

April 9, 2007 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF APRIL 9, 2007

Present: Anthony Almeida, Burton Batty, Anthony Carcieri, Octavio Cunha, Krista Moravec, Matthew Robinson, Diane Feather (staff), Wayne Barnes (staff), and City Solicitor William J. Conley.

It was noted that Vice Chairman Mr. Batty would Chair this meeting because Chairman Robinson was ill and unable to attend.

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as a voting member in place of Chairman Robinson.

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of March 12, 2007

On a motion by Mr. Almeida, seconded by Mr. Cunha, the Board voted to approve the minutes with the noted corrections.

B. Minutes of February 12, 2007

On a motion by Mr. Cunha, seconded by Mr. Almeida, the Board voted to approve the minutes with the noted corrections.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Ms. Moravec, seconded by Mr. Almeida, the Board unanimously voted to approve the correspondence listed below:

A. Memo dated March 13, 2007 from the Planning Board to the City Council, Re: Proposed Zoning Ordinance Amendments – Signs

On a motion by Mr. Almeida, seconded by Ms. Moravec, the Board unanimously voted to approve the correspondence listed below:

B. Memo dated March 29, 2007 from the Planning Board to the City Council, Re: Wampanoag Ponds – Rezoning Recommendation

4. NEW BUSINESS

A. Appl. #2007-02, 392 Roger Williams Avenue, Applicant: Louise Mastrostefano, Executrix for the Estate of Josephine Duarte

Representing the applicant was Ralph Mastrostefano, and Raymond A. Tomasso, Esq. who were sworn in by City Solicitor William Conley.

Attorney Tomasso introduced a document authorizing Durable Limited Power of Attorney for Ralph Mastrostefano and Robert Mastrostefano, sons of Louise Mastrostefano. On a motion made by Mr. Almeida, seconded by Ms. Moravec, the Board voted unanimously to approve this document and it was handed to Mr. Conley.

Attorney Tomasso then stated that the purpose of the subdivision was to have an existing property line between parcels 5.1 and 6 moved and remove a portion of the existing property line between parcels 5.1 and 5, which would merge the three parcels into two and create a new buildable parcel, showing Board members the plan in order to explain the changes. Both lots would front on both Roger Williams and Sheridan Avenues.

Acting Chairman Batty asked the applicant for a confirmation on the location of the existing prior recorded lot lines, which were then pointed out on the map.

Mr. Barnes went through the staff recommendation. He explained that the applicant proposes to rearrange the existing property lines as described by Attorney Tomasso.

He described the existing conditions and noted that the current Parcel 5.1 consists of 8,000 square feet on the corner of Roger Williams and Sheridan Avenues. The parcel contains a single family dwelling with footprint measuring roughly 30 x 40 feet, fronting on Roger Williams. A two car detached garage is located to the rear of the house with driveway access from Sheridan Avenue.

The proposed subdivision is in a Residential-4 District. Mr. Barnes noted that the subdivision, as proposed, will not require any zoning relief.

A certificate of completeness was issued by the Administrative Officer on February 22, 2007.

The applicant is requesting a waiver from the requirement for granite curbing and concrete sidewalks.

Regarding consistency with the East Providence Comprehensive Plan, it was noted that the existing three-parcel combination, containing one dwelling, complies with the Low Density designation. If an additional single-family dwelling were constructed on the proposed Lot 2, the subdivision would average out to 5.7 dwelling units per acre, still within the designation. This necessitates the

stipulation that any new construction as a result of the subdivision be limited to one single-family dwelling.

Regarding Section 1-2, General Purposes of the Regulations, Mr. Barnes called attention to Part (c), opining that house construction featuring large windowless facades are not desirable at this highly visible location, and also part (d), stating that the area in consideration consisted mainly of open lawn, and that no notable trees need be removed for any new construction.

Regarding Section 5.4, Required Findings, Mr. Barnes called attention to Part (A), Comprehensive Plan consistency, stating that the subdivision in general complies with the Comprehensive Plan, with the stipulation that future construction consists of one single-family dwelling and remain within the required lot setbacks. Regarding Part (F) findings concerning pedestrian circulation, it was noted that sidewalks and granite curbing do not exist along the stretch of Roger Williams Avenue between Nevada Avenue to the northeast and Campbell Avenue to the southwest, a distance of about a third of a mile.

