degree of reluctance he would not support Mr. Robinson's motion. Serious efforts by the Planning Department have been made to sell this property, but to no avail. I support Mr. Mateus's request that he be permitted to move forward with this development and to modify the plans subject to the demolition of the Ide House.

Mr. Batty states he has been in the building business for a long time. Has seen the rise and fall of prices on materials etc.. Mr. Mateus has tried his best and has given the City the best opportunities that he could to find a buyer for the property. If we were to delay it now, it would probably wind up in court and would probably not come out in the City's favor.

Motion – Modification of the previously approved subdivision

On a motion by Mr. Batty, seconded Ms. Moravec, the Board voted 3-1 to approve the modification of the previously approved subdivision by proposing to demolish the existing single family dwelling located on Lot 1 for the purpose of constructing a single family dwelling to be approximately 1,552 square feet and to give the City the opportunity to be in control of the property or the demolition permit up until February 28th and no later than February 29th.

Roll Call Vote

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

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by Ms. Moravec, seconded by Batty, the Board voted 3-1 to approve the delegation of Final Plan Approval to the Administrative Officer.

Roll Call Vote

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

D. Application #2007-22 Minor Subdivision – 800 Waterman Avenue, Application B.A. Ballou and Company, Map 506, Block 1, Parcel 10.

The applicant was not present nor his representatives.

Motion – Defer Subdivision #2007-22

On a motion by Mr. Batty, seconded by the Board unanimously voted to defer this subdivision request to the Board's February 11th meeting.

5. CONTINUED BUSINESS

A. Staff Report

RI Ethics Commission

Ms. Boyle reported to the Board that the City sponsored a session with a representative from the RI Ethics Commission basically clarifying the applicability of the different regulations associated with the RI State Ethics Law. She distributed the handouts that were distributed at the session. It was very informative. There were a lot of City staff there and the attorney that was presenting did a very good job in responding to real world situations and hypothetical as to applicability to the ethics laws. He did offer that if you get the Planning, Zoning, Tax Boards together they will come in the evening and give the same types of presentation. She will contact the Zoning, Tax Assessor, and Waterfront Commission if the Planning Board is interested.

Mr. Robinson said he was interested.

Tax Increment Financing

Ms. Boyle notified the Board that she will be speaking about Tax Increment Financing and how it can be applied. This will be held at the League of Cities and Towns annual convention on January 31. This is an important potential tool for financing infrastructure needs especially associated with the development of the Waterfront District.

Shaws Development

Mr. Moran reported that the Shaws project has gotten underway. There were two minor modification requests.

IGUS

Mr. Moran reported that the IGUS Company is getting their final permit approvals for Ferris Avenue. They are building more than a 90,000 sq.ft. manufacturing facility behind the old Handy and Harmon building.

Warren Avenue/Taunton Avenue Interchange

Mr. Moran reported that some of the transportation issues going on with the waterfront are also moving forward. We are finalizing our environmental assessment for the Warren Avenue/Taunton Avenue Interchange. As we move forward within the next couple of years, they will be proceeding with a design of major upgrades.

Dexter Road Connector

Mr. Moran reported that the Dexter Road connector which is the second important phase of the Waterfront Drive project is inclusive with that particular final design. Hopefully this will take place in 2009.

Rumford Center

Ms. Boyle reported that one of our other historic properties; the Rumford Center which came before the Board has been going great. The developers have invited the City Manager and members of the Planning Department to go out to the site on Friday afternoon to tour the work that is underway. They have about 80 to 100 people working on that site. They expect the first phase to be done by the end of this year. This project is very much depending upon the State historic tax credits which right now have been severely curtailed by the Governor as part of his budget cuts. In the absence of those credits it is very likely that that building might have gone the same as the Ide house.

Phillipsdale Landing

Phillipsdale Landing is also planning on doing a historic restoration of that complex and is very dependent on those historic tax credits. The developers are also very alarmed about the prospect of those credits being taken away. This complex will generate approximately \$750,000 dollars in tax revenue. Without the credits these projects would not be happening.

There are a lot of groups that are lobbying to try to make sure that this historic tax credit legislation cuts that is being proposed by the Governor does not go through.

Wampanoag Ponds/Leonardo Farm

Ms. Boyle reported the staff is reviewing the peer and drainage reviews. It will probably be before the Board in March.

Mr. Robinson asks Ms. Boyle if we could put together a memorandum to the Council to expand the City's Historic ordinance which would include what the City's finds historically important. Ms. Moravec asked if you could list properties in Zoning noting how critical these properties are.

Mr. Hanner states the ordinance does allow that certain areas can be designated like an overlay (a large area) district or it can be an individual site. The only thing that state law

grants to the City is that we can delay a demolition permit for 90 days. At the end of that 90 days if the applicant determines that they have pursued everything to an extent feasible, then the Historic District Commission which is a hearing Board can grant permission to demolish.

