

May 14, 2007 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF MAY 14, 2007

Present: Anthony Almeida, Octavio Cunha, Burton Batty, Anthony Carcieri, Krista Moravec, Michael Robinson, Jeanne Boyle (staff), Wayne Barnes (staff), and City Solicitor William J. Conley. Alternate Matthew Robinson was absent. Chairman Robinson called the meeting to order at 7:30 pm.

1. SEATING OF ALTERNATE MEMBER

All members were seated. No alternate members were seated.

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of April 9, 2007

Motion

Upon a motion made by Mr. Batty and seconded by Mr. Almeida, the Board voted

4 – 0 – 1 to approve the minutes. Chairman Robinson abstained due to his absence from the April 9 meeting.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was no new correspondence.

4. NEW BUSINESS

A. Public Hearing – Townie Way Subdivision (Deer Street) – Application 2005-04 Minor

Mr. Albert West, Esq., representing the applicant, the East Providence Housing Authority, presented an overview of the proposed subdivision. He noted that proposal involves upgrading the existing Deer Street Extension to as close to City engineering standards as possible given the restrictions imposed by the layout of the subject parcels, and renaming the improved street Townie Way, which would become an accepted City street. No new building construction is proposed.

Mr. Joseph Casali of Joe Casali Engineering followed with a description of the proposed engineering improvements that would be undertaken. These include upgrading the existing 4-inch sewer line along Deer Street Extension to a new 8-inch line, upgrading two existing 1-inch water services to a new 4-inch main connecting to the existing 6-inch water main along Deer Street, and new water services to connect the duplex units on Deer Street Extension to the new 4-inch water main. Mr. Casali also noted that overland drainage in the subdivision is generally in a south to north direction.

Mr. Ralph Pari, also representing the East Providence Housing Authority, reviewed the affordable housing component of the project, whereby as a condition of purchase of these properties, the prospective owners grant right of first refusal to the Housing Authority to insure that the properties remain in the affordable category and outlines some of the consequences were the properties to be resold prematurely.

There were no public comments.

Mr. Barnes then provided an overview of the Planning Staff recommendation which outlines the specifics of the applications, details of the required findings and recommended conditions for approval based on City staff review. He noted that the application required a public hearing due to the fact that street creation was a component of the proposal, that property owners within a 200 foot and that a hearing notice had been placed in the Providence Journal as mandated.

As an addition to drainage comments noted by Mr. Casali, Mr. Barnes mentioned that drainage swales on both sides of the roadway needed to be addressed per the City's Public Works Department, and were done so to the satisfaction of City staff. Fire department concerns were noted including the need for a fire hydrant near the end of "Townie Way" and a parking restriction along the street.

A number of zoning variances will be required including relief from minimum front setback requirements, off-street parking considerations, and special use permits to retain the two-family dwellings for both subject parcels, and relief from the minimum lot depth for Parcel 4. The proposed subdivision is in a Residential-3 District.

The applicant is seeking a waiver requesting relief from the construction of sidewalks since the City's right of way will be used for widening of the street. The applicant will install granite curbing in accordance with City guidelines.

Mr. Barnes pointed out that the application meets East Providence Comprehensive Plan guidelines and addresses a key objective regarding the encouragement of low- and moderate-income housing opportunities. General

purposes and required findings of the Subdivision Regulations were also met to staff satisfaction. Mr. Barnes specifically noted improved fire protection to the area through the installation of a new fire hydrant at the northern end of "Townie Way", and improved stormwater drainage. Some concern was expressed about pedestrian safety given the lack of sidewalks, but the small size of the subdivision and relative lack of traffic should help mitigate this concern.

Mr. Barnes then recommended, based on City staff review, that:

- A. That the Board delegate final plan approval to the Administrative Officer, and;
- B. That the Planning Board grant **Conditional Approval** of the subdivision, **as proposed**, subject to the following conditions
 1. That a fire hydrant be added to the area of the tee turnaround, and a water main of appropriate diameter as prescribed by the Fire Chief be installed along Townie Way to serve the hydrant, and that these be shown on the final plan;
 2. That the Final Plan indicate that the existing water services will be cut and capped at the water main on Deer Street, and that the present water main along Townie Way will be removed as the new main is installed;
 3. That the applicant post an improvement guarantee in an amount approved by the City Public Works Department for required improvements to the City right-of-way;
 4. That the future property owner(s) grants a right of first refusal to the Housing Authority to insure that the units continue to serve as affordable housing.
 5. That the sidewalk requirement along the City's right-of-way be waived, but that granite curbing be constructed as part of the street improvements;
 6. That any and all required variances be obtained from the Zoning Board of Review and that notation is placed on the Final Plan, indicating which variances were granted, date of the Zoning Board of Review and the recorded book and page of the East Providence Land Evidence Record;
 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.