RECOMMENDATION

Based upon the analysis provided above, the proposed subdivision is consistent with Section 1-2, "General Purposes" being 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. It is the opinion of staff that the subdivision, as proposed, is fully consistent with the East Providence Comprehensive Plan. Therefore, staff recommends:

A. That the Board delegate final plan approval to the Administrative Officer, and;

B. That the Planning Board grants **Conditional Approval** of the subdivision, **as proposed**, subject to the following conditions:

1. That any future construction on Lot 2 consist of one single-family dwelling, and the proposed Lot 1 including the existing dwelling and proposed Lot 2 including new dwelling both be restricted to single-family use in perpetuity;
2. That any future construction on Lot 2 conform to Residential-4 District building setback requirements as proposed on the plan;
3. That any future Lot 2 single-family dwelling feature windows on each side, avoiding blank, windowless facades;
4. That there be no further subdivision of the lots shown on this plan for the purpose of creating an additional buildable lot;

5. That a waiver from the requirement for sidewalks be granted based on the lack of an existing sidewalk network in this area, but that granite curbing be installed on the Roger Williams and Sheridan Avenue frontages;
6. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City Right-of-way including curbing;
7. That the title block of the Preliminary Plan be revised to indicate Final Plan status;
8. 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;
9. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and
10. That upon project completion, final 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.

Further discussion followed regarding whether the design recommendation (Condition 3 above) could actually be carried out in the future when house construction occurs, especially if that construction is accomplished by someone other than the applicant. A general discussion on how plan conditions are enforced followed. Ms. Feather noted that any Preliminary Plan conditions are noted either graphically or by note on the Final Plan and staff checks for that, and the plans are recorded in the Land Evidence records. Mr. Conley stated that the process of recording the subdivision assures that all of the recommendations above will legally need to be adhered to, and there is an administrative process at the time of the building permit that requires that Zoning, and the Planning and DPW Directors sign off on the application.

Clarification was made on Recommendation Condition 5 above regarding curbing installation. It was stated that curbing should be installed along both the Roger Williams and Sheridan Avenue frontages of both lots.

Ms. Feather asked Mr. Mastrostefano if he understood that he was required to post an improvement guarantee for the required public improvements, to which

he gave an affirmative response. Ms. Feather noted that this is required to be in place before the final plan is recorded.

Motion – Enter Staff Memorandum with attachments into the record.

On a motion by Ms. Moravec, seconded by Mr. Carcieri, the Board voted unanimously to enter the staff recommendation with attachments into the Board’s official record.

Motion – Waiver of sidewalks only, granite curbing will be required

On a motion by Mr. Carcieri, seconded by Ms. Moravec, the Board voted 5 – 0 to grant the waiver for the construction of sidewalks only and require the installation of granite curbing.

Roll Call Vote

Mr. Almeida	Aye
Mr. Carcieri	Aye
Mr. Cunha	Aye
Ms. Moravec	Aye
Acting Chair Mr. Batty	Aye

Motion – Subdivision

On a motion by Mr. Carcieri seconded by Ms. Moravec, and upon a finding that the proposed subdivision is consistent with Section 1-2, “General Purposes”, and that positive findings were made to all of the standards of Section 5-4, “Required Findings”, the Board voted 5 – 0 to Conditionally Approve the subdivision, as proposed, based upon the recommendation of staff:

Roll Call Vote

Mr. Almeida	Aye
Mr. Carcieri	Aye
Mr. Cunha	Aye
Ms. Moravec	Aye
Acting Chair Mr. Batty	Aye

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by Ms. Moravec seconded by Mr. Carcieri the Board voted 5 – 0 to approve delegation of Final Plan approval to the Administrative Officer.

Roll Call Vote

Mr. Almeida	Aye
Mr. Carcieri	Aye
Mr. Cunha	Aye
Ms. Moravec	Aye
Acting Chair Mr. Batty	Aye

B. Draft Language regarding program for payments in lieu of installation of curbing and sidewalks (for discussion only)

Ms. Feather stated that this item is before the Board for discussion purposes only and to let the Board know that staff is continuing to work on the Sidewalk and Pedestrian Plan. She said there are legitimate reasons why the Board may choose to grant a waiver and defer the installation of sidewalks and/or curbing, or simply not require it. She noted that there are a number of factors that must be addressed, such as conditions of the immediately adjoining area, drainage, slope, proximity to schools and other public places.

