

# July 9, 2007 - Planning Board Meeting

## CITY OF EAST PROVIDENCE

### PLANNING BOARD

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#### MINUTES OF JULY 9, 2007

Present were: Anthony Almeida, Anthony Carcieri, Krista Moravec, Matthew Robinson, Diane Feather (staff), Patrick Hanner (staff), Councilman Silva, and William J. Conley, City Solicitor.

Absent: Michael Robinson and Burton Batty

Mr. Almeida opened the meeting at 7:40 p.m. The Board recited the Pledge of Allegiance.

#### 1. SEATING OF ALTERNATE MEMBER

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

At this time Mr. Almeida turned the meeting over to Matthew Robinson who would be acting chairman of this meeting.

#### 2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of June 11, 2007

On a motion by Mr. Carcieri, seconded by Mr. Almeida the minutes of June 11, 2007 were approved unanimously.

#### 3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was no correspondence.

#### 4. NEW BUSINESS

A. **Appl. #2007-11 Minor Subdivision** – Intersection of Pershing Street and Eastern Avenue, Map 205, Block 4, Parcel 8, Applicants: Richard Palumbo and Joseph Ruggiero

The applicant, Mr. Richard Palumbo is sworn in by City Solicitor Conley.

Mr. Sleprow, attorney for the applicant, states that the applicant is proposing a two lot subdivision; which is a minor subdivision on existing frontage. He said his client is proposing a residential development and that this property was revised by the Planning Board on January 8, 2007 for a change in zone from C-4 to R-4. The Council approved the change. The applicant agrees to construct the curbing and sidewalks where required. He notes the development is consistent with the Comprehensive Plan and that they agree with the eight conditions proposed in the staff recommendation.

Acting Chairman Matthew Robinson asks the Board if there are any questions at this time. There are none.

At this time, Patrick Hanner, Department of Planning gave the staff report.

Mr. Hanner states that this subdivision appeared before the Board on January 8<sup>th</sup> to rezone the property from C-4 to R-4. The Board found it was consistent with the Comprehensive Plan and recommended to the Council to grant the zone change provided that the property is restricted to single-family use and accessory residential land uses in perpetuity. The Council granted the change on March 6, 2007.

The applicants are proposing two parcels, parcel 1 at 7,023 sq. ft. and parcel 2 at 6,512 sq. ft. They are proposing attached garages for the two parcels. The drywells will be connected to downspouts. Granite curbing and sidewalks are proposed along the frontage of Pershing Street. Gas, water, and sewer utility lines are proposed to be connected to existing utilities in the right-of-way of Pershing Street. The proposed parcels do meet the dimensional requirements of zoning. No zoning relief is required. There are no waivers are being requested by the applicant.

### Zoning

Mr. Hanner noted the property is located in an R-4 district. The minimum dimensional requirements for an R-4 are: Area – 5,00 square feet; Lot Width – 50 feet; Lot Depth – 100 feet. Minimum building setback requirements are: Front yard – 15 feet; Side yard – 8 feet; Rear yard – 20 feet. The plans have been reviewed by the Zoning Officer who stated in his memorandum of May 23, 2007 that no zoning relief is required. Mr. Hanner states that drywells are proposed to be connected to the downspouts of the two dwellings.

### City Department Staff Review

The Planning, Public Works, Fire and Law Departments including the Zoning Officer, and City Assessor reviewed the proposed plan and required material for conformance with the City's "Land Development and Subdivision Regulations", Zoning Ordinance and other applicable City codes and regulations. These comments were all attached to the staff memorandum.

### **Recommendation**

The Planning Department recommends:

- 1) The Board into the record the staff recommendation and that the Board delegate final plan approval to the Administrative Officer; and
- 2) That staff recommendations conditional approval as being proposed subject to the following eight conditions noted below:
  1. That the residential use of the property be restricted to single-family use and accessory uses in perpetuity;
  2. That the Board requires the installation of a handicap ramp at the southern corner of the intersection of Pershing Street and Easter Avenue’
  3. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City’s right-of-way;
  4. That the outstanding property taxes be paid to date before a final plan approval is granted;
  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 Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;
  7. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;
  8. That upon project completion, final “as-built” plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

Acting Chairman Robinson, at this time, asks if the Board has any questions. There were none.

