

January 8, 2007 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JANUARY 8, 2007

Present: Anthony Almeida, Burton Batty, Octavio Cunha, John. O'Brien, Matthew Robinson, Chairman Michael Robinson, Krista Moravec, Jeanne Boyle (staff), James Moran (staff), Patrick Hanner (staff) and Tim Chapman, Assistant City Solicitor

1. SEATING OF ALTERNATE MEMBER

There was no alternate member seated. Chairman Robinson welcomed the newest member of the Planning Board, Krista Moravec. Chairman Robinson noted Ms. Moravec is the first female to sit on the Board. The Board welcomed her.

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of December 11, 2006

On a motion by Mr. Almeida, seconded by Mr. O'Brien, the Board unanimously approved the December 11, 2006 minutes.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

4. NEW BUSINESS

A. Subdivision – 110 Sweetbriar Avenue, Map 309, Block 14, Parcel 85

Henry C. Rose, 110 Sweetbriar Avenue, East Providence was sworn in. Attorney Sleprow explained the subdivision to the Board. He states his client proposes to build a single family dwelling. Two variances will be necessary for the completion of the project. It is our intention to apply for those variances. It is proposed to build a single family home on the vacant parcel for Mr. Rose's son. The existing single family dwelling is 13,421 square feet, well above the 10,000 requirement. The new parcel will be 8,206 square feet. The Planning Department has noted that this is consistent with the Comprehensive Plan and will not cause any detrimental effect to the neighbors. The Department states that granite curbing should be installed, but that no sidewalks will be necessary.

We agree with the staff report's conditions and ask that the Board to approve this report. Once the house is built we will comply with all the setback and driveway requirements.

Chairman Robinson asks if there are any questions from the Board. There were none.

At this time, Mr. Moran went through the staff recommendation. He asks that the 10 items in the staff report be identified and entered into the record.

Mr. Moran noted that the property is an R-2 District which allows parcels of a minimum of 10,000 s.f. Parcel 1 will contain 8,206 s.f. and parcel 2 will contain 13,421 s.f. as proposed. The waiver request has been modified to remove the waiver request for curbing at this time. It has been reviewed by the City Engineer. He agrees to the waiving of sidewalks.

The Zoning Officer has reviewed this application and indicated that the application is correct in identifying lot width and lot area as to the variances needed. He wants to assure that there is only one parking space in the front yard to comply with ordinance requirements. They agreed that they would put a note on the final plan.

The Chair asks if anyone from the public would like to comment. There were none.

Motion – Staff Memorandum and supporting documents

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously voted to accept the Planning Department recommendation and supporting documents.

It was noted that the waiver request for the curbing was withdrawn. The only waiver request now before us is the waiver request for sidewalks

Motion – Waiver Request of Sidewalks

On a motion by Mr. Almeida, seconded by Mr. O'Brien, the Board unanimously voted to approve the waiver request for sidewalks.

Motion – Subdivision

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously approved the application based upon the submitted application testimony presented to the Board, Planning Staff Report and memoranda attached from various City Departments. All the General Purposes of Section 1-2 of the City of 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
Ms. Morevac	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by O'Brien, seconded by Mr. Almeida, the Board unanimously voted to delegate Final Plan Approval to the Administrative Officer.

**B. Rezoning – Pershing Street – Map 205, Block 4, Parcel 8 -
Applicant: Richard Palumbo and Joseph Ruggeiro.**

The applicant, Richard Palumbo was sworn in by Assistant City Solicitor Chapman. Attorney Martin P. Sleprow states that they have applied to the City Council for a zone change of this property from C-4 district to an R-4. We plan to file a subdivision to the Planning Board in order to divide the property into two single family conforming lots which will meet the R-4 regulations. He asks that the Planning Board advise the City Council that this rezoning be approved and states that the Planning Staff has reviewed the rezoning request and agrees that this request will not negatively impact the surrounding property owners. It is within the Comprehensive Plan regulations.

At this time, Jeanne Boyle asks Patrick Hanner to go through the staff recommendation.

