

August 28, 2006 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF AUGUST 28, 2006

Present: Mr. Batty, , Mr. Cunha, Mr. Ditraglia, Mr. O'Brien, Mr. Robinson, Jeanne Boyle (staff), Diane Feather (staff), James Moran (staff), Erik Skadberg, Public Works, and William Conley, City Solicitor

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated in place of Mr. Almeida.

2. APPROVAL OF PLANNING BOARD MINUTES

It was noted the minutes listed below would be forthcoming.

- A. Minutes of May 8, 2006
- B. Minutes of July 20, 2006
- C. Minutes of July 24, 2006

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

A. Public Hearing - Rumford Center LDP, 179 Greenwood Avenue, Map 403, Block 23, Parcel 1, Applicant – PK Rumford LLC

Ms. Boyle requests that the applicant and his professionals present first and the staff will follow with the report.

At this time, Mr. Almeida arrived and Chairman Robinson noted he would be seated in place of Mr. Cunha.

Attorney Christine Engustian described the Rumford Center site. It is at the corner of Greenwood and North Broadway where the Rumford Baking Powder Plant use to be. It is on the National Register of Historic Places. The application before the Board tonight is for the preliminary plan of the Land Development project in accordance with the East Providence Land Development and Subdivision Review Regulations and the City's Zoning Ordinance.

Ms. Engustian gave a brief history of the site. She said on November 14, 2005 the applicant was seeking approval or recommendation on three matters. The master plan, a minor subdivision, and a recommendation by the Planning Board on the applicant's petition for a zone change from Industrial 3 "heavy manufacturing" to Commercial 2 "Neighborhood Business" as the underlying zoning district. We were also seeking the implementation on top of that zoning district of a mixed use loading zone. The City Council did approve the zone change in December of 2005. At that time the Planning Board voted unanimously to grant approval of the master plan subject to a number of conditions which will be addressed at this meeting and enumerated in the Notice of Decision dated December 16, 2005. The final plan approval was delegated to the Administrative Officer. The Planning Board voted to recommend to the City Council that the subject property then located as an Industrial 3 zoning district be changed to a Commercial 2 district with a mixed use floating zone. This was approved by the Council on December 6, 2005. This zone change is conditional in part on the applicant obtaining final approval of the proposed Land Development Project. The applicant then submitted its preliminary plan and its final subdivision plan to the administrative officer for approval.

Jordan Stone, 293 Bourne Avenue, Rumford, RI was sworn in by City Solicitor Conley.

Mr. Stone presented the environmental report and gave a brief summary of the work that has taken place. He states they have successfully negotiated with RI Department of Environmental Management for a remedial action work plan as well as a covenant not to sue. He states they received permission from the Underground Storage Tank Department of RI DEM permission to remove five out of the six underground storage tanks that have been on the site for close to 100 years. Also the contaminated soil has been removed. The sixth tank that remains on the site is actually still in use by RI Knitting. When RI Knitting leaves that tank will also be removed.

Mr. Stone states that they are working closely with Steve Coutu of the Department of Public Works and Ken Booth of the Water Department regarding the utilities. Also we are working with the former and current Fire Chiefs of the Fire Department to develop a site plan as well as utilities that will service this area. We have also done work with National Grid and New England Gas.

Regarding traffic, Ms. Engustian stated that the engineering firm of Fuss and O'Neil conducted a peer review and traffic impact analysis. There were informal discussions between the two engineering firms regarding Fuss and O'Neil's comments. Since the master plan hearing, Pare Engineering completed additional traffic counts and revised the vehicle trip generation data, and revised its traffic study. The revisions will be enumerated in detail. Pare also submitted the calculations as well as revised trip generation calculations.

In conjunction with the traffic, Ms. Engustian speaks of the shared parking. This concept which is provided as a parking tool of the City's Zoning Ordinance was accepted by the Planning Director and the City's Zoning Officer as an appropriate method. On the master plan there was a small increase for the need for the proposed uses during the peak time of each day. The amount that was necessitated was 443 spaces and there are 443 spaces provided in this development plan.

Regarding the fiscal impact that this development will have on the City, Ms. Engustian states that there was a fiscal impact study that was provided at the master plan submission. That study since then has been revised to take into account subsequent changes to the development plan. The result is that the development will still yield a very positive fiscal impact to the City after each phase of the proposed constructions.

The next thing that is required of us is the performance guarantee for the improvements. We have an estimate for sidewalks and curbing.

There is a necessity for easements since this is a 3 parcel proposed subdivision across the abutting parcels for access and for off-street parking. The local of these easements will be submitted to the City either before or with the final plan for the Land Development Project. The applicant understands that these documents must also be approved by the City Solicitor.

