

September 24, 2008 - Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of September 24, 2008

Present were: Anthony Almeida (arrived during the meeting), Burton Batty, Robert Cole, Octavio Cunha, Krista Moravec, Matthew Robinson, Michael Robinson, Diane Feather (staff), Wayne Barnes (staff) and Assistant City Solicitor Gregory Dias.

The meeting was called to order at 7:00 PM and the Board and staff recited the Pledge of Allegiance.

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated in place of Mr. Almeida, who was expected to arrive later in the meeting.

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of August 13, 2008

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board unanimously approved the minutes of August 13, 2008.

B. Minutes of November 14, 2007 (to be submitted)

It was indicated that the minutes of this meeting will be submitted at a later date.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Memo dated August 13, 2008 to the City Council, Re: Petition for Highway Abandonment – Spiral Path (Unimproved) Westward to Cul-de-Sac)

Mr. Cunha questioned the consistency of the correspondence included in the Board's packet as to whether he was present and voted. Ms. Feather noted that she was not present at the meetings in question, but that staff would look into it and make any necessary corrections.

Motion- Accept Correspondence

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted 5-0 to accept the correspondence.

Mr. Barnes (staff) noted that the administrative subdivision associated with this highway abandonment and referenced in the correspondence has been recorded in the City's Land Evidence Records.

- B. Memo dated August 14, 2008 to the City Council, Re: East Providence Waterfront Special Development District Tax Increment Financing Plan

Motion- Accept Correspondence

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted 5-0 to accept the correspondence.

4. NEW BUSINESS

- A. Request for Release of Performance Guarantee – 392 Roger Williams Avenue Subdivision, Applicant: Estate of Josephine Duarte

Mr. Barnes noted that the City's Engineering Division has inspected the required improvements to the City's right-of-way associated with this subdivision and found them to be acceptable. The Planning Department recommends that the Board approve of the full release of the performance guarantee.

Motion- Advisory recommendation

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board voted unanimously to accept the Planning Department Recommendation and approve the full release of the performance guarantee.

Roll Call Vote

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

- B. Land Donation – Request for Advisory Recommendation to the City Council, Location: Map 911, Block 1, Parcel 3

Mr. Barnes described this proposal and distributed color aerial photographs of the area in question to augment the black and white copies included with the Planning Board packet.

The purpose of this agenda item is to complete a process that was undertaken in 2002 and accept a donation of the above-referenced parcel of land, which measures one acre. The City accepted the parcel in 2002, but it recently came to light that the quit-claim deed for

the parcel was never recorded in the City Land Evidence Records, the result being that the parcel was never actually conveyed to the City. The Planning Department now seeks to complete the donation process. Mr. Barnes briefly summarized the Planning Department memo, which indicates comprehensive plan consistency with regard to protecting land fronting the Runnins River. He noted that the header of the staff recommendation on pages 2 and 3 was incorrect and should read Assessors 911/1/3 as the parcel of the land donation, and that Dr. Conley incorrectly refers to the Assessor's Map number of the parcel as 311 rather than 911 in his letter dated September 11, 2008.

Motion- Staff Recommendation and attachments

On a motion from Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to accept the Planning Department memo and attachments into the record of the meeting, with its corrections as to the header on the staff recommendation to Assessors 911/1/3 for the land to be donated.

Motion- Advisory Recommendation

On a motion from Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to accept the Planning Department recommendation and recommend that the City Council accept the donation of the subject parcel to the City of East Providence.

Roll Call Vote

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

Ms. Feather noted that the Law Department would look at the legal description on any deed related to this donation before it is recorded. Mr. Dias concurred.

C. Proposed Amendments to Chapter 19 Zoning, and Staff Recommendation

Ms. Feather presented the staff recommendation dated September 19, 2008, which had attachments including: the actual proposed Chapter 19 zoning text amendments (consisting of 9 pages); a photocopied page of example storage containers (PODS); a copy of R.I.G.L. 45-24-46; a copy of Sec. 19-145 Schedule of Dimensional Requirements, and the first of three required display ads published in the Providence Journal on September 19, 2008 (on page C-2). She noted that should the Board vote to make an advisory recommendation of approval on the proposed amendments, the second and third ads would be published in the Providence Journal on Sept. 26th and October 3rd and the City Council would have their public hearing on October 7th.

Mr. Batty noted that in 2 out of 10 jobs in his general contracting business he might also use an enclosed storage container on-site (for tools and job materials), as well as a dumpster. He noted that the container he uses measures 20 feet in length by 8 feet in width and 8 feet in height. Ms. Feather noted that the proposed 16 foot length simply came from what appears to be the most popular container utilized by homeowners in the City (PODS). She noted that the definition could be changed to up to 20 feet, and also noted that proposed language in Sec. 19-171 allows for the placement of an enclosed storage container for more than 30 days when associated with a construction project that has a valid building permit.