Mr. Hanner explained that this is a request to zone a property from C-4 to R-4. The property is 13,516 s.f.. and is located at the intersection of Pershing Avenue and Eastern Avenue. It is the intent of the applicant, if this rezoning is approved by the City Council that they will in the future come back to the Planning Board to subdivide. This section of Massasoit Avenue is comprised of I-1, I-02, C-4, and R-4 zoned areas. The residential neighborhood to the immediate north, being Pershing Street, Cadorna Street, and Merrill Street is designated as R-4 and is primarily single-family residential dwellings located on parcels that range in size from 5,000 to 8:000 square feet. Following a recommendation from the Planning Board, a petition to amend Zoning must appear before the City Council as a public hearing and a notice by certified mail to the 200 foot abutters will run for three consecutive weeks of a display advertisement in the newspaper.

Comprehensive Plan Consistency

The Land Use 2010 Plan of the East Providence Comprehensive Plan designates the area of the subject property as being in the vicinity of three separate future preferred land use designations being Open Space, Mixed use, and Low Density Residential. It is the opinion of Planning Staff that the approval by the City Council to rezone the subject property to a residential parcel will not negatively impact nearby land uses and the character of the immediate residential neighborhood. Mr. Hanner explained the three different types of land use within this vicinity.

The request to rezone the subject property from a C-4 to an R-4 is consistent with the goals and policy statements of the East Providence Comprehensive Plan as follows:

Land Use Element

Objective 1.5: Rezone vacant parcels, where appropriate, to provide opportunities for development that is compatible with surrounding land uses.

Housing Element

Objective 3.13: Continue to support the development of a range of housing opportunities for all East Providence residents through zoning and development regulations.

Goal 6: Ensure a balance between housing development and the environment, including open space, recreational, and economic development opportunities.

Standards of Section 19-2, Zoning

The request is consistent to the following standards of Section 19-2, Zoning as follows:

- Provide for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs;
- Provide for orderly growth and development which recognizes the goals and patterns of land use contained in the comprehensive plan
- Promote implementation of the City's Comprehensive Plan.

At this time, Chairman Robinson asks the Board and the public if they have any questions or comments. There were none.

Recommendation

The Planning Department recommends that the Planning Board advise the City Council to approve this request to rezone the property from Commercial-4 to Residential 4. Furthermore, it is consistent with the General Purposes of Chapter

19, Zoning subject to the condition that the property is restricted to single-family use and accessory residential land uses in perpetuity.

Motion – Staff Report and attached documents

On a motion by Mr. O’Brien, seconded by Mr. Almeida, the Board unanimously voted to approve the staff report.

Motion – Advise the City Council to rezone this property from C-4 to R-4

On a motion by Mr. Batty, seconded by Ms. Moravec, the Board voted unanimously to advise the City Council to change the current zoning of Commercial-4 to Residential-4. It is consistent with the Comprehensive Plan of the City of East Providence and is consistent with the General Purposes of Chapter 19, Zoning subject to the condition that the property is restricted to single-family use and accessory residential land uses in perpetuity.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. Moravec	Aye
Mr. O’Brien	Aye
Chairman Robinson	Aye

C. Public Hearing – Shaws Supermarket LDP-, Preliminary, Map 406, Block 1, Parcel 1

Mr. Harris Krafchick, Jobel Realty, 9 Century Hill Road, MA, Mr. Greg Rollo, Plymouth MA (Shaw’s Supermarkets) and Jack Mettee (Appledore Engineering) were all sworn in by Solicitor Chapman.

Attorney Slepko states that the applicant has already received Master Plan Approval and agrees with the Planning Department staff report. Mr. Slepko states that they have gotten all necessary permits from the State. Mr. Slepko asked that they are in agreement with the Planning Department recommendation, but wanted to spend some time to “tighten up” a few things as it relates to the requirements.

At this time, Mr. Jack Mettee described the development plan, landscaping, and parking plan. There will be 713 spaces. Mr. Mettee described current zoning issues associated with the development and how the new proposal will affect these zoning issues. The landscaping will be extensive and there will be a total remake of the plaza, not only the buildings, but also the landscape and vegetation and plaza islands. It will be a much more attractive development than what currently exists.