Zoning

Regarding building #11 the number of stories is 3 by ordinance and we are proposing four. The maximum height is 40 and we are proposing 55 feet. In addition, the maximum impervious surface was exceeded by 2 percent only. The City's zoning officer did not feel the variance for this purpose was needed. Presently we are looking now at 2 variances that are necessitated by this development. This is a five foot buffer requirement along the entire. The Planning Department in its recommendation to the Board states that it would approve the waiver of this requirement and states that the impact to adjoining land uses appears to be minimal. The applicant requests that the Board grant the waiver of the required buffer in the places it is deficient and in turn the applicant will not bring the pavement to the property line.

Mr. Stone and Collin Kane reported that there have been some changes made to the plan since the master plan approval. Mr. Stone reported that on the site plan there were a number of smaller outside buildings that we were proposing to be used as garages. Those have been eliminated and there is no indoor parking now on the site. Secondly we had proposed a small addition on the back of building one which is the three stories on Greenwood Avenue. That addition is no longer proposed. The third change is that we were going to include indoor parking, but have been requested by the EP Historical Society not to tear down

Building #6 along Greenwood Avenue. We will renovate that building. It will be a fully restored building consistent with the rest of the development. Building #5 will also stay and will become a residential unit on the site.

We had proposed some on street parking along Greenwood. This will also be eliminated and are now proposing some additional on-site parking in front of Building #1. Last November there were some concerns raised by residents of Greenwood Avenue further down in the residential area that because of the width of Greenwood cars tend to speed along there to the residential part. We will narrow the street slightly with curbing, sidewalks, street trees and appropriate street lighting. The last change from the master plan has to do with access to the site.

Regarding access entrances, the access entrance has changed in that there will be off street access for the UPS trucks and moving vans entering the site.

Regarding tax credits we are still deep into the structural mechanical investigations of the 13 buildings that exist on-site. It is not a strong condo market anymore and we are suggesting 40 units of rental instead of condos since there are so many condos within a five mile radius of this development. The 40 units will not be Section 8 rentals. The units are similar in character and quality in what is being developed downtown at the Rising Sun Mill.

Regarding one of the buildings the State Fire Marshall will not longer allow us to operate one of the buildings after December. We will vacate the building on December 1 in order to satisfy the Fire Code and Building requirements. We will start the construction with the five story building at the corner of Newman and Greenwood Avenues. We hope to begin the improvements this winter. It is roughly a two-year deliver process and will anticipate opening this property in 2008.

Chairman Robinson asked if there was not some discussion last November about some of these units being affordable units. Mr. Kane said there was no commitment, but that we would explore it. We are exploring it with RI Housing. We cannot satisfy 10 percent standard here. We are committed statewide to the provision of income qualified housing. The economics of renovation make it very difficult to incorporate any even with the tax credits. We are exploring what types of subsidies might apply for just a few income qualified rental apartments.

Mr. Batty asked if the first phase of the parking would take place off street. Mr. Stone answered yes. The intent is to establish a place where people can feel that they are in a finished space even though the construction may be going on next door.

All of the site work, landscaping and physical improvements exterior and interior being done at this building at the same time. The parking will support this phase.

The engineer from Pare Engineering was sworn in at this time. With the aide of a map he showed the Board a 1 1/2 foot buffer and other areas a 3 foot buffer where it flares out to five feet. There will be a one foot grass strip and the chain link fence will be removed with additional decorative fencing.

Ms. Engustian states that since the last phase of construction will take place no earlier than 2009, the City Planning Director and Zoning Officer agreed that the applicant could wait to apply for the zoning variances before it sought its building permit for this building. If the applicant was to apply now for those variances as a condition of the preliminary plan approval or even the final plan approval, they would expire long before we would get to that phase.

Mr. Batty asked about the time frame for the construction and the maintaining of the site. It was answered, for the record) that the site will be maintained and cleaned and also will be remediated. He said we are obligated to remediate the site and keep it maintained. The applicant also spoke with the Fire Department to make sure they could make their turns in and out of the intersection of Greenwood Avenue.

Mr. Batty asked about the property line and whether this development is encroaching on the City's property line for off street parking. The developer showed him the map and said they are not proposing to encroach on any City land. The sidewalks are proposed within the City's right of way. Only those improvements for pedestrian access are proposed in the City right-of-way 11:33 On Newman Avenue the width will not change, but on Greenwood Avenue it will get narrower than it is right now. The engineer said he measured the width of the lane approaching Newman Avenue from Greenwood Avenue. That measures 22 feet wide and it goes back about 50 feet. The vehicles can pass each other more than adequately.

Mr. DiTraglia asked how wide the entrance is into the complex. It is 24 feet which is the requirement. If you look at the isle width at that location it does appear that the entrance itself is slightly wider. Ms. Boyle states that Mr. Derek Hugg is present tonight from Fuss and O'Neil if the Board has any specific questions regarding the width.

Ms. Engustian states that the preliminary plan lacks significant negative environmental impacts and will result in an environmental benefit to the residents and visitors to the site and that all underground storage tanks will be closed and removed. The soil that is contaminated will be removed and in accordance with the RI Department of Environmental Management Regulations.