Attorney Sleprow states that his client has read the staff memorandum and agrees with all the recommendation listed.

**Motion – Staff Recommendation entered into the record.**

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

Roll Call Vote

Mr. Carcieri	Aye
Ms. Moravec	Aye
Mr. Almeida	Aye
Acting Chair Robinson	Aye

**Recommendation**

**Motion – Subdivision – Preliminary Plan approval**

On a motion by Mr. Carcieri, seconded by Ms. Moravec, the Board approved the preliminary plan.

Roll Call Vote

Mr. Carcieri	Aye
Ms. Moravec	Aye
Mr. Almeida	Aye
Acting Chair Robinson	Aye

**Motion – Delegation of Final Plan Approval to the Administrative Officer**

On a motion by Mr. Carcieri, seconded by Ms. Moravec, the Board unanimously voted to delegate Final Plan Approval to the Administrative Officer.

Roll Call Vote

Mr. Carcieri	Aye
Ms. Moravec	Aye
Mr. Almeida	Aye
Acting Chair Robinson	Aye

**B. Tockwotton Home – Modification of Approved Plan (enclosures)**

- 1) Planning Board Advisory Recommendation to the Waterfront Commission on Revised Plan “Tockwotton on Waterfront Drive” *and* Tockwotton on Waterfront Drive” - Waterfront Drive (99 Mauran Avenue and Pier Road)

Owner and Applicant: Tockwotton Home; Assessor's Map 016, Block 21, Parcel 7 10.387 Acres and Assessors Map 016, Block 22, Parcel 1 1.2 A Land Area;  
Zoning – Bold Point Harbor Waterfront District  
Staff Recommendation dated July 5, 2007

Mr. Kevin McKay, Executive Director of Tockwotton Home was sworn in and gave a brief presentation He explained that Tockwotton Home is a non-profit assisted living and

skilled nursing facility located in Providence. There are 66 residents; 24 of the residents are assisted living elderly; 42 are skilled nurses. Tockwotton has purchased 11.5 acres of land in East Providence; which includes 1.2 acres on the waterfront and 10.3 acres located between Pier Road and the new Waterfront Drive. In 2005 they submitted an application to the Waterfront District Commission. In that plan was a 2-lot development with Tockwotton Home on one lot and another development of three office and commercial buildings on the second lot which totaled 68,200 square feet. A donated 1.2 acre parcel of land to the City of East Providence would be developed into a waterfront park and would be contiguous to Bold Point Park. Mr. McKay states they propose to subdivide the parcel into a 6 acre parcel to the south and a 4 acre parcel to the north. The 4 acre parcel will be sold and developed by another developer; not Tockwotton.

Ms. Feather states that the staff report is a very detailed analysis of this project and is consistent with the Comprehensive Plan and coupled with Mr. McKay's detailed presentation asks that the Board enter the Planning Department's staff report into the Board's official record at this time.

Motion – Enter staff recommendation into the record

On a motion by Mr. Almeida, seconded by Mr. Carcieri the Board unanimously voted to enter the Planning Department's staff recommendation into the record.

Roll Call Vote

Mr. Carcieri	Aye
Mr. Almeida	Aye
Ms. Moravec	Aye
Acting Chair Robinson	Aye

Ms. Feather went on to say that the plan was before the Board in September 2005. It is basically the same project as before and staff is recommending that the Planning Board advise the Waterfront Commission that this modified plan is consistent with the City's Comprehensive Plan. She informed the Board that the Waterfront Commission's Design Review Committee and Hearing Panel will be having a joint public hearing on July 19<sup>th</sup> at 6:30 p.m. to look at some of the design and site plan issues. They will be looking at setbacks, public access points etc. She explains that the Planning Board's role now is to make a determination as to whether this is consistent with the City's adopted Waterfront Plan and Comprehensive Plan. The other piece of it is that you have legal authority over the lot lines and platting. Instead of two lots, it is now going to be three lots and will be back before the Board in August. We don't anticipate any modifications to this subdivision plan. We thought about putting it on tonight's agenda, but wanted to follow the same review process that every other plan follows and this did not quite meet some of the requirements of subdivision.