Ms. Moravec asked about the “parking facility” and “commercial parking facility” changes. Ms. Feather noted that part of this was a housekeeping change and simply ensures internal consistency in the document by utilizing the term “parking facility” as defined in the same manner when it appears later in the Zoning Ordinance. She also noted that the intention of allowing a parking facility was *along with* a permitted use or a use permitted conditionally, and not as a stand-alone facility and the language has been clarified in that regard.

Mr. Batty motioned to recommend City Council approval of the proposed amendments with the change to the definition of “portable storage container” in 19-1 to allow up to 20 feet in length by 8 feet in width and 8 feet in height. Ms. Moravec seconded the motion.

Roll Call Vote

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

Alternate Member Mr. Cunha voted on this item as Mr. Almeida arrived after this item had commenced.

5. CONTINUED BUSINESS

Mr. Almeida arrives at the meeting and is seated as voting member in place of the alternate, Mr. Cunha.

A. Staff Report

Ms. Feather noted that the engineering firm VHB had delivered updated Preliminary Plans for the Wampanoag Ponds development (at the former Leonardo Farm). However, the developers do not have all of their required State permits, notably the RIDOT permit for the proposed work on Rt. 114 Wampanoag Trail. She noted that by State law they must have all their State permits before they come before the Board with their Preliminary Plans, at which point there will be a public hearing. Ms. Feather noted that

the project might be ready for a November 2008 public hearing before the Board and the Board should anticipate a lengthy hearing.

Ms. Feather noted other development projects in the City including the proposed Stop & Shop at the Wampanoag Plaza, and the City's construction at Sabin Point Park, consisting mostly of new concrete walkways, and irrigation and seeding. Ms. Feather noted that the façade improvements had been completed across the entire length of the building of the Shaw's (Shopperstown Plaza) on Taunton Avenue.

Ms. Feather noted that as is very obvious, the Bomes Theatre has been demolished. Mr. Batty stated that the site should be considered for parking. Ms. Feather noted that staff and the Downtown Business Association support the construction of a building located on the front property line (continuing the build-to line of the existing building next which abuts the Bomes property), which would house retail uses on the first floor with residential use on the second floor and parking to the rear. Ms. Moravec noted that many sites are over-parked and built to a "peak demand" that may happen very infrequently.

Mr. Barnes noted that a Safe Routes to School workshop was held at Kent Heights Elementary School on September 23rd in conjunction with a \$23,000 grant attained for the school by the Planning Department for pedestrian safety improvements around the school. Some of the money will be used for an enhanced crosswalk of the type found at the corner of Warren Avenue and Broadway. The workshop drew a diverse group of City employees, school officials and parents who observed school the school departure procedure and planned to work together to make that procedure safer and less chaotic for the school community. Mr. Batty noted that shrubs have grown into the sidewalk area and are blocking site lines and noted the location to Mr. Barnes, which he described as being on Pawtucket Avenue opposite the Benny's store. Mr. Robinson stated that a letter is sent to the property owners in these situations, to which Mr. Dias concurred.

Ms. Feather noted that Ms. Moravec had been the chair of the very successful 2008 Southern New England Regional Planning Conference held at the RI Convention Center on September 4 and 5, with over 500 persons in attendance. The Board applauded her accomplishment.

Ms. Feather noted that Jeanne Boyle had been selected to receive the Rhode Island Chapter of the American Planning Association "*Distinguished Leadership Award*". Ms. Feather noted that Ms. Boyle is in her 20th year of service in planning in RI, all with the City of East Providence. She noted that a cocktail-style awards reception will be held in early-2009 and it would be nice if the Board could attend. Members asked to be informed of the details when they are announced.

Ms. Feather noted that many other projects and work are underway, including updating of the City's Comprehensive Plan, which would come before the Board.

6. COMMUNICATIONS

- A. Copy of Superior Court Decision dated 8/7/08 on the Michael West Builder, Inc. court case
- B. 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
- C. Copy of Notice of Decision, Appl. #2007-17 Minor Subdivision, Applicant: C.L. White Construction Inc., Location: 3200 Pawtucket Avenue
- D. Copy of Notice of Decision, Appl. #2006-23 Minor Subdivision, 74 Wannissett Avenue, Applicant: James D. Jr. and Susan M. Patterson
- E. Copy of Letters dated 9/16/08 to W. Gray, Vision 3 Architects and George Bennett, Bount Bennett Re: Madeira Restaurant Seating Plan

Motion to accept

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to accept Communications A through E.

Mr. Barnes adds that subdivision referenced in Communications Item D. has been recorded in the City's Land Evidence Records since the last Planning Board meeting.

7. ANNOUNCEMENT

- A. Next Meeting - Because of the Columbus Day holiday, the next meeting will be held on **Wednesday, October 15, 2008**, 7:00 p.m., Room 306.

8. ADJOURNMENT

On a motion by Ms. Moravec, seconded by Mr. Batty, the Board voted unanimously at 8:05 pm to adjourn the meeting.

Respectfully submitted,

Michael Robinson, Chairman