Ms. Engustian also states that the preliminary plan also provides for proper control and erosion and drainage to the proposed Drainage and Storm water Management Plan. The Preliminary Plan provides adequate and current physical

access to streets; namely Newman and Greenwood Avenues and the Plan provides safe circulation of pedestrian and vehicular traffic by the location of both the access points to the site and the internal paths for walking and vehicular movement. In addition of sidewalks and amenities proposed such as lighting support the general safety of those walking near into or from these sites.

The site is compatible with the City's Comprehensive Plan. The Land Use Element of the Comprehensive Plan has designated this parcel for mixed use and with the zone change that we have discussed the development will take place in a mixed use float zone. The proposal is also consistent with the historic preservation goals of the Comprehensive Plan by preserving historical and cultural features of the former Rumford Chemical facility. The Economic Development of the Comprehensive Plan shows that the proposal falls within the Broadway Corridor.

The Fiscal and Impact analysis that the applicant submitted including the revised analysis demonstrates that the development will generate positive tax revenues to the City and will stimulate the local economy, increase household earnings, and create jobs.

Ms. Feather asked that the applicant give one final number of condominium units, rental units and square footage. Ms. Engustian answered that the total residential units is 124, 85 of which will be rental units and 39 will be condominiums. The total square footage on office space will be 49,070 square feet. The total retail is 15,600 square feet. The proposed restaurant is 2,000 square feet and a commercial club house is 2,500 square feet. The total residential square feet is 195,688.

Ms. Feather asks that the Board submit the Planning Department memorandum dated August 24, 2006 and all the attachments into the record plus the letter of August 28, 2006 to Jeanne Boyle, Director of Planning, from Fuss and O'Neil.

Ms. Feather noted that most of the Board was here at the master plan stage which included the rezoning of the property. In order to make a case for the rezoning we took you through the Comprehensive Plan and all the Required Findings that you had to make at that time. All the positive findings can be made with Zoning and the Land Development and Subdivision Regulations.

Recommendation

Ms. Feather states that the buffer be clearly delineated on the plan as to where it deviates from the required minimum and exactly how much it deviates from the required minimum. She said that staff will work with the development team to improve that buffer as much as possible between now and the final plan. Staff asks that the Board approve the waiver for the portions of the perimeter buffer as noted on the Preliminary Plan, subject to the applicant working with technical

staff to clarify and reduce the proximity of pavement to the property lines at these locations on the Final Plan.

Ms. Feather noted that Mr. Derek Hugg is here from Fuss and O'Neil if the Board has any questions.

Mr. Derek Hugg, Fuss and O'Neil, 275 Promenade Street, Providence RI was sworn in.

Chairman Robinson asked Mr. Hugg how he feels about the comment regarding the side lot lines. Mr. Hugg states he agrees with Pare Engineering that it does meet minimal safety requirements for vehicles going 35 miles per hour in that direction. He states he will leave it up to the Board as to what they would like to do. He feels it would not pose a safety risk.

Staff Recommendation on LDP Preliminary Plan Approval

Ms. Feather read the staff recommendations into the report as follows: Based upon the above discussion and upon a finding that the proposal meets the purposes and objectives of Chapter 19, Zoning, and further that positive findings are met for the standards contained in Section 5-4 of the Regulations, this Department recommends Conditional Approval of the Preliminary Plan, as proposed, subject to the following conditions:

Upon a motion made by Mr. Batty, seconded by Mr. DiTraglia, based upon a finding that the proposal meets the purposes and objectives of Chapter 19, Zoning, and further that positive findings are met for the standards contained in Section 5 – 4 of the Land Development & Subdivision Review Regulations, the Board voted unanimously (5 – 0) to grant *Conditional Approval* of the Preliminary Plan, as proposed, subject to the following:

1. That any outstanding comments of technical staff be addressed in the Final Plan;
2. That the peer reviewer Fuss & O'Neill is able to verify the conclusions and recommendations of the Traffic Impact Assessment prepared for the applicant by Pare Engineering Corp. prior to the submission of the Final Plan (including the feasibility of timing changes to the RIDOT traffic signal), and that the applicant shall return to the Planning Board for Final Plan approval if this cannot be accomplished to the satisfaction of the Administrative Officer;
3. That the peer reviewer Fuss & O'Neill is able to verify the conclusions of the Shared Parking Study contained in the Preliminary Plan submission, and that the applicant shall return to the Planning Board for Final Plan