Mr. Mettee mentioned the neighbors concerns at the last meeting and the changes in the plan since master plan approval. They addressed some of the concerns such as the erosion that was taking place between the neighbor's property and that of the plaza. They spoke with one of the neighbors and told him that they would be proposing a retaining wall that will fix the neighbors erosion problem and extend the vegetation buffer. He indicated that Shaw's will be installing a new sealed compactor that will eliminate any impacts to neighbors (odors). The compactor will also have walls around it to reduce impacts from noise and visually screen the compactor. Mr. Mettee indicated that the facades will be extended to that portion of the shopping plaza that is not being renovated in order to create a more cohesive retail frontage. Mr. Mettee indicated that they have eliminated the bus shelter and ramp area for the RIPTA bus shelter. There were a lot of discussions with RIPTA and the City but they could not come to terms on the issue of maintenance so based on this they are back to the current situation where passengers are picked up and dropped off behind Hollywood Video will continue. Chairman Robinson asks how long will that continue. Mr. Mettee said that Mr. Slepchow will address that later in his presentation.

Mr. Slepchow indicated that he would go through the seven items identified in the staff recommendation. He stated that they were in agreement with item 1.

Relative to the second item, Mr. Slepchow said that the Zoning Officer has a memorandum dated November 21, 2006 that states that he agrees that all graphics associated with the on-site Hollywood Video will be removed and not re-established once the business has vacated the property.

Mr. Slepchow noted that he had given a letter to Mr. Pimental which he had requested and approved. He read the letter from Mr. Harris Krafchick, Jobel Realty, property manager of the plaza, to the Zoning Officer. It states: "**Please be advised that Jobel Associates LLC hereby agrees that at such time Hollywood Entertainment corporation dba/ Hollywood Video is no longer a tenant at Shopperstown Plaza, the existing mountain design fascia located at the building currently occupied by Hollywood will be removed and will not therefore be re-installed**". Mr. Slepchow states that anytime the lease is terminated then those signs will come down as agreed. He gave the Board a copy of the letter from Mr. Krafchick to the Zoning Officer. He asks that it be made part of the record. Mr. Slepchow indicated that Zoning Officer had indicated that the issues described in this letter were acceptable to him.

Regarding the window signage, Mr. Slepchow said he submitted a schedule to the Zoning Officer showing that we have a variance for up to 1,065 square feet. The allocated signage will not go on beyond that. He said that the Zoning Officer asked if they wanted window signage, they should get a variance. Mr. Slepchow states that they might recalculate the signage so that we can live with prior commitments to CVS and be within the regulations. Mr. Slepchow indicated that

the applicant does not want blanket no window signage because we will have to re-evaluate signage and will come back to the Zoning Officer with a different schedule saying yes there is going to be some window signage, but there will be reductions elsewhere or we may go before the Zoning Board. We will conform to the Ordinance. He said that there could definitely be a restriction placed on the plan that Shaw's will not have any window signage.

Regarding services delivery restriction, Mr. Slepchow states that it was in the original variance that it would be between the hours of 12 a.m. and 6 a.m. Shaw's has no problem with that, but there is an existing lease with CVS which repeats the legal prohibition of nothing between 12:00 and 6:00 a.m. What we would like this to say is that services and deliveries will be restricted between the hours of 11 p.m. and 6 a.m. with the exception of CVS which remain at 12:00am and 6:00 am.

Relative to RIPTA, Mr. Slepchow states that RIPTA is unwilling to take on any liability or maintenance obligation for the bus shelter. He said that they plan on telling RIPTA that the applicant has no legal obligation to allow RIPTA to remain and that they given them reasonable notice to relocate the shelter (ie four months notice). He said the way the recommendation is written that the current situation be maintained until an alternate bus stop is identified on another property.

Relating to number five, the façade improvements, Mr. Slepchow wanted to make it clear that what is being talked about is making the canopy look the same as the new Shaw's. and that we are not talking about going down to the masonry.

