

February 12, 2007 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF FEBRUARY 12, 2007

Present: Anthony Almeida, Burton Batty, Octavio Cunha, Chairman Michael Robinson, Matthew Robinson, Anthony Carcieri, Krista Moravec, Erik Skadberg, City Engineer, Jeanne Boyle (staff), Patrick Hanner (staff), and William J. Conley, City Solicitor. Burton Batty was not present.

1. SEATING OF ALTERNATE MEMBER

There was no alternate seated. Chairman Robinson, on behalf of the Board welcomed the newest member, Anthony Carcieri.

2. APPROVAL OF PLANNING BOARD MINUTES

Mr. Robinson states that the January 8 minutes need to be corrected that he did not vote on any of the issues since he was not seated. There was a full Board that night. It was noted it would be corrected.

A. Minutes of January 8, 2007

With those corrections noted, on a motion by Mr. Almeida, seconded by Mr. Batty, the Board voted to approve the minutes of January 8, 2007.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was none.

4. NEW BUSINESS

A. Public Hearing – Fairview Avenue Preliminary Plan - Subdivision, Luis Mateus

Chairman Robinson states the Board will hear from the applicant or his representation first.

Luis Mateus, 582 Warren Avenue, East Providence and Mr. Convoy of David Gardiner and Associates, professional engineer were both sworn in by City Solicitor Conley.

Mr. Convoy states they are asking for approval of an 8 lot subdivision that ends in a cul-de-sac. Seven lots will come off the cul-de-sac and one lot will be utilized at the existing dwelling on Pawtucket Avenue. The drainage will start outside the property and will be going to the same watershed. The subdivision will have sewers, water, gas and it will also have sidewalks. He said they are not asking for any waivers. The drainage system has been redesigned.

Mr. Batty asked if the developer proposes to use the same drainage ponds and if the water is going to be tied into the existing drains on Fairview Avenue? They said yes, and that St. Martha's will not get any of the overflow. The drain will be re-routed to Fairview Avenue.

Chairman Robinson noted that in addition, we received tonight a supplemental Environmental report.

Mr. Batty asked about the soil analysis that we received tonight prepared by Silva Environmental. Why does it state on the report that heavy metals were detected in the soil samples, but the next item states that all metal levels detected in the soil samples were below RIDEM limits. He asked if that means that they are still below standards? They said yes.

The applicant concluded his presentation.

At this time Mr. Hanner went through the staff report. He said the Board has received the Silva Environmental Report and also a full size set of plans have been distributed to the Board at this meeting. He noted this is a major subdivision which has three stages: master, preliminary, and final and that this is at the preliminary stage.

Mr. Hanner noted the applicant wishes to create an 8 lot subdivision and an extension of Fairview Avenue. In February 2006 this appeared before the Board as a master plan. The only difference between the master and preliminary sets of plans is the proposed drainage. Before they were proposing the drainage to be drained through an easement to connect through an existing drain line at St. Martha's Church. The major change in the plan is that they are proposing for the drainage to be drained off the street towards the detention basin and then from the detention basis towards Fairview Avenue. .

He said staff re-examined the environmental issues and explored whether or not there is contaminants at the site. The applicant submitted his application with the phase 1 environmental report which was prepared by Silva Environmental which concluded that there were no harmful contaminants in the soil. The City also hired an engineering firm, BETA Group to examine the phase 1 report submitted by the applicant and to determined if those findings were sufficient and whether or not further testing was needed. BETA Group recommended further testing in

an additional six borings to be drilled at the site for heavy metals and petroleum hydrocarbons. The testing was done and all the contaminants on-site were below the state levels.

Chairman Robinson asked about the looping of the water main. Mr. Hanner states that the water line ends at Fairview Avenue. The City does not want to see the water end right there but looped onto Pawtucket Avenue. The Department of Public Works strongly recommends this looped water main for reasons related to water quality, pressure and public safety such as fighting fires, and constant water service and will eliminate any kind of stagnant water etc. Staff strongly recommends this also.