- approval if this cannot be accomplished to the satisfaction of the Administrative Officer;
4. That the approved Commercial-2/Mixed Use Floating Zone rezoning be noted on the Final Plan, including the rezoning condition that medical office/use and call centers are prohibited uses.
 5. That legal documents regarding cross-easements for access and off-street parking be submitted with the Final Plan submission, and further that they be subject to the review and approval of the City Solicitor, and further that cross easements for access and parking be shown on the Final Plan and that a plan note for the recording of the book and page of these easements be noted on the Final Plan;
 6. That the shared parking arrangement be documented in a legal document to be drafted by the applicant and submitted with the Final Plan, subject to the review and approval of the City Solicitor, and further that this document be recorded along with the Final Plan;
 7. that the applicant obtain the necessary zoning variances as identified in the Preliminary Plan prior to applying for building permits for the construction which necessitates the variances, e.g. Building 11 in Phase III of construction as proposed in the Preliminary Plan;
 8. That all the required and proposed streetscape improvements and street narrowing be shown on a detail sheet with the Final Plan submission.
 9. That an improvement guarantee for the required public improvements be included with the Final Plan submission, subject to review and approval by the City Solicitor and Finance Director, and further that this improvement guarantee be in place prior to the recording of the Final Plan;
 10. That the title block of the plan be revised to indicate Final Plan status;
 11. That the Final Plans be based upon the approved Preliminary Plans, as derived from the Master Plan, and further that the Final Plan and supporting documentation meet the requirements of the Chapter 19, Zoning and the East Providence Land Development and Subdivision Review Regulations; and
 12. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Motion - Waiver

On a motion made by Mr. Batty, seconded by Mr. DiTraglia, the Board voted 5 – 0 to grant the waiver for perimeter landscape buffer as shown on the Preliminary Plan, subject to the applicant working with technical staff to clarify and reduce the proximity of pavement to the property lines at these locations on the Final Plan.

Motion - Delegation of Final Plan Approval

On a motion made by Mr. Batty, seconded by Mr. DiTraglia, the Board voted 5 – 0 to delegate Final Plan approval to the Administrative Officer.

Chairman Robinson asked for comments from the Board. There were none.

Public Comments

Since this is a public hearing, Chairman Robinson asked the public if they had any comments.

Jerry Mishak, Newman Avenue was sworn in. He has concerns about the traffic impact on Newman Avenue. He lives across the street from the development and the new entrances on Newman Avenue. He states that people are making many u-turns where the firehouse is. He requests that the City put in a curb where the firehouse driveway is to prevent cars from going up on the sidewalk to make the u-turn. This will prevent people from turning around.

There were no other comments.

Motion – Staff memorandum with attachments and also the letter from Derek Hugg from Fuss and O'Neil be made part of the Board's records. Motion was made by Mr. DiTraglia, seconded by Mr. O'Brien and unanimously voted by the Board.

Motion – Rumford Center Land Development Project

On a motion made by seconded by Mr. Batty, seconded by Mr. DiTraglia, the Board voted to grant conditional approval of the preliminary plan as proposed based upon the submitted application, testimony presented to the Board, Planning Department Staff recommendation, and memorandum from various City Departments. All of the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed and positive findings were found for all of the standards of Section 5-4, "Require Findings". It is also apparent that the proposed subdivision is consistent with the East Providence Comprehensive Plan, subject to the following conditions listed in the staff memorandum

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

Motion – Waiver Request – Perimeter Buffer

On a motion by Mr. Batty, seconded by Mr. DiTraglia, the Board voted to accept the waiver regarding the perimeter buffer on the condition that they confer with the Planning Department.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

Motion – Delegation of Final Plan Approval to the Administrative Officer

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

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

B. Public Informational Meeting – Shaw's Supermarket LDP Master Plan.
575 Taunton Avenue

Attorney Martin Sleprow, representing the applicant, Shaws and Jobelle Realty, the owners of the plaza gave a quick overview.

There is a major upgrade of the Shaws Plaza at the corner of Taunton and Pawtucket Avenues. Shaws will be locating at the former Ames store which will be demolished. The Radio Shack and the Chinese Restaurant will be also demolished. Hollywood Video will go in the front and H & R Block and D'Angelos will remain on the side. There will be a reduction of plaza size to 21,000 square feet. Landscaping will be done and the entrances will change to accommodate

the traffic. The bus location will also change to the Pawtucket Avenue side with handicap accessibility. RIPTA has agreed to this.

Attorney Sleprow states that they are aware of the neighbors in back of Shaws and there will be buffers created behind Shaws to accommodate the neighbor's concerns about any noise or odors coming from the facility.

Shaws representatives were present and sworn in. They said the Ames store will be demolished as well as the Radio Shack and the Chinese Restaurant. It is a 12 acre site at the corner of Taunton and Pawtucket Avenues. The majority of the site is commercial. The site conforms to all the dimensional regulations. We will reduce the actual area of impervious coverage by about 27,000 square feet (a little over a half an acre). The vegetation buffer will be located there. It will also improve the quality and aesthetics of the site and will allow to some degree infiltration of storm water.