It was suggested that possibly the Commission could update the list or perhaps have Roger Williams University historic properties students do an internship to help document East Providence historic buildings and sites. Mr. Robinson states perhaps a list could be supplied to the Planning Department that could eventually get submitted to the Council to be included in the Statute so we don't do this again. Mr. Martineau states there was a list made in 1976 for the bicentennial with a booklet that included a list of properties.

Ms. Boyle said that even if it is on the Register and in the District it does not preclude demolition. Mr. Robinson understands, but at least we can make it more difficult and delay the demolitions.

Ms. Boyle said we could do some research as to defining parameters of what extent "feasible" is. Other commissions may have a better way of defining exactly what that means or look to see how the courts have interpreted also.

Ms. Moravec said just having that property identified early on may have some sense on how to deal with that particular property beforehand.

Mr. Martineau said he would make this the next goal of the Historic Properties Commission and will have the list done within 60 days.

6. COMMUNICATIONS

A. Memo dated 12/12/07 to City Solicitor, William Conley from Jeanne Boyle,
Re: 91 Hood Avenue – Time extension to curbing installation requirement

On a motion by Mr. Robinson, seconded by Batty, the Board unanimously voted to accept this communication.

B. Notice of Decision – Appl. #2007-18 Minor, 218 Terrace Avenue, Godfrey Allen, 210 Terrace Avenue - Barbara A. Lacroix and Charles D. Didonato, 218 Terrace Avenue

On a motion by Mr. Robinson, seconded by Moravec, the Board unanimously voted to accept this communication.

Mr. Robinson informed the Board that the applicant: Mr. Godfrey Allen passed away a couple of weeks ago.

C. Memo dated 1/16/08 to the Zoning Board of Review from the Department of Planning, Re: Requests for Variance or Special Use Permit to be heard on January 30, 2008

On a motion by Mr. Batty, seconded by Robinson, the Board unanimously voted to accept this communication.

D. Petition for Highway Abandonment – Cedar Avenue (copy of letter dated January 10, 2008 from Attorney Slepko)

Regarding the letter sent directly to Chairman Robinson from Attorney Slepko, Mr. Robinson stated that he asked that this letter be distributed to the Board tonight. That matter was before the Board on November 14th. It was an application for a highway abandonment. The Board voted to approve the application over the recommendation of the Planning Department who suggested denial. Mr. Robinson said he heard nothing about it until he received a letter dated January 10, 2008 from Attorney Slepko who represented the applicants. In closing, a two or three page memorandum from Mathew Robinson to the City Council addressing the basis for his dissent was sent to the Council. The letter from Mr. Slepko was copied to the City Manager, City Clerk and Jeanne Boyle. I have asked that that be enclosed in the Planning Board's package. The jest of that letter was to alert me to the fact that Mr. Slepko was requesting that in the future when the Planning Board opts not to follow the recommendation of the Planning staff, that the basis for that to be made more clearly to the City Council.

Mr. Robinson said he would be happy to respond to the Council in kind, but has a problem with the request coming in from the Attorney asking us to send something to the Council and it is not a direct request from the Council. The other issue is that as far as Mr. Slepko is concerned was he interested in either going to court with respect to the Planning Department recommendation or bringing the basis of the Planning Board's decision to the City Council in some other form. The minutes of our meetings are detailed and once approved are available to anyone who requests. I wanted the Board to be aware that he addressed the letter to me and did not copy the rest of the Board.

Councilman Brian Silva attended the meeting and stated that Mr. Slepko sent a letter Chairman Michael Robinson with a cc to the Council regarding the Cedar Avenue abandonment issue. Councilman Perry requested a copy of the November minutes regarding subject matter, but unfortunately they were not ready because of the recorder did not work properly and staff needed to re-construct them. Once the Planning Board receives these minutes they will be put on their next agenda (February) for review and approval. Mr. Silva said the Council was confused by the fact that the Planning Department's recommendation to deny was not agreed upon by the majority of the Planning Board and that was the purpose of requesting the minutes.

Chairman Robinson said the Department and the Planning Board will be happy to put the information in a letter to the Council to explain the Department's recommendation and

the basis for the Board's decision and also to provide you with the November 14th minutes once approved.

Mr. Moran explained that this was submitted the day before the planning board meeting was cancelled. The reason Matthew Robinson's memorandum to the Council did not get to the Planning Board on their January agenda was that it was addressed to the Council and he wanted the Council to get it before the Board did. After further discussion, the memorandum was then copied and distributed to the Planning Board.

Mr. Barnes said he literally disseminated it to the ccs noted on the memorandum, but not to the Planning Board since they were not cc'd on the memorandum.

Motion

On a motion by Mr. Moravec, seconded by Mr. Batty, the Board voted unanimously to accept this communication and make it part of the Board's official record.

7. ANNOUNCEMENT

A. Next Meeting – Monday, February 11, 2008, 7:30 p.m., Room 306

8. ADJOURNMENT

Motion

On a motion by Mr. Batty, seconded by Ms Moravec, the Board unanimously voted to adjourn.

Respectfully submitted,

Michael Robinson
Chairman

MR/JMB/SAC