The applicant states they are proposing an 8 inch line to which you should have no problem. To loop this water line we will have to double the amount of water line we have to put it. It makes it difficult to loop this because of the constraints we have on the site. 13:00 The applicant states that they are also proposing a hydrant at the end so that it could be flushed out at some point if needed.

Ms. Boyle states that she received a strong recommendation from the Water Superintendent regarding the need for the looping of the water service. The City Engineer, Erik Skadberg is present tonight if the Board has questions.

Mr. Skadberg said they can eliminate water quality issues by simply moving the water main onto Pawtucket Avenue. The City does not want any dead ends. Also, The EPA regulations are getting stricter. The longer the water sits stagnant in the pipe, the more EPA is very concerned.

Mr. Batty asks where they will tie this in. Mr. Batty asks Mr. Mateus if he agrees to this. Mr. Mateus would like this waived. It would be an 8 inch main down to Pawtucket Avenue. Mr. Batty asks how far apart they have to be. They are proposing a 12 foot wide driveway and the easement itself looks like about 16 feet for the driveway of Lot #3

Mr. Batty asks that it all be tied together and asks Mr. Mateus to either agree to it or not agree to it and have the Board still vote on it. There may be a possibility for the 8 inch line to drop to a 6 inch line.

Mr. Conroy states they only have a 25 foot wide access and are trying to separate the sewer and water coming through this access point on top of the utilities. Combined with the driveway it makes it very difficult to route all these services side by side at such a narrow point. He states his concern is trying to fit it all in there.

Mr. Batty states the most logical spot would be between the split the property line.

Mr. Hanner states that if the Board decides to require that the water line be connected to Pawtucket Avenue, then staff will recommend that as a condition we will hold the applicant responsible for a physical alteration permit from the RIDOT. They would have to obtain that before staff issues a final plan approval is granted.

The application was reviewed by Public Works, Zoning Officer, Fire Department, Law Department.

Consistency with Comprehensive Plan

The subdivision is consistent with the City's Comprehensive Plan. The Land Use 2010 Plan designates the area of the proposed subdivision as "Low Density Residential". This designation allows residential development at a density of 5.8 dwelling units per acre or less. The land use associated with the subdivision is consistent with the Land use 2010 designation.

General Purposes and Required Findings

The General Purposes of Section 1- 2 have been addressed and Positive Findings were found on Section 5-4.

Staff recommends that the Planning Board grant conditional approval of the subdivision as proposed, subject to the following conditions:

1. That all of the attached comments of City staff are addressed during the preliminary plan stage;
2. That water service to the development is looped per the recommendation of the Director of Public Works;
3. That all proposed public and private easements and modifications to existing easement are submitted to the Planning Department for review prior to recording of the final plan;
4. That the applicant submits an improvement guarantee for all required public improvements;
5. That the title block of the Preliminary Plan be revised to indicate Final Plan status;
6. That the Final Plans be based upon the approved Preliminary Plan, 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 final plan approval is delegated to the Administrative Officer.

Mr. Batty asked if the 42 inch waterline part of that property on Pawtucket Avenue. Mr. Convoy states it is a 30 inch line. On Pawtucket Avenue it is a 12 inch line. Mr. Batty states he does not want it crossed again and asks if it goes straight across Pawtucket Avenue. Mr. Convoy states yes.

There were no other comments from the Board.

Public Comments

Chairman Robinson states that this is a public hearing and that anyone from the public can now speak.

Father Doug Spina, of St. Martha's Church states that he received the information regarding this hearing in the mail and spoke with some of the City officials. He asked the architect to put together a letter of concerns that the neighbor's and St. Martha's Church have. He read the letter to the Board from Gates Leighton and Associates who reviewed the project. The letter states that the existing conditions between the church and the development have a short portion of low stone wall towards the Pawtucket Avenue side. Gates Leighton recommends in their letter to ask that the East Providence Planning Board suggest that the applicant clearly locate new permanent bounds for all lots along the common property line and to either provide either landscaping and/or fencing so that future encroachments can be avoided.

Henry Brelsford, 57 Fairview Avenue was sworn in. He is concerned about the storm water runoff and that he already gets water in his basement and asks if this will be intensified with this new development? The applicant's engineer said that the runoff will go into the detention system and then it will be piped back into the Fairview Avenue drainage system. It will not overburden the system.