Regarding the number of parking spaces serving the facility it was said that the current facility has a deficiency of 71 spaces and there is a variance on the site for the parking. We propose to reduce that deficiency by 10 spaces. We can do this because there is less square footage in the buildings. We will be using all the infrastructure that is currently in place such as the water, sewer and cable will remain the same. A drainage study was done and went through the drainage calculation for storm events. All of those were either equal to or less than in terms of storm water flow, the current situation. That is a further enhancement of the site and makes it more improved. One of the Planning Department issues that came up from the City Engineer was the issue of infiltration. Right now all the storm water is being discharged off site into the City's storm water system. We propose to do the same thing. The Engineering staff asked us to look at the roof water from the Shaws and putting it into an infiltration basin. As part of the storm water management we will be using best practices to prevent erosion and sediment control. An application has been submitted to RIDEM for storm water construction and is under review. We expect to have an answer from them shortly.

There will be 15 to 20 more vegetative islands as well as other landscaping around the perimeter of the site and some of the entrances. Across the back of the plaza will be a linear vegetative buffer over 50 arborvitae which will grow to about 30 feet tall. This will minimize the impact of the facility into the neighborhood.

The design of the building will be a New England style of architecture with a lot of mixed materials such as brick and clapboards. It will make the plaza more aesthetically attractive. The loading area will be screened from the neighborhood by a block wall that will be about 14 feet high. Regarding the concerns of the neighbors about odors, the compactor will be enclosed.

The bus shelter will be located as well as the other entrance points for truck traffic etc. The RIPTA bus shelter will be on the east side of Pawtucket Avenue at the Pawtucket Avenue right of way. There will be a crosswalk for the bus people to be able to safely go to the shopping center. Also a platform will be there to allow passengers to get on and off the bus. The area will be reconstructed and repaved. The buses will come into the site and come around at the Pawtucket Avenue entrance. Truck circulation for deliveries such as the larger trucks will be coming in through the Taunton Avenue entrance. They will come around the building and come out and around as they normally exit today. The smaller trucks will come into the other entrances. We have submitted a plan to the RIDOT and permit and are waiting for the approval. The plaza will have new modern shoebox lights that focus the light downward. This way there will be no impact to the neighborhood.

03:29

Mr. Batty asked about the entrance on the far right. He asked when you come out that exist will you be able only to take a right hand turn. They answered yes. We are discouraging left hand turns.

Mr. Cunha asked about the existing Shaws building. A representative of Shaws states that space will remain and when Shaws moves out, it is their intention to release that space. Attorney Sleprow states that the current plan does not call for demolishing the existing Shaws building, but calls for attempting to get new tenants for that building. It is more likely though that the building will be divided up into more than one tenant and renovated to correspond with the way the plaza looks. We do not want to do it over until we know what the new tenant's needs are.

Mr. Ditraglia asked about the tractor trailers and the noise level for the people living behind the site. They said the trucks will come in and pass the loading docks. It was noted that the delivery hours are 12:00 to 6:00 p.m.

Mr. Batty asked if the Arborvitae buffer goes past the loading docks. It was answered yes. He asked if a fence is there. They answered the fence is existing. The arborvitae will grow up to 30 feet in height which will take about 10 to 15 years to mature.

09:00

At this time James Moran went through the staff recommendation.

Mr. Moran states that initially the applicant had approached the City with a combined Master and Preliminary Plan submission that was scheduled to be heard at the July Planning Board meeting. The Physical Alteration Permit was required among other things that did not make it possible to review this as a preliminary plan submission. It was continued to the August meeting and was treated as the Master Plan submission instead. Many of the reports for drainage

were completed already since they anticipated that this was going to be a Master/Preliminary Plan submission. The recommendation of staff this evening reflects this as a master plan submission and will be required to return to the Planning Board for a preliminary plan review.

Mr. Moran states that this development was advertised in the Providence Journal and notice was sent to the abutters within a 200 foot radius of the development. The Certificate of Completeness was issued on June 30, 2006. It is a split zone and most of the property is a commercial free retail zone; the smaller portion of the Pawtucket Avenue side of the development is Residential-4 but is exclusively dedicated to parking and travel lanes within the development.

The signalized intersections are not really being changed from their current condition. Those intersections are currently being upgraded by the RIDOT. RIPTA has asked for some modifications at the bus area. The development will be served by existing sewer and water utilities.

Drainage Utilities.

Mr. Moran states that since the area is being partially developed they have created two watersheds. Watershed 1 is the portion of the development that will be redeveloped. There will be nominal improvements as to the drainage. Watershed 2 represents the area that is the existing area for parking and the existing building. Mr. Moran asked that the City Engineer speak in terms of the on-site drainage facilities and provide the Board with his comments regarding the physical alteration requirements.

Mr. Moran states that the Planning Department asked that the developer consider those as part of the preliminary plan submission to create depressed landscape islands to help increase infiltration and help reduce runoff on the site. Also the Fire Department has reviewed the plans and asks that they would like to see full access and full emergency filings around the entire structure.

Regarding off street parking standards, the Zoning Officer states that the deficiency in the off street parking to the existing development will alleviate the need for a variance in dimensional relief for the off street parking within the development. There is a small shortfall within the deficiency which is identified of Sheet C-2 of the parking which indicates that 774 spaces are proposed; 713 spaces are required.

