

Mr. Robinson said that it is his understanding after speaking with the Planning staff that the applicant has failed to provide the requested map copies. This subdivision will then be continued to the August 13th meeting.

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted to defer this application until the August 13th meeting of the Board.

B. Request for a Bond Release - Appl. # 2005-16 Major, Fairview Avenue, Applicant: Luis Mateus

Ms. Boyle explained that this was approved by the Planning Board last year. Most of the work has been completed and the Department of Public Works has recommended that the performance guarantee be reduced by the Planning Board from \$180,000 to \$135,000. There is a memo attached from the Associate Engineer of the items that are outstanding. Staff recommends the release of \$135,000 at this time.

On a motion by Mr. Batty, seconded by Mr. Cole, the Board recommended the release of the \$135,000 to Mr. Mateus which will leave the City with \$45,000 in place.

Roll Call Vote

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

Motion – Staff Memorandum and supporting exhibits

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board voted unanimously to accept the Planning Department Recommendation for the record.

C. Donation of land to the City by Marshall Properties. Advisory recommendation to the Council

Christine Engustian, attorney for the applicant Joanne Marshall and John L. Marshall III was sworn in. The Marshalls want to donate two abutting vacant parcels of land to the City. The parcels total approximately 21 acres. The property is vacant and landlocked and is located south of Rte. 6 and Risho Avenue and is along the Runnins River.

The owners wish to donation the land to the City for open space, conservation and conservation related purposes. These purposes align well with various elements of The Comprehensive Plan including the Runnins River Critical Area plan, the Open Space and Recreation Plan, and the Natural and Historic Plan element. Ms. Engustian refers to the narrative on the property (attached as part of the Planning Board packet) that outlines consistency with provisions of City planning documents and with the Land Development and Subdivision review Regulations.

The adjoining parcels, Map 608, Block 2, Parcel 7 are owned by 50 Catamore Blvd. LLC. 50 Catamore Blvd LLC agrees with the land donation and is in approval of the easement that would be required to go over its land to access parcels 13 and 14. The easement will be accessed by traversing over the land by foot or by vehicle.

The land donation will not adversely impact the tax base. It is highly unlikely that the land is developable. The owners have not had a formal environmental assessment of the site, but have had conversations with City staff that have walked the site and they have shared with us also their knowledge of the wetlands that are present and the general condition of the site. They agree that this parcel is not likely to be developed.

Ms. Engustian asks that the Planning Board make a positive recommendation to the Council to accept this donation of land on behalf of Mr. & Mrs. Marshall.

Chairman Robinson asks if there are any questions.

Mr. Batty asked if there was a sign-off on the easement. Ms. Engustian stated no; it was a proposed easement agreement. It will be signed if the City will accept the donation of land. She said the Solicitor reviewed it. Mr. Conley states he has revised the easement and has approved it in the form that it is being presented tonight.

There were no other questions.

Wayne Barnes presented the Planning Department's staff recommendation.

He said the item before the Board tonight constitutes a recommendation to the City Council regarding the potential land donation. He described the parcel which totals 21 acres; the combined property is roughly rectangular in shape. It is an isolated piece of land with respect to any roadways. It is located behind the Home Depot in Seekonk. Staff feels it is an unusually good opportunity to preserve a very environmentally significant piece of land that often does not happen in a place like East Providence.

It is consistent with the Comprehensive Plan Land Use Element and a study on the Runnins River and its environs conducted by URI Community Planning Program made a number of recommendations regarding land along the river. The best use of this property is to keep it in its natural state. The proposed land donation definitively supports the Recreation and Open Space policies of the Natural, Historical and Cultural Resources Plan including preservation of wildlife.

There was not a determination done by a wetland biologist, but if there were to be development on that land there we would need to have an environmental assessment done.

Mr. Barnes said that one of the Conservation Commission members made a very significant finding. There are six blue herons on the property which are very rare to see

in one location especially an urban location like this and the Conservation Commission strongly supports this proposal.

Recommendation

Much of the property along the Runnins River, including the subject property is identified as a Critical Area of concern in the City's Comprehensive Plan. The two parcels and adjacent areas of the parcels abutting to the north represent the northernmost undeveloped area along the river in East Providence.

Perpetuating the natural state of areas such as the subject property supports the intentions of both state and local land use plans with respect to open space without diminishing economic and residential development potential in the City. In this particular case, the wetlands that dominate the property place a severe constraint on the land's development potential, and thereby the potential to increase the property's value for tax collection purposes. The wetland areas here, and nearby, offer a substantial habitat for many of the wildlife species in East Providence. Given these factors and the above analysis of consistency with numerous long-term land use plans, the Planning Department asks that the Planning Board recommend to the City Council acceptance of the subject land donation to the City of East Providence by the present owners for conservation and conservation-related purposes.

Chairman Robinson asks if there are any questions or comments.

Mr. Batty asks if the easement goes through a parking lot and would the City be able to cross it. Mr. Barnes states yes.

There were no other comments.