Mr. Mateus said he plans to landscape the backyards, but not put up any fences but will do what the Board asks of him.

Father Spina, states that the church is doing some improvements. He would like to see something put up in addition to that stone wall. He states he would also want the line clearly marked with the landscaping so that it clearly defines the boundary of the property lines. He would like to make sure that the future homeowner knows where their property line ends. Ms. Boyle states that typically it is the more intensive property owner that is required to put up the fence which is typically not the residential property owner. Usually in the survey, we require

that granite bounds be put in place so that there is a permanent delineation for the purposes of survey.

Mr. Robinson said he does not think it is up to the property owner (Mr. Mateus) to put up such extensive landscaping such as 500 feet of shrubs, brick wall or fencing. The church has the right to do that on their side of the property. As far as the Board requiring it with this development it presents an issue.

Matt Robinson states he agrees with the granite type markers and raises them four to six inches. I don't think it should be the applicant's responsibility to put up a fence, trees, or anything else other than markers. If the church wants to put up their own trees, they will know where the markers are.

Nancy Moore, 14 Josephine Avenue was sworn in. She states she is representing the Historic Properties Commission and the East Providence Historical Society. She thanked the Board for cooperating with them for protecting and boarding up the Ide house. She said they are concerned about the Ide property and the stonewalls around the property. She asked if the house was part of the development. They said yes. The applicant states that the house has access through the gravel driveway and the easement off of Pawtucket Avenue. They said they will not be removing any stonewalls.

Mr. Batty asks where the stonewalls are located. He said he does not want the water line interfering with the stonewall. They said it would not.

Another resident spoke and states that his property is the very last property. He does not have a sewer line, but a septic tank and could he tie into the sewer line. Chairman Robinson states he will have to discuss that with Mr. Mateus; it was not something that the Board could dictate.

City Solicitor Conley said that coming from that lot you will need a cross easement from National Grid. He suggested contacting National Grid as soon as possible because it is important to get them involved.

Chairman Robinson states he is in support of the raised boundary markers and the water loop.

There were no other comments.

Motion – Staff Recommendation, maps, and supporting documentation and supplementary soil test results.

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board voted to make the staff recommendation, maps, supporting documentation, and supplementary soil test results part of the Board's official record.

Motion – Water Looping and Boundary Markers

On a motion by Mr. Batty, seconded by Mr. Moravec the Board voted to agree to the water loop and that the boundary markers be raised 4 to 6 inches above grade and placed along St. Martha's Church property line.

Roll Call Vote

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

Motion – Subdivision Approval and Water Loop

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board voted to approve this subdivision based upon the submitted application testimony presented to the Board, Planning Staff Report, and attached memorandum from various City Departments. All General Purposes of Section 1-2 in the City's Land Development and Subdivision Regulations have been addressed and positive findings have been met for all 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. Carcieri	Aye
Ms. Moravec	Aye
Chairman Robinson	Aye

Motion – Delegation of Administrative Officer

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board voted unanimously to delegate Final Plan approval to the Administrative Officer.

B. Minor Modification – Cumberland Farms, Appl. #2005-17

Ms. Boyle explained that this is a minor modification. The current owner has requested a minor modification from the previously approved and recorded subdivision. Richard Palumbo has presented a modified site plan proposal that proposes a two family residential use in contrast to what had been proposed in the original subdivision application which was approved by the Board in October of 2006. It is located on the front of Pawtucket and Grosvenor Avenues. Since

the modification entails leaving the 58:16 curb cut from Grosvenor Avenue to Sidney Street which was a stipulation of the original Board approval, Ms. Boyle states that it was the opinion of staff that this was a minor modification that did require the review and approval of the Planning Board.