Regarding the signage plan, the Zoning Officer indicated that he wanted a detailed signage plan to identify what square footage of signage is being assigned to each retail use within the development. The plan includes 1,064 square feet of signage assigned to the development. The April 2002 zoning variance was approved for 1,065 square feet. In light of the fact that they are reducing their signage by one square foot, the Planning Department is of the

opinion that this development will not require a variance to proceed with the signage plan as proposed.

Landscaping

They are proposing landscaping improvements and the development has identified two areas; the newly developed area and the existing area. The newly proposed area will have 27 percent coverage.

The Planning Department feels that this is an existing shopping plaza and recommends that the Board approve the requested reduction in the overall requirements of the development.

The Zoning Officer gave comments on the off-street loading areas for other retailers. Planning recommends at the preliminary stage that they identify those areas specifically within the plan to show where the loading areas are going to be at the existing facilities and where the trash storage areas will be.

Bus Stop Relocation

The developer is also proposing to relocate the RIPTA bus shelter area. Currently it is located behind the Hollywood Video Store. They will be relocated on Pawtucket Avenue and create a two-sided bus stop with frontages on both Pawtucket Avenue and internally within the parking area. Buses will enter through the Pawtucket Avenue entrance and will take a southerly turn at the parking islands and come around through the back, turn northerly and then would pick up their passengers within the parking area, and go out the same entrance at Pawtucket Avenue. RIPTA came up with some design standards that they would like to see incorporated.

It is requested that they open the break in the parking line to allow the bus to turn northerly a little bit earlier than it would instead of going all the way to the end of the parking lane. The Planning Department feels that even though it reduces six parking spaces, it may improve internal circulation of the bus within the development. The Planning Department asks that it incorporate this recommendation into their development

1. The site plan we reviewed showed the bus stop approximately 120 feet on center south of the edge of the Pawtucket Ave driveway. We prefer that the stop not be located further south than this.
2. The Pawtucket Ave driveway is to be raised up slightly at its lowest point just west of Pawtucket Ave to assist the buses in not bottoming out when they enter and exit the lot.

3. There will be an accessible ramp connecting the bus shelter pad (on state property right of way) with a bus boarding area internal to the parking lot.
4. There will be a staircase at least three feet wide also connecting these areas so that able bodied people don't have to take the long way on the ramp.
5. We were told that there could not be a break in the parking "spine" for the bus to turn northward because the parking lot was already undersized according to city ordinance. If this be the case, then we will live with a turn all the way at the southern end of the lot. However, if things change, we would prefer to turn short of that mark.
6. RIPTA is intending to provide an extra large shelter for the shelter pad through its subcontractor LAMAR. The developers should work with LAMAR to make sure that the pad is appropriately sized.
7. The plan we were shown shows a sidewalk along the parking lot edge northward from the bus stop area, then turning westward and connecting to a crosswalk that leads to the building covered arcade. This is an important aspect of the success of the design.

All of the above stipulations with the exception of number 5 should be included as part of the bus shelter design specifications without difficulty. Relative to stipulation 5, while off-street parking is short for this development, the improved circulation pattern for the bus in the parking area may offset the loss of perhaps six parking spaces within the development. Planning recommends that the developer consider a design that reduces the amount of time the bus spends in the parking area by inserting a break in the parking lot "spine". This change would allow the bus to turn northward earlier, and as such, exit the parking area more quickly and efficiently, arguably improving internal traffic movement within the parking area.

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 Master Plan submission as proposed, subject to the following conditions of this Master Plan approval being incorporated into the Preliminary 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 Preliminary Plan submission;

(2) That all conditions associated with the Rhode Island Public Transit Authority, as applicable be incorporated into the design of the new bus shelter facility for the development

(3) That a Physical Alteration Permit (PAP) be obtained from the Rhode Island Department of Transportation in securing approval of the westerly unsignalized entryway into the development;

(4) That all other required state and federal permits are obtained prior to the submission of the Preliminary Plan; and

(5) That the Preliminary plans and supporting documentation be based upon this Master Plan approval.

We also recommend that all these items and conditions be added to the Board's official record as part of this submission.

Mr. Moran states that it was noted by Mr. Slepko that they do not have a tenant for the old building at this time, but it should be a condition that the façade of the building would be in keeping with what is being proposed for the entire facility proposal which is a New England type look.

Mr. Slepko states that the developer is not committing right now to change the façade except when we either demolish or redo the front. Then we will make the façade similar. Mr. Batty states that when they do get a tenant the rest of the building should have the façade in keeping with the New England look. Mr. Slepko states that the client is not prepared to commit to changing the façade right now. That is not part of the submission. We are only before the Board right now to get the Shaws submission in and get the center started.

Mr. Batty states that one of his requests will be that the Arborvitae hedge be continued to the end to protect the houses in the back of the existing building. This will be the landlord's responsibility.