Motion – Staff Recommendation and exhibits

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

Motion – Advisory Recommendation

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously voted to advise the Council to accept this land donation from Mr. and Mrs. Marshall which includes the easement agreement that was revised by City Solicitor Conley and the Planning Department's staff memorandum.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye

Mr. Cole Aye
Ms. Moravec Aye
Chairman Robinson Aye

D. Appl. # 2008-09 Minor Subdivision - 12-21 Brightridge Avenue, Map 37, Block 36, Parcels 11 and 12. Applicant: Todd Bryant, Owner: Laurie Bryant`

At this time, Martin Sleprow, Attorney for the petitioner and Richard Lipsitz, from Waterman Engineering are sworn in.

Mr. Sleprow said that the applicant is proposing two lots, parcels 11 and 12. Parcel 11 is proposed at 8,763 sq. ft. and parcel 12 at 8,034 sq. ft. He agrees with the eight recommendations of the planning staff.

Engineer, Richard Lipsitz explained that there are two lots that are about 8500 sq ft. We propose to build a two family. The applicant's intent is to conform by meeting the minimum area requirement of 8,750 sq. ft. for a two-family dwelling. We will go to zoning and request a waiver to the parking situation though since Parcel 11 fails to meet the minimum of off-street parking requirement. We will continue the sidewalks and will leave a curb cut opening. There are no requested waivers.

Mr. Sleprow states that Planning staff said it was consistent with the Comprehensive Plan and does meet the Land Use standards. We also ask that the Final Plan Approval be approved by the Administrative Officer.

Mr. Batty asked if the lot meets the square footage at the two family house. Mr. Sleprow states not at the present time, but it will once the lot line is moved.

Ms. Boyle presented the staff recommendation and described the property and gave a brief overview. It is a minor subdivision and is not an administrative submission because these lots were merged under Zoning. It is a minor adjustment from lot lines to accommodate the shortfalls in the lot area associated with the two-family to give it sufficient side yard setback. One of the situations on Brightridge Avenue is that it has a short front yard setback associated with the parking lot, but you do have an odd situation on Brightridge Avenue where there is a fairly large setback associated with the right-of-way. We are not concerned that it does not meet the front yard setback associated with the parking because it for all intensive purposes functions as a front yard. There is a very minor deviation associated with the parking.

Mr. Lipsitz noted that when the cars are stacked up, there will not interfere with the sidewalk. People walking past will not have to go out into the street.

Ms. Boyle said that following the subdivision the two family will be in conformance with zoning requirements with the exception of the front yard parking. The single family will exceed minimum requirements for a square footage and also for density in the area.

The subdivision has been reviewed by the Department of Public Works. There are no issues with utilities and there are no waivers being sought. The applicant is committed to building the sidewalk and curbing. It is consistent with the Comprehensive Plan and will be within the density requirements.

General Purposes and Required Findings

In accordance with Section 5-4 of the Regulations it meets all the required findings which are listed in the staff report.

Looking at the findings of the subdivision Regulations of Section 5-4 it meets all the findings of the subdivision regulations. All the zoning requirements will be met with the exception of those minor deviations associated with the parking setback requirements.

Staff Recommendation

Based upon the analysis provided above, the proposed subdivision is consistent with Section 1-2, "General Purposes" and that the General Purposes were addressed as part of Staff's review. Positive findings were stated to all of the standards of Section 5-4, "Required Findings" of the East Providence Land Development and Subdivision Review Regulations. In addition, it is the opinion of staff that the subdivision, as proposed, is fully consistent with the East Providence Comprehensive Plan and East Providence Zoning Ordinance.

Staff asks that the Board delegate Final Plan Approval to the Administrative and that the applicant be required to install sidewalks and granite curbing, and that the Board give preliminary plan approval subject to the following conditions:

1. That any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the final plan indicating which variances were granted, date of the Zoning Board approval, and recorded book and page of the East Providence Land Evidence Record;
2. That the applicant post an improvement guarantee associated with the sidewalk and curbing. That guarantee will be reviewed by the Public Works Director for approval;
3. That the residential use of a future dwelling to be built on proposed Lot 12 is restricted to single-family uses and accessory uses in perpetuity;
4. That any outstanding property taxes be paid to date before a final plan approval is granted;
5. That the title block of the Final Plan be revised to indicate Final Plan status;

6. 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;
7. That the proposal shall meet all applicable City, state, and/or Federal regulations and requirements; and
8. 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.

We also ask that the Board voted to enter the staff recommendation and all exhibits into the Board’s records.

Chairman Robinsons asks if there are any comments from the Board. There were none.

Public Comments

Patricia Bowen, 9 Brightridge Avenue was sworn in by City Solicitor William Conley. She said she owns the single family next to the proposed subdivision. She asks if they will be selling the lot for development because she prefers that the lot next to her stay vacant. The applicant said we have not decided that yet, but have purchased the property for our children for their future. A house will probably not be built for two more years anyway. Mr. Sleprow explains for the record that there is no current sales agreement with any other persons involved with this property, but noted to Ms. Bowen that once this subdivision is approved tonight, the applicant has the right to do what he wants with the lot within the regulations.