The applicant, Richard Palumbo, was sworn in by City Solicitor Conley. Mr. Palumbo states that this was originally to be a small office building, but now he is proposing a two family residential use. Ms. Boyle states that the action before the Board is just the relocation of the driveway from Grosvenor Avenue to Sidney Street. They will go before the Zoning Board for a use variance to permit the two-family. The Planning Department has expressed some concerns about the two-family vs. a one family, however, that will be part of our advisory recommendation to the Zoning Board as to whether or not it should be one family or two family and whether a use variance for residential shall be granted at all. The real decision before the Planning Board tonight is whether or not the modification to permit the access onto Sidney Street vs. Grosvenor should be permitted.

Matt Robinson asks about the curb cuts and the proposed plans that are before the Board tonight which shows that there are two sets of curb cuts for two driveways for a duplex. Will this go before the Board again if they don't get approval and it becomes a single family. Will we need to modify the curb cuts again to make it one driveway vs. two? Ms. Boyle suggest that if the Board chooses to approve the moving of the curb cut from Grosvenor Avenue to Sidney Street, that you make your approval general enough so that it can encompass either two curb cuts or one depending on the decision of the Zoning Board.

There was no further discussion.

Motion – Modification

On a motion by Mr. Batty, seconded by Mr. Moravec, the Board voted to approve the two family residential use duplex and curb cut relocation from Grosvenor to Sidney Street. If it becomes a single family house, then the revision would be addressed by the Administrative Officer.

Roll Call Vote

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

C. Phillipsdale Landing - Advisory Opinion from the Board to the Waterfront Commission Re: Consistency with the Comprehensive Plan

Ms. Boyle states that there are representatives from the applicant present tonight.

A proposal presentation was given. She noted that the Board tonight is providing an advisory opinion on the consistency with the Comprehensive Plan.

A representative from Essex River Ventures was sworn in and gave his presentation. He introduced his team, Durfee Brown, VHB, Engineering, GZA and Gates Leighton, Landscape Architects.

He said that Phillipsdale Landing is located on the Seekonk River. The master plan is consistent with the Waterfront redevelopment district goals and our plan is to convert the existing mill site into a mixed use community. There will be residential condominium units with a 10 percent affordable component, 35,000 square feet of retail, restaurant and commercial sites. The master plan has been developed with the review of the Historic Preservation and Heritage Commission and it contemplates maintaining and restoring the existing buildings. There will be 25 percent of new green space which does not currently exist on the site. We have followed the Coastal Greenways Guidelines provided by the RICRMC and are creating a number of pedestrian walkways along the coastline and have also created a storm water drainage system with retention pond at the corner of the site. A remediation plan has also been put together which has been approved which addresses brownfields issues. There are a few hot spots within the site which will be removed. The rest will be remediated through capping which structure which will prevent any of the brownfields contaminants from entering into the river. We will also be improving Bourne Avenue area. There will be regrading of Bourne Avenue and put in pedestrian sidewalks along the development. He said he has worked with the DRC Committee of the Waterfront Commission in cooperation with the East Pointe Development to create a new road to provide access between the two developments and also access a landing down near the river for public access as well.

The first phase will consist of residential, a commercial component including a business center, another small residential area of five units and an enclosed swimming pool for the community. The second phase will be the remainder of the historic buildings which is Building 67 which will be condos and Building 68 which is another small condo project. The third phase will be the new construction which will have the underground parking.

Mr. Batty asked about the elevation of the two new buildings and will they exceed the height of the buildings that are already there. It was answered that they are in scale with the buildings exist now.

Mr. Robinson asked what the width of the boulevard was that the two developments will share and if there will be parking available. It has not been designed, only been conceptually coordinated at a prior meeting with the Planning Director. He stated he is in the process of drafting an agreement that addresses both that boulevard and who contributes what to it and who will be responsible for the design as well as producing a site access that does not impede the development of our Phillipsdale project. There will be public parking.

Chairman Robinson asks if there are any other comments or questions from the Board.

There were not.

At this time, Patrick Hanner went through the staff recommendation.

Mr. Hanner stated that it is the Planning Board's responsibility to provide an opinion to the Design Review Committee of the Waterfront Commission whether or not the proposal is before the Waterfront Commission are consistent with the City's Comprehensive Plan and its Land Development and Subdivision Review Regulations.