Ms. Feather noted that the subdivision on the agenda earlier was a good example of a situation in which the Board may wish to have the applicant pay an in-lieu fee for sidewalks. The funds would be used to build sidewalks based on priorities identified in the Sidewalk and Pedestrian Plan adopted by the City Council (which would also be an element of the City's Comprehensive Plan), and she noted that it may make sense to design and construct sidewalks and curbing on an area-wide and coordinated basis, i.e. a longer segment of a street than to construct them incrementally in short stretches.

Mr. Batty asked who would be continuing the work with the person who was working on this previously was gone. Ms. Feather noted that at the time the previous presentation was made to the Board we had a planning intern working on the project (Chelsea Pierce). She noted that since that time Wayne Barnes has been hired as a full-time employee and he is working on this project. Mr. Barnes noted that he had made progress on the project and completed the inventory part of the project.

Ms. Moravec asked about building pedestrian connections and pathways and not necessarily concrete sidewalks. Ms. Feather agreed that it would be good to look into alternative materials and newer technologies and to have more informal paths were possible, but noted that since we are a fairly urbanized area, that the concrete sidewalk and granite curbing standard would likely prevail in most cases.

Mr. Carcieri noted that the sidewalks in the Bridgham Shire (Tom Lamb) subdivision, in which he lives, don't appear to be used and people walk in the street. Ms. Feather noted that it was her recollection that the roadway width in that subdivision was reduced from the 30 foot standard to 24 feet (based on the

findings being met, such as a lower volume of traffic), and that sidewalks were thought appropriate to get pedestrians off the road.

Mr. Almeida raised the issue of concrete curbing was raised and all agreed that it had not, and does not, hold up over time. Granite curbing is the City standard.

Mr. Batty raised concern about an intersection of Pawtucket Avenue with one of the Kent Heights side streets where pedestrians walk in the street. It was noted that Pawtucket Avenue was a State road so they are responsible for the sidewalks. Ms. Feather noted that if Mr. Batty had a specific location on a drainage problem with a City street that he could contact the Director of Public Works, but that he should know that resolving these issues is usually complicated and involves creating a good base.

Mr. Cunha expressed concerns about inconsistent application of the sidewalk and curbing waiver and said it had been an issue for the Board for years. Ms. Feather noted that there probably have been some inconsistencies, but requiring sidewalks and curbing for every subdivision is not absolute since there are conditions that vary from place to place.

Ms. Feather noted that the staff would be back before the Board with the plan and recommended in-lieu provisions in the near future.

C. Request for Planning Board Recommendation to the City Council Re: 21 Sunnyside Avenue, Map 209, Block 3, Parcel 9– Resolution of Property Boundary

Representing the applicant was Mr. Charles H. White, Esq. Mr. White and the applicant, Ms. Anne B. Greene, were sworn in by City Solicitor William Conley.

Mr. White presented the current conditions and the request for a property resolution to the Board. He commended the City's Planning Department for their timely response and for engaging the Conservation Commission in the process.

Mr. Barnes presented the staff report. He noted that the Planning Department received a request for assistance from the Assistant City Solicitor in resolving the property boundary issue in question. The properties are 21 Sunnyside Avenue – Assessor's Map 209, Block 3, Parcel 9, owned by Anne B. Greene; and Map 209, Block 3, Parcel 10, owned by the City of East Providence. The latter parcel is part of the Boyden Heights Conservation Area.

He explained that a chain link fence around 180 feet long was installed by the City, a portion of which is within City property. Ms. Greene and her predecessors have landscaped to the fence. There is a City right-of-way known as Spiral Path along Ms. Greene's side of the fence that she would like to officially acquire for the purpose of constructing a driveway for off-street parking servicing her house.