Chairman Robinson discussed restricting the time for all users except CVS and what was the answer in terms of the bus shelter as to how long they would allow RIPTA to remain while they seek an alternate location. He said that he does not think anyone wants to see bus service to that area eliminated and that there would need to be reasonable amount of time to allow RIPTA to find another site. Mr. Krafchick said he had no objection to giving RIPTA six months advanced notice to relocate. Mr. Moran noted that a letter from RIPTA to Mr. Rollo indicates that it is their intention to find an alternate location within a few months. Ms. Boyle states that it is her understanding that there is an issue associated with indemnification and that there was some concerns on RIPTA's behalf that this would set a precedent statewide and this is not something they provided in any of the bus stops in other shopping centers.

Matthew Robinson asked if anyone has spoken to Lamar Sign, located on Taunton Avenue in East Providence. He said they erect and maintain bus stops for profit so that they can advertise on the glass frontages. Ms. Boyle states it is her understanding that they just do graffiti removal and power washing.

Mr. Slepchow states that if they cannot work it out with RIPTA, they will put a note on the plan that RIPTA will get no less than six months notice for termination.

Matthew Robinson asks that the delivery restriction be 10:00 p.m. instead of 11:00 p.m. to be in line with the Noise Ordinance since there is a residential neighborhood behind Shaws. Mr. Krafchick disagreed and said that before 11:00 would become a problem for the trucks and said it use to be 12:00 p.m. We are agreeing to reducing it to 11:00 p.m. and feel this is fair. Matthew Robinson still felt that it would be possible to restrict the time, based on the requirements of the ordinance. Mr. Sleprow indicated that some of the national tenants in the plaza have needs and if they restrict them, there is the possibility of them leaving.

Matthew Robinson asked the applicant about the signage at Hollywood Video and if there is any reason why, when the lease is up in 12 years, you can't request approval before the granting of a lease extension. When that lease is up in 12 years I believe you should have to go before the Zoning Officer and request approval to maintain that sign. There was additional discussion regarding the ability to revisit the issue associated with the signage variance after the expiration of the lease.

Mr. Batty asks who approved the reduction of parking from 800 to 700. Mr. Krafchick indicated the approval of the parking reduction from a variance in the past. Mr. Sleprow added that there was a reduction of 21,400 square feet which reduces parking need.

Ms. Boyle said that regarding delivery hours, the Department did review the potential of applying the 10:00 requirement referenced in the noise ordinance but compromised with an 11:00 pm stipulation. She added that this was fair especially in comparison to other shopping plazas where restrictions of delivery between 7:00 pm and 7:00 am have been established.

There was discussion relating to the installation of new fencing at the rear of the property and installing shrubs on the neighbors' side of the fence as a means of reducing impacts. Mr. Mettee explained why the extension of shrubs along the entire rear of the property was not possible, due to restrictions in the setbacks. Mr. Batty and Chairman Robinson stated that they wanted to make sure that visual and noise impacts to all of the property owners at the rear of the property were addressed and not just the property owners behind Shaw's. Mr. Moran states there was a similar situation with Coastway Credit Union on Pawtucket Avenue. They installed an 8 foot fence and planted shrubs etc. on the opposite side of the fence on private property, as a way of screening the property and providing a buffer in that location. Mr. Sleprow asked for a brief recess to discuss the issue with his client.

At this time, the Board took a recess.

The Chair resumed the meeting at this time.

Mr. Sleprow indicated that they were willing to plant shrubs on private property, assuming the property owner gives them permission to plant shrubs. Ms. Moravec asked how tall the wall would be behind the compactor. Mr. Mettee said the wall would be about twelve feet high.

Ms. Boyle asks Mr. Moran to go through the staff recommendation. Mr. Moran explained that the applicant has submitted an application for preliminary plan approval of the 575 Taunton Avenue/Shaws Supermarket LDP. A public hearing is required at the preliminary plan stage and notice was sent to the abutting property owners within a 200 foot radius. The Certificate of Completeness was issued on December 15, 2006.

Mr. Moran explained that the engineering office had a couple of comments related to drainage. A Geotechnical investigation was submitted to the Planning Department and forwarded to the Public Works Director which indicated that the soils underneath the development were not capable of handling subsurface drainage and they would use off-site drainage facilities for that particular development. The City's Water Superintendent has also provided comments which will be entered into the record. He asks that all of Mr. Booth's comments be incorporated into the Board's decision.