3:32:59

Mr. Robinson asked if the 12 to 6 non-delivery hours are adjustable by this Board. It was answered yes. Mr. Slepko states that right now we have the zoning variance that grants that to the center by the order of the Zoning Board. Mr. Slepko states that if that is a condition, then this whole development could fall apart. We have written into our leases that you can load and not load in certain hours and are not in a position to go to CVS or someone else and tell them that we are changing the deal. Based upon the Zoning Board decision we have made a lot of written commitments that we have signed off on. The Arborvitae buffer is a reasonable request and we can do that.

Mr. Sleprow states that regarding #5 regarding the parking spine break we were told that there could not be a break in the parking spine for the bus to turn northward. We accept the five conditions, but we want you to know that #5 of the RIPTA letter is probably not a good idea. We do not want to tell you that we are committed to it because from an engineering and circulation point of view we think it is a bad idea.

Mr. Ditraglia asks if the owners of this property own the whole plaza. Mr. Sleprow states they own the entire parcel. Mr. Ditraglia states that the landlord should do all the facades of the buildings and not leave it up to the tenants of those buildings since it might cost them a lot of money and then they would not want to lease. It is better if the develop does them upfront.

Mr. Sleprow states that they will do the landscaping etc. that we discussed earlier, but we will not be doing the whole parking lot near D'Angelos until we get further along and come back to the Board. This is a monetary decision.

Mr. Batty states that he is happy with the development, but is not happy with the front of the rest of the building. Mr. Sleprow states that it would be a problem. The trees are a workable issue, but committing to do the façade is going to be a real problem for the landlord.

Mr. Ditraglia states that once this is done then we go on to the Comprehensive Plan then can't the Board put them in a situation where they have to do it? Ms. Boyle states that if this were to be a major redevelopment and they were to knock down a building and build a new one, then this would be either the DPR process or possibly coming back before the Board as a Land Development Project. If, however, it is a re-occupancy of those existing buildings, then all they need to get would be a building permit. Mr. Batty asked if the Board could make them do the façade after the new tenant takes over. Ms. Boyle said that upon occupancy of the building that would not commit the developer to a specific time frame nor does it make it difficult if there is a tenant that wants a particular kind of sign. If you made something as general as that acknowledging that it could be redeveloped or reoccupied in place, maybe that would give the Board the comfort level that there will be something consistent without make it too difficult for the existing property owner. The key would be the language.

Mr. Sleprow states that he agrees that the any façade improvements made the other buildings must be consistent with the New England look of Shaws.

Public Comments

Ms. Eduarda Mascial, 80 Cotter Street states she lives behind the CVS and Shaws and is concerned about the deliveries and that they are making them all night long. She said she had to put in central air and cannot open her windows because of the odors behind Shaws. She cannot have cookouts because of the

odor. She is very concerned that that she will not even be able to sell her house. Mr. Ditraglia asks the general contractor what kind of dumpster system will be installed. He said it is a self contained compactor system that is used currently in their new buildings. It is dumped every five days. She said the odor has been eliminated, but is afraid that it will come back with the new development. Mr. Ditraglia asked that there not be any deliveries from 12:00 to 6:00 a.m. For the record, the applicant states he will agree to this.

Mr. Farrell Salgueiro, 80 Warwick Avenue states that on the map it shows a retaining wall along his property line, but that is wrong, there is no retaining wall. There is a double chain link and a wooden fence. He states there needs to be a retaining wall put up so that his grass seed does not wash out. He suggests that they move the fence so that he has room to clean his property. He states he put in a \$1,400 driveway and cannot even get a warranty on it because this area keeps getting washed out and the insurance will not cover it. He also suggests that they put trees all along the property line. Shaws said they would agree to this request.

Tape 4:07:34

Another resident states her concerns about the skateboarders near her property over near D'Angelos Restaurant. She said there are a lot of problems with the skateboarders using the asphalt berm ramp and cars parking there at night with their lights on.

Mr. O'Brien asked about the area in the back of Shaws and asked if there is some kind of soundproofing they could put in where the loading area is to eliminate some of the noise. They said the wall there will be cinderblock.

Regarding the installation of trees, the applicant states that they will be putting in trees and other vegetation at the new building. Mr. Robinson states that he is in support of requiring them to extend the tree barrier all the way to the end. Attorney Sleprow agreed.

There were no other questions or comments.

Motion – Staff Memorandum

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously voted to admit the staff memorandum and exhibits into the official record.

Mr. Batty asked about the Arborvitae and if they will install them on the left hand side of the plaza and in the back? Mr. Sleprow agreed that Shaws will do that, but will wait to do the facades on the other buildings.

Mr. Robinson asks that the gentlemen come back to the next meeting that complained regarding the problem with his driveway and the washout of land

behind his house. Mr. Batty asks Mr. Sleprow to suggest to the landlord about this request to help this owner.

Based on the comments and recommendations by the Planning Board and accepted by the applicant, and based upon the submitted application and testimony presented to the Board, Planning Department staff report and memoranda from various City Departments. All the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed and Positive Findings were found 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.