Ms. Greene will need to acquire the entire right of way in order to construct a driveway. Because one of the properties involved in this matter is City conservation land, the East Providence Conservation Commission was asked to make a recommendation to the Planning staff regarding the final resolution of the property boundary. The Conservation Commission concluded that there were no specific environmental or habitat concerns on the transfer/sale of the small amount of city-owned land in question. It appears there is no public purpose to be served by the City retaining the Spiral Path right-of-way. The complete Conservation Commission recommendation was attached as part of the Planning Board packet.

Recommendation

The Planning Department, concurrent with items 1 and 2 of the East Providence Conservation Commission recommendation, advised that the Planning Board recommend to the City Council that:

1. The applicant filed a Petition for Highway Abandonment under East Providence Revised Ordinances Section 14-22, for purposes of eventually acquiring the right-of-way.
2. That the applicant also submit an application and plan for an Administrative Subdivision for purposes of resolving the remainder of the property border between the subject parcel which is Map 209, Block 3, Parcel 9; and the Boyden Heights parcel on Map 209, Block 3, Parcel 10.

There was discussion on exactly how this recommendation will resolve the issue. Mr. Conley and Ms. Feather clarified this, stating that through the Highway Abandonment process, the street (or dedicated right-of-way) is reviewed for whether it serves a public purpose (e.g., for access, utility corridors) and if not, is declared abandoned by the City Council, and the ownership upon abandonment goes 50/50 to the abutting property owners to the centerline, in this case Ms. Greene, and the City. Ms. Greene could then purchase the City's half at a value to be determined by the City Assessor. Mr. White requests that Ms. Greene not be required to purchase the crescent-shaped sliver of the abandoned Right-of-way that is on the other side of the fence.

Mr. Barnes stated that the Administrative Subdivision would be used to conform the remaining portion of the property boundary (basically between the end of the Right-of-way and the East Bay Bike Path) to the chain link fence.

Motion – Planning Board will proceed with a recommendation to the City Council on this matter according to the Planning Department's recommendation.

On a motion by Mr. Carcieri, second by Ms. Moravec, the Board 5 – 0 voted to recommend:

1. That the applicant file a Petition for Highway Abandonment with the City Clerk under East Providence Revised Ordinances Section 14-22, for purposes of eventually acquiring the right-of-way.
2. That the applicant also submit an application and plan for an Administrative Subdivision for purposes of resolving the remainder of the property border between the subject parcel which is Map 209, Block 3, Parcel 9; and the Boyden Heights parcel on Map 209, Block 3, Parcel 10.

Roll Call Vote

Mr. Almeida	Aye
Mr. Carcieri	Aye
Mr. Cunha	Aye
Ms. Moravec	Aye
Acting Chair Mr. Batty	Aye

>5. CONTINUED BUSINESS

A. Staff Report -

Ms. Feather noted that Planning Director Jeanne Boyle had another meeting to be at and was not able to be at the Board's meeting. She noted that Ms. Boyle had been invited to be on the "Tea with Marie" cable television show to talk about planning and East Providence. Ms. Feather also pointed out that Senator Jack Reed had won a national award from the American Planning Association (APA) as Legislator of the Year, and directed members to read the article in the April issue of *Planning* magazine, which they should all be receiving since they are APA members. Ms. Feather noted that the City Council granted the requested zone change for Wampanoag Ponds (Leonardo Farm property) at the April 3rd Council meeting so that would be coming back to the board for Preliminary Plan review after the completion of detailed engineering and receipt of State permits.

6. COMMUNICATIONS

Upon a motion made by Mr. Almeida, seconded by Ms. Moravec, the Board voted 5 - 0 to receive the following communications:

- A. Copy of memorandum to the Zoning Board of Review, Re: March 28, 2007 Cases
- B. Copy of Notice of Decision dated March 12, 2007 – Application # 2006-16 Minor Subdivision, Ashburton Road

C. Copy of Notice of Decision dated March 13, 2007 – Application #2006-27, Minor Subdivision, 170 Forbes Street

7. ANNOUNCEMENT

A. Next Meeting – Monday, May 14, 2007, 7:30 p.m., Room 306

**8. ADJOURNMENT
- 8:55 PM**

DMF/WB/sac

Cc: City Clerk
Posted: www.eastprovidence.com
Sec. of State Website