Regarding signage, the Planning Department's review were based on the existing variances that were approved and that the assumptions that the Department had to make were based upon the merits of the submittal. There are issues discussed by Attorney Sleprow relating to the ability to come in and rework the variance. At this point though the Department was reviewing it based on what was in our application records and the variance approval for this particular development. The Zoning Officer is amenable to accepting the signage plan without the requirement for additional variances. He also requested that the issue of window signage be addressed through the removal of all window signage in the development.

Regarding Life Safety, the Fire Department reviewed the petition and noted that they would like the building to be surrounded in its entirety by a fire lane to allow for adequate access by life safety equipment.

Regarding shade coverage, they would like to put the shrubs in the back on the property side if the neighbors agree to this. Planning finds that the shade coverage and general landscape plan acceptable under the design plan as proposed and recommends that the Board approve the requested reduction in the overall shade requirements for the development.

A traffic impact assessment was submitted as part of the Master Plan Approval. It concluded that traffic impacts would be reduced because of the reduction of retail space within the development.

Regarding the RIPTA Bus Stop the Department is disappointed that there will not be bus service into the development. In order to maintain continuity in service until an alternate location in the vicinity can be provided, Planning recommends that the existing interior bus stop located behind the Hollywood Video be retained until RIPTA is able to locate an alternate location for the bus stop. A year's notice should suffice.

Regarding service deliveries, the Planning Department recommends that deliveries be restricted between the hours of 11:00 p.m. and 6:00 a.m. as a means of reducing noise impacts to residential properties behind the development.

State Approvals and Permits.

Mr. Moran states that these approvals are required as part of the preliminary plan submission. Because they are modifying the unsignalized entrance at the western side of the development, they were required to receive a physical alteration permit from the RI Department of Transportation to modify that particular access driveway. They have received their physical alteration permit from the RI Department of Transportation and it is included in their preliminary plan packet. Also, the applicant has also obtained a RI Pollution Discharge Elimination System permit from RIDEM.

Compatibility with the Comprehensive Plan.

The development appears to comply with all other elements of the City's Comprehensive Plan and the East Providence Zoning Ordinance and is compatible with adjoining land uses in the area.

Recommendation

Based upon a finding that the proposed supermarket development proposal is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations and further, that the required findings of Section 5-4 of the Regulations are met, staff recommends Conditional Approval of the Land Development Project Preliminary Plan submission as proposed, subject to the following conditions of this Preliminary Plan approval being incorporated into the Final Plan submission:

- (1) That all comments in the technical staff memoranda, as appropriate, and all other applicable City staff comments and any and all conditions of the Planning Board approval, be reflected in the Final Plan submission;
- (2) That the Zoning Officer's requested stipulations as described in his November 21, 2006 memorandum to the Planning Director be incorporated into the Final Plans;

- (3) That service deliveries to the development be restricted between the hours of 11:00 pm and 6:00 am;
- (4) That the bus stop at the rear of the Hollywood Video Store be maintained until RIPTA has developed an alternative bus stop location on another property;
- (5) That façade improvements be extended to include the portion of the building that is currently being vacated by Shaw's and to tie in an architectural style that is complementary to the façade design proposed by Shaw's;
- (6) That the Final Plans and supporting documentation be based upon this Preliminary Plan approval; and
- (7) That final plans be submitted on mylar, and electronic format in AutoCAD version 14.

There was more discussion on the signage and also the canopy cover.

Mr. Harold Selgaro, 80 Warwick Street, East Providence was sworn in. He states he would like to thank Shaws for their promptness in coming over to speak to the neighbors about putting the wall up and the landscaping. He asks if they will be removing the double fence that is there now and put up one new one at the retaining wall. Mr. Slepkow stated yes, they would be putting up one fence.

Ms. Eduada Mansfield, 80 Potter Street was sworn in. She said her concern is the noise which is out of control with the early morning deliveries, the door of the large trucks slamming and the sweeper that comes by her house. She asks that they not make their deliveries after 11:00 at night. Some of the deliveries are at 2:00 a.m. Mr. Rollo said he would respond to the truck delivery issue. Mr. Krafchick said he would address the street sweeper issue. They do have to sweep with the store is closed, but will check into the timing.

Mr. Batty said the sweeper and delivery problems can be addressed.