Motion – Master Plan Approval – Shaws Supermarket LDP

On a motion by Mr. Batty, seconded by Mr. DiTraglia, the Board voted to approve the Master Plan.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

C. Capital Budget FY 2006-2007 and Five Year Program 2006-2011

Ms. Boyle gave the Board a brief presentation of the Capital Budget in a memorandum dated August 24, 2006 to the Board from the Department. She said the Board is required to make a recommendation to the City Council through the City Manager for the preparation of the Capital Improvement Program and recommendations.

She explained that staff reviewed the criteria that we have been using in the ranking of the Capital Improvement requests and found that they were somewhat dated so we tried to make them more specific. We looked at leveraging. There are a lot of opportunities to get funding through grants, federal funds, private grants as well as enterprise sources. We received many more requests than we could possibly fund and the process of whittling those requests down was difficult. We met with the City Manager and Finance Director to get a sense of what number might be able to be incorporated within the City's Capital Budget.

We recommended out of a total of \$18,551,350 that only 1,385,000 are actually coming through the Capital Budget expenditures for this fiscal year. The capital projects are listed below:

Fiber Optic Installation (through our IT Department for a better connection between City Hall, Police and the Fire Departments), Bourne Park Basketball and Tennis Courts, Silver Spring Basketball Courts Riverside Recreation Field Basketball Courts, Hunts Mills Rehabilitation, Sabin Point Park Rehabilitation, Warren Avenue Connector Dexter Road Connector (we received a 2 million dollar grant through the EDA and are matching it with 2 million dollars in City bond funds), the remainder of funds to come through the RIDOT Highway funds, Garage Lifts (Central Garage) and Automated field system, Crescent Avenue Drainage and Culverts, Southeast Drainage Area Improvements, Road Resurfacing, Central Garage Building and Fire Improvements, City Hall HVAC Ventilation Upgrade, Cleaning and Lining Project, Service Truck, Pipeline Inspection, Meter Improvements, 8mg Tank Rehabilitation, High School Boiler & Steam Trap, and Senior Center Addition.

She noted the bids for the Senior Center came in much higher than anticipated. The low bid was 1.2 million dollars. With a combination of trying to scale back the project and also going out to bid, they hope to, with this additional funding have enough funds in place to actually move forward with that improvement. This scored very high with the whole leveraging criteria. We have set aside \$300,000 in Community Development Block Grant funds over the course of two years and they were able to obtain funding of a grant through Congressman Kennedy in the amount of 450,000.

The recommended Capital Improvement Expenditures for the FY 2006-2007 of \$1,385,000 will allow for the replacement and repair of aging equipment and deteriorating buildings and will result in an improved efficiency, greater provision of services, and continued employee and public health and safety.

The Planning Department recommends that this program be adopted by the Planning Board and recommended for inclusion in the budget by the City Council. The City Manager does support these items as a priority.

Mr. Almeida asked about the flooding over at Abbot Street and what is being done. Ms. Boyle states that it is included in the Capital Improvement Program for overall Capital Improvement Program as out years, but not this year's project. The Engineering Division has engaged a consultant firm to take a look at the study that was done in the 1980's as far as improvements to that culvert.

There were no other comments from the Board.

Motion

On a motion by Mr. Ditraglia, seconded by Mr. O'Brien, the Board unanimously voted to accept the East Providence Capital Improvement Program for 2006 and 2007 and Five Year 2006-2011 Capital Improvement Program.

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

D. Release of Improvement Guarantee – Appl. #2003-12 Minor, Applicant, Luis Mateus/Raymond Morris, Map 308, Block 17, Parcels 5, 15 and 16.

Ms. Boyle informed the Board that we are holding \$8,500. It has been reviewed by the Department of Public Works and they recommend full release at this time.

Mr. Batty asked about the curbing on Plymouth and Ashburton Roads where it stops abruptly. Should it not transition down? I know that they had sprayed it so that it would transition down but it never got done. The snowplow could hit it. Ms. Boyle states that we can make that a condition of the full release of the bond.

Motion

On a motion by Mr. Batty, seconded by Mr. DiTraglia, the Board voted to inform Mr. Mateus that the curbing must be adjusted and transition downward at Plymouth and Ashburton Roads before we release the bond

Roll Call Vote

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Chairman Robinson	Aye

5. CONTINUED BUSINESS

A. Staff Report – Ms. Boyle reported that Planning Intern, Chelsea Pierce has left us and accepted a position in Orlando Florida at a planning firm.

6. COMMUNICATIONS

The Board unanimously approved the communications below and made them part of the official record.

A. Letter dated Aug. 10,2006 from M. Manzotti, RI League of Cities and Towns, Re: Rolling Quorums

B. Zoning Board of Review July 26, 2006 recommendations by the Planning Department

7. ANNOUNCEMENT

A. Next Meeting – Monday, September 11, 2006, 7:30 p.m., Room 306

8. ADJOURNMENT

JMB/sac