Through all the design amenities that have been proposed and been met with the performance standards and the Waterfront Regulations; everything from drainage and open space, parking, affordable housing proponent as well as to the utilities and the public shared space

It is the opinion of staff that this subdivision is consistent with the City's Comprehensive Plan and positive findings were found within the Required Findings of the Subdivision Regulations.

Recommendation

The Planning Department recommends that this Board provide a recommendation to the Waterfront Commission that the development as proposed is consistent with the purposes and intent of the City's Comprehensive Plan and all its elements, and the Land Development and Subdivision Review Regulations.

Chairman Robinson asks if there are any other questions.

Mr. Batty asked if a study has been done regarding the access through Roger Williams Avenue. Ms. Boyle answered that in addition to the studies that were done by the applicant's engineer, the Waterfront Commission also has a peer traffic consultant on board, Gordon R. Archibald and Associates, who has been reviewing this traffic study and all the mitigation that is being proposed similar to what the Planning Board had done with major land development projects. They are taking into account all traffic being generated by the abutting property.

Motion – Advisory Opinion by the Planning Board to the Waterfront Commission

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board gave its advisory opinion to the Waterfront Commission and voted unanimously that the Phillipsdale development is consistent with the City's Comprehensive Plan and all its elements and is consistent with the East Providence Land Development Subdivision Regulations. The Board recommends to the Waterfront Commission a positive finding on this development.

Roll Call Vote

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

5. CONTINUED BUSINESS

A. Staff Report

Wampanoag Ponds Development – Ms. Boyle reported that this development was given master plan approval by the Planning Board, but was appealed by one of the abutting property owners. It went to the Zoning Board and was continued. It is my understanding that the applicant is proceeding to the City Council for the rezoning of the property some time in March. The applicant is putting together their preliminary plan approval. The appeal did not seem to prevent this development from moving forward. It will probably be back before the Board in several months.

Walgreens Development Appeal – The board was upheld by the Zoning Board of Review on our decision to grant master plan approval on this development. Walgreens has been required to get signage variance from the Zoning Board of Review. They have been working with Ms. Feather of the Planning Department and putting together their final plan submissions. They will be back before the Board in the near future.

Chairman Robinson asked about Brooks Pharmacy and any suggestion of court litigation. Ms. Boyle states not that she is aware of.

Mr. Batty asked if there has been any consideration given to the people at the back of Hospital Road extension as far as sewer tie-ins at Wampanoag Ponds development. Ms. Boyle states that it is her understanding that the developer is going to be meeting with them. That is one of the engineering issues that must be addressed between master and preliminary plan approval.

Ms Boyle said that another item that came up was the discussion of the round-about being constructed at Forbes Street and down Mink Road. At the invitation of City staff the RIDOT provided a presentation to the City Council last month on the use of roundabouts and their benefits and the potential for implementing that at Wampanoag Trail. The Council was not particularly in favor of the proposal. There were some concerns about roundabouts in a high speed environment.

Mr. Hanner reported that the New Road plan review was approved for 26 units which entails 3 story condos, at the intersection of New Road and Pawtucket Avenue.

6. COMMUNICATIONS

On a motion by Mr. Batty, seconded by Mr. Moravec, the Board approved the communication listed below and made it part of the Board's official record.

- A. Copy of Notice of Decision dated 1/10/07 – Shaws LDP #2006-08

On a motion by Mr. Almeida, seconded by Mr. Batty, the Board approved the communication listed below and made it part of the Board's official record.

- B. Copy of memorandum to the Zoning Board of Review, Re: January 31, 2007 Cases

On a motion by Mr. Almeida, seconded by Mr. Batty, the Board approved the communication listed below and made it part of the Board's official record.

- C. Copy of Land Use 2025 Executive Summary

On a motion by Mr. Moravec, seconded by Mr. Almeida, the Board approved the communication listed below and made it part of the Board's official record.

- D. Copy of Memo from Greg Dias, Regarding Laws and Regulations

7. ANNOUNCEMENT

- A. Next Meeting – Monday, **March 12, 2007, 7:30 p.m., Room 306**

8. ADJOURNMENT

Respectfully submitted,

Michael Robinson, Chair

MR/JMB/sac