Mr. Robinson states that he proposes that this Board conform to the City Ordinance in that the sweeping, truck unloading and any noise whatsoever is completely restricted from 10:00 p.m. to 7:00 a.m., and that we follow through with our established City Ordinance. That goes for all the businesses, including CVS regardless of the lease.

Mr. Batty asks the applicant if they have an exception from the Zoning Officer or someone that you cannot operate from midnight to 6:00 a.m.. They stated yes, from the Zoning Officer. The applicant said they are willing to go to 11:00. Mr. Robinson questioned whether or not the City's Zoning Board has the authority to supersede our City Ordinance. City Solicitor Chapman states that you have to abide by the City Ordinances, otherwise they can appeal and take it to court.

Mr. Robinson states that because we know loading and unloading trucks makes noise, it is common sense that the loading and unloading should correspond with that noise ordinance. Mr. Robinson asks for a restriction that they cannot load and unload anytime between 10:00 p.m. and 6:00 a.m. Mr. Slepchow states that 10:30 would be a decent compromise.

Mr. O'Brien asked the Shaw's representative about the restriction on deliveries between 11:00 p.m. and 6:00 a.m. and if they are considering the actual delivery or the act of opening the door and moving the deliveries when they state that time. The Shaw's representative states that he cannot say because is not involved with the transportation of it, but will find out more information on it.

Mr. Robinson urges that neighbors call the police every day if they have to that way the Police Department will make sure that the Ordinance is enforced.

Motion – Staff Report and Documentation

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to accept the staff report with the eight stipulations including the amendments and to add the November 20, 2006 letter from the Zoning Officer to Mr. Krafchick.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Ms. Morevac	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Shaw's Land Development Project - Conditional Approval

Ms. Boyle went through the eight stipulations and describes changes that have been agreed upon by the Board under discussion as follows:

- (1) That all comments in the technical staff memoranda, as appropriate, and all other applicable City staff comments and any and all conditions of the Planning Board approval, be reflected in the Final Plan submission;
- (2) That the Zoning Officer's requested stipulations as described in his November 21, 2006 memorandum to the Planning Director be incorporated into the Final Plans with the modification that only Shaw's will not install window signage and further that new and existing tenants in the remaining plaza stores shall not violate Zoning Ordinance signage requirements. The signage for the Hollywood Video store shall be regulated as described in the

November 20, 2006 letter from Harris Krafchick (Jobel Shopperstown Associates LLC) to Zoning Officer Edward Pimentel;

- (3) That truck idling and service deliveries to the development be restricted between the hours of 10:30 pm and 6:00 am except in the case of CVS which shall be restricted between the hours of 12:00 am and 6:00 am per the existing lease agreement between CVS and Jobel;
- (4) That the bus stop at the rear of the Hollywood Video Store be maintained until RIPTA has developed an alternative bus stop location on another property, but no later than a year after written notice to vacate is given by the landlord to RIPTA;
- (5) That façade improvements be extended to include the remaining buildings in the plaza (with the exception of Hollywood Video). Such improvements shall be of an architectural style that is complementary to the façade design proposed by Shaw's and will be limited to roofline and sign band improvements;
- (6) That the double fence located on the rear property line between Warwick Street and the southwesterly corner of the property be replaced with a single fence and further, that a continuous line of acceptable upright screening shrubs of no less than four feet in height at the time of installation be planted along the southern side of the existing stockade fence at the rear side of the development from Cotter Street to Roslyn Avenue, subject to the expressed approval of the property owners on which the shrubs are to be installed;
- (7) That the Final Plans and supporting documentation be based upon this Preliminary Plan approval, and
- (8) That the Final Plans be submitted on mylar and electronic format in AutoCAD version 14.