Following the Staff recommendation, Attorney West, representing the East Providence Housing Authority, stated that the applicant wishes to reserve its right to not have to apply for variances due to the subdivision having an affordable housing component. Ms. Boyle noted that the memo from Alison Kelly of Joe Casali Engineering dated December 18, 2006 included a statement that “The East Providence Housing Authority is seeking appropriate zoning board variances through the East Providence Zoning Board”, which indicates that the applicant needs to follow through with zoning relief. Chairman Robinson inquired as to whether accepting the entire recommendation, including the condition that the applicant will obtain all necessary variances, implies that the applicant would have to come back to the Planning Board at a later date as part of the process to contest the variance requirement. City Solicitor Conley replied in the affirmative.

Motions

Upon a motion made by Mr. Batty and seconded by Ms. Moravec, the Board voted
5 – 0 to enter the staff recommendation and its attachments into the record of the meeting.

Regarding the waiver from the installations of sidewalks, Mr. Batty moved, with a second by Mr. Almeida, that the waiver be granted.

Upon a motion made by Mr. Carcieri and seconded by Mr. Batty, the Board voted
5 – 0 to grant **conditional approval** of the subdivision based on the conditions noted above.

Finally, upon a motion made by Ms. Moravec and seconded by Mr. Batty, the Board voted 5 – 0 to delegate final plan approval to the Administrative Officer.

B. Request for a Performance Bond Release – Robert Moll, Pleasant View Estates

Ms. Boyle notes that this request concerns the submission of a new bond from Western Surety Company in the amount of \$35,000 to replace the existing bond for the same amount, to cover the installation of curbing, sidewalks and drainage within the subdivision. She also that Western Surety Company is a reputable outfit and recommends that the Planning Board release the original bond and replace it with the current bond as submitted by Mr. Moll, and also requests that the Board delegate final bond release to the Planning Department

Motion

Upon a motion made by Mr. Batty and seconded by Mr. Almeida, the Board voted

5 – 0 to accept the staff recommendation to release the original bond and replace it with the Western Surety Company bond, and to delegate final release of the new bond to the Planning Department.

5. CONTINUED BUSINESS

A. Ashburton Road Subdivision – Letter from Attorney Martin Sleprow asking for an extension until July 2007.

Ms. Boyle noted that this subdivision was to come before the Board at this evening's meeting, but an extension was necessary due to the need for an engineering peer review with regard to the site along with a wetlands determination by DEM. It is requested that the matter be continued to the Planning Board meeting of July 9, 2007.

Motion

Upon a motion made by Ms. Moravec and seconded by Mr. Batty, the Board voted

5 – 0 to continue the Ashburton Road Subdivision preliminary plan action to the meeting of July 9, 2007.

B. Staff Report

For informational purposes only, Ms. Boyle discussed the possibility of a future ordinance change that would strengthen the City's ability to assure that construction improvements to the City's right of way that are agreed upon during the subdivision review process are actually carried out. She noted that in some recent subdivisions, improvements have not been made or the developers have to be chased to make sure that they are done. She noted

that the City keeps the improvement guarantee money if improvements are not made, but when the guarantee is in the form of cash it ends up being inadequate to cover the actual improvement costs including inflation if the City has to install the improvements at a later date. Bonds are preferred over cash for the guarantees, as bonds account for these shortfalls, but many smaller developers or one-time subdivision applicants do not have access to performance bonds and must use cash.

6. COMMUNICATIONS

- A. Copy of flyer – “Designed for Life Workshop” to be held on Friday, June 8, 9:00-2:00 pm., Johnson and Wales Inn, 213 Taunton Avenue, Seekonk, MA.**

Ms. Boyle noted that this workshop may be of interest to members of the Board.

- B. Copy of memorandum to the Zoning Board of Review, Re: April 18, 2007 Cases.**

Motion

Upon a motion made by Mr. Batty and seconded by Ms. Moravec, the Board voted

5 – 0 to enter this memorandum into the record of the meeting.

- C. Copy of Notice of Decision dated 4/10/07, Re: 392 Roger Williams Avenue, Map 302, Block 9, Parcels 5, 5.1, and 6, Estate of Josephine Duarte, c/o L. Mastrostefano**

Motion

Upon a motion made by Mr. Batty and seconded by Mr. Almeida, the Board voted

5 – 0 to enter this Notice of Decision into the record of the meeting.

7. ANNOUNCEMENT

- A. Next Meeting – Monday, June 11, 2007, 7:30 p.m., Room 306**

8. ADJOURNMENT

The Board voted unanimously to adjourn the meeting at 8:25 pm.

Respectfully submitted,

Michael Robinson, Chairman

MR/JMB/sac