Ms. Feather also states that the building will be a five story structure with a total of approximately 127,700 square feet. The exterior of the building will be shingled style (of

noncombustible material). 91 parking spaces are provided on-site. The primary entrance to the facility will be set back from Waterfront Drive to accommodate a rise in grade to the proposed first floor elevation of 19.2 feet to bring the building above the base flood elevation (two feet higher than the previous plan to accommodate the higher elevation of Waterfront Drive adjacent to the new building location. The proposed 5-story height of the facility is below the elevation of the properties fronting on the Parkway, and therefore does not block Parkway views to the water.

The proposed facility will meet the ten percent affordable housing standard by designating seven of the sixty-six assisted living units (the residential portion of the development).

Tockwotton will not add any school age children to the City's population. It is working with the City on a Payment in Lieu of Taxes (PILOT) Agreement. As part of that agreement, Tockwotton will donate the 1.2 waterfront parcel to the City as well as contribute funds towards improvement of that parcel and towards improvements related to Waterfront Drive

Ms. Feather went on to say that in regard to the power line easement, if the E-183 line is relocated in the future, the plan shows a reserved area on Lot 7C for future electric transition station. Everything else on the plan is the same as the first application. The only difference is the location of the building. There will be three wings instead of four wings. It will still be a five story building with 148 beds. The total structure will be 127,700 square feet and a footprint of 33,700 square feet. The plan was approved by the Waterfront Commission. They are asking for permission to change the plan and move the building location to this other location.

Acting Chair Robinson asks if there are any other questions.

**Motion – Advisory Opinion to the Waterfront Commission as to the consistency of the proposal with the City's Comprehensive Plan**

On a motion by Mr. Carcieri, seconded by Mr. Moravec, the Board voted to advise the Waterfront Commission that this plan is consistent with the City's Comprehensive Plan.

Roll Call Vote

Mr. Carcieri	Aye
Mr. Almeida	Aye
Ms. Moravec	Aye
Acting Chair Robinson	Aye

**5. CONTINUED BUSINESS**

A. Ashburton Avenue Subdivision – Continuation to August 27, 2007

Mr. Hanner explained that this subdivision came before the Board previously, but staff did not feel comfortable in putting forth a recommendation to the Board until a peer review and an outside drainage analysis of the property had been completed. He said the City sent out an RFP and PARE Engineering was hired. Four responses were received and PARE was the lowest bidder to do this study. We sent the top three firms to the applicant, Mr. White to choose. The applicant chose PARE Corporation to do the analysis. They are putting there findings in writing and doing the analysis for the drainage. Also, the applicant will be getting a determination from RIDEM whether or not there is a wetlands on the site. DEM has not completed that analysis as yet. It will probably be on the August 27<sup>th</sup> agenda.

**Motion – Enter Letter of July 2, 2007**

On a motion by Mr. Carcieri, seconded by Ms. Moravec, the Board unanimously voted to accept the letter of July 2, 2007 into the Board’s official record.

Acting Chair Robinson noted that this particularly subdivision keeps getting extended because of the lack of information the Board is lacking. It is not due to any problems with the applicant or the City. Mr. Hanner states that the regulations call for that the plan has to be approved, denied or approved with conditions within the 65 days or if there is a mutually agreed upon date between the City and the applicant. The letter entails a mutually agreed date between the City and the applicant.

**Motion – Continuance of the Ashburton Subdivision to August 27, 2007**

On a motion by Mr. Carcieri, seconded by Ms. Moravec, the Board unanimously voted to continue this subdivision to the August 27<sup>th</sup> meeting of the Board.

- A. Staff Report - There was no staff report.

**6. COMMUNICATIONS**

On a motion by Mr. Carcieri, seconded by Mr. Almeida, the Board voted unanimously to accept the communications listed below.

- A. Memo to the Zoning Board of Review Re: Requests for Variance or Special Use Permit to be held on June 27, 2007
- B. Notice of Decision dated 6/12/07, - 102 Bay View Avenue Subdivision, Applicant: Steven Gianlorenzo

**7. ANNOUNCEMENT**

- A. Next Meeting – Monday, August 27, 2007, 7:30 p.m., Room 306

**8. ADJOURNMENT**

Respectfully submitted,

Matthew Robinson  
Acting Chairman

MR/JMB/sac