Mr. Batty makes a Motion Seconded by Ms. Moravec that based upon a finding that the proposed supermarket development proposal is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations and further, that the required findings of Section 5-4 of the Regulations are met, staff recommends Conditional Approval of the Land Development Project Preliminary Plan submission as proposed, subject to the following conditions of this Preliminary Plan approval being incorporated into the Final Plan submission:

- (1) That all comments in the technical staff memoranda, as appropriate, and all other applicable City staff comments and any and all conditions of the Planning Board approval, be reflected in the Final Plan submission;

- (2) That the Zoning Officer's requested stipulations as described in his November 21, 2006 memorandum to the Planning Director be incorporated into the Final Plans with the modification that only Shaw's will not install window signage and further that new and existing tenants in the remaining plaza stores shall not violate Zoning Ordinance signage requirements. The signage for the Hollywood Video store shall be regulated as described in the November 20, 2006 letter from Harris Krafchick (Jobel Shopperstown Associates LLC) to Zoning Officer Edward Pimentel;
- (3) That truck idling and service deliveries to the development be restricted between the hours of 10:30 pm and 6:00 am except in the case of CVS which shall be restricted between the hours of 12:00 am and 6:00 am per the existing lease agreement between CVS and Jobel;
- (4) That the bus stop at the rear of the Hollywood Video Store be maintained until RIPTA has developed an alternative bus stop location on another property, but no later than a year after written notice to vacate is given by the landlord to RIPTA;
- (5) That façade improvements be extended to include the remaining buildings in the plaza (with the exception of Hollywood Video). Such improvements shall be of an architectural style that is complementary to the façade design proposed by Shaw's and will be limited to roofline and sign band improvements;
- (6) That the double fence located on the rear property line between Warwick Street and the southwesterly corner of the property be replaced with a single fence and further, that a continuous line of acceptable upright screening shrubs of no less than four feet in height at the time of installation be planted along the southern side of the existing stockade fence at the rear side of the development from Cotter Street to Roslyn Avenue, subject to the expressed approval of the property owners on which the shrubs are to be installed;
- (7) That the Final Plans and supporting documentation be based upon this Preliminary Plan approval, and
- (8) That the Final Plans be submitted on mylar and electronic format in AutoCAD version 14.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Ms. Morevac	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion - Final Plan Review to the Administrative Officer

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously voted to delegate Final Plan approval to the Administrative Officer as allowed under Section 9-10 of the Land Development and Subdivision Review Regulations.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Ms. Morevac	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

5. CONTINUED BUSINESS

A. Staff Report

Wampanoag Ponds

Ms. Boyle informed the Board that she received a letter from Attorney Stephen Izzi regarding Wampanoag Ponds Master Plan Approval. She said she was informed today that an appeal to that decision has been filed with the Zoning Board of Appeals and will be heard by the Zoning Board at the end of this month. We will be providing a full record to the Zoning Officer which will include the December minutes.

Historic District Ordinance

This Historic District Ordinance will be going before the Council at their January 16, 2007 meeting.

Wampanoag Trail Round-Abouts

Ms. Boyle informed the Board that RIDOT will be making a presentation to the City Council on January 16th regarding use of round-abouts on Wampanoag Trail as an alternative to traditional traffic signals.

GeoNova and Phillipsdale Developments

Ms. Boyle reported that the GeoNova plans came to the Board last month. We also have the Phillipsdale Landing plans pending. That will be before the Board possibly at the February meeting. There will be improvements at the intersections of Roger Williams and Bourne Avenues to handle the traffic. There will be a left turn lane and dedicated right turn lane. There may be a need for a

traffic light as the phases of development proceed. There will also be improvements at Centre Street. We are moving as quickly as possible to get Waterfront Drive built as fast as we can to handle the traffic.

Kettle Point Development

Ms. Boyle said the applicants for Kettle Point did a presentation of their concept plan to the Waterfront Commission last month. It will be before this Board sometime in April.

Rumford Center

We gave final plan approval to the Rumford Center and will expect to see construction on that site soon.

6. COMMUNICATIONS

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously approved the communications listed below and made them part of the official record.

- A. Letter dated 12/14/06 to Jeanne M. Boyle from Attorney Stephen A. Izzii Re: Wampanoag Ponds App. #2006-11
- B. Notice of Decision – Appl. #2006-21, Redland Avenue
- C. Memo dated 11/22/06 to the Zoning Board from the Planning Department, Re: Requests for Variance or Special Use Permit to be heard on November 29, 2006

7. ANNOUNCEMENT

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

8. ADJOURNMENT

Respectfully submitted,

Michael Robinson, Chairman

JMB/sac