Motion – Staff Recommendation and supporting exhibits

On a motion by Ms. Moravec, seconded by Mr. Almeida, the Board unanimously voted to accept the staff report and supporting exhibits into the Board’s official record.

There are no requested waivers.

Motion – Subdivision Conditional Approval

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board unanimously voted to approve the subdivision with the conditions noted above. Based upon the submitted application and submitted testimony submitted to the Planning Board the staff report and memoranda from various City Departments, all 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 the standards of Section 5-4 Required Findings. It is also apparent that the proposed Subdivision is consistent with the East Providence Comprehensive Plan.

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 Ms. Moravec, seconded by Mr. Almeida, the Board unanimously voted to delegate Final Plan Approval to the Administrative Officer.

A. Meeting Time Change

Chairman Robinson said that since the Board has adjourned the meetings exceptionally late in the past he thought it would be a good idea to change the meeting time or limit the time to review each item under New Business and to possibly limit each of the public comments to maybe 15 minutes each or give the public have 5 minutes if they are there to contest an issue and would only be given one time to speak on it. Tape 42:34 Ms. Boyle said that Waterfront Commission gives the public comment each one time only to speak about a matter.

Chairman Robinson asks Mr. Conley what the implications would be if the Board decides they will not take any more new business after 10:00 p.m. Ms. Boyle said we get the people to the Board fairly quickly. If you are initially heard and the Board votes to continue then you would still be ok regarding the timeline. Statutorily it should be fine.

City Solicitor Conley explained that it is more the rule that the City Board's do not take new business after 10:00. He said that East Providence probably stands out as the exception not having that rule in place. If there is a pressing need to hear a case because of public policy, the Board could schedule an extra meeting for that one matter if they are running into a time deadline or a pressing public policy issue at stake.

Ms. Boyle said that most of the cases that we entertain are minor subdivisions. In the regulations it states that in no case shall a hearing be permitted less than 21 days from the day of the issuance of the Certificate of Completeness. If a COC is issued and the clock is ticking, is a continuation of the hearing. What happens if we left off at Item C and needed to go through item F. Mr. Conley said if you start a hearing and don't have a chance to finish it that evening you should be ok. You can always have an additional meeting, but 10:00 is a good time to end the meeting since concentration levels are best before that time.

Chairman Robinson said it is not uncommon to have late night meetings that go to 11:30 p.m.. and would like to see the Board change it to 7:00 with no new business after 10:00.

Mr. Batty and the Board agreed.

Motion – Change of Meeting Time and No New Business after 10:00 p.m.

On a motion by Ms. Moravec, seconded by Mr. Almeida, the Board voted to change their meeting time to 7:00 p.m. and that there be no new business after 10:00 p.m.

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

5. CONTINUED BUSINESS

A. Staff Report

Ms. Boyle said the Wampanoag Ponds development will not be on the August 13th agenda because the applicant may be missing a critical part of their application so it is likely that it will go before the Board's September meeting instead.

Ms. Boyle reported that the Capital Budget will be at the August 13th meeting.

Ms. Boyle reported that Aspen Aerogels on Dexter Road had their ribbon cutting ceremony and that Senator Reed and Congressman Kennedy were in attendance. She explained that Aspen has insulating materials that are used by Mobil Exxon for the insulation of the pipelines that transmits oil. The materials are also used in the aerospace industry. Aspen expects to double their employment by 2011. She noted that these are the types of businesses that we look forward to in East Providence.

6. COMMUNICATIONS

- A. Copy of memo to the Zoning Board of Review from the Department of Planning,
Re: Requests for Variance or Special Use Permit to be heard on June 25, 2008

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

- B. Copy of Notice of Decision dated March 12, 2008, Appl. #2007-15 Tockwotton Home, Preliminary Plan, Map 016, Block 21, Parcel 7 Waterfront Drive

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

- C. Copy of Certificate of Completeness, Appl. # 2007-15 Minor, Tockwotton Home, Bold Pt. Harbor District, Map 016, Block 21, Parcel 7

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

Mr. Batty asked if they would be breaking ground soon. Ms. Boyle said possibly in the fall or spring.

- D. Copy of Notice of Decision, Appl. #2007-12 LDP, Madeira Restaurant Master

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

- E. Copy of letter dated June 24, 2008, to Jeanne Boyle from Robert Rocchio, RI State Traffic Commission Re: Warren Ave Changes at S. Rose St. and S. Blossom St.

Mr. Batty asked about the flashing light. Ms. Boyle said there will be no flashing light there and that they are still waiting for the “no parking” signs to go up around the auto repair shop. Once the signs go up we do not know where the auto business will park his client’s cars.

Also, the crosswalk has not been installed as yet.

Mr. Batty wanted the record to show that he was not at the May 12, 2008 meeting, but that there was still a majority to vote. It was so noted.

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted to accept Communication E.

7. ANNOUNCEMENT

- A. August Meeting Change because of the holiday – Next meeting is **Wednesday, August 13, 2008, 7:00 p.m., Room 306;**

8. ADJOURNMENT

At 8:40 pm, on a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to adjourn the meeting.

Respectfully submitted,

Michael Robinson
Chairman

MR/JMB/sac