

February 13, 2006 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of February 13, 2006

Present: Michael Robinson, Anthony Almeida, Burton Batty, Octavio Cunha, John O'Brien, Theodore Sullivan, Jeanne Boyle (staff), Diane Feather (staff), Patrick Hanner (staff), and William Conley, City Solicitor.

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha will be seated as a voting member in place of Chairman Robinson who has recused himself from the Walgreens development. Mr. Batty will replace Mr. Robinson as chair for the Walgreens development.

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of January 9, 2006

On a motion by Mr. Almeida seconded by Mr. Cunha, the minutes of January 9, 2006 were approved and made part of the Board's official record.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Copy of memo dated 1/10/06 to the City Council, Re: Draft Demolition Delay Ordinance (enclosed).

4. NEW BUSINESS

A. Public Informational Meeting - Walgreens Pharmacy LDP – Master Plan, Map 407, Block 2, Parcels 1 and 2, and Map 407, Block 1, Parcels 1-5. Warren Avenue, Pawtucket Avenue

As noted in #1. Seating of Alternate Member, Mr. Robinson recused himself from this application and stepped off the dais for this portion of the meeting. Chairman Batty states at this time Mr. Cunha will be seated during the entire presentation in place of Mr. Robinson.

Entered into the Board's record was a letter read by Vice Chairman Batty from Gina Nascimento, 152 S. Rose Street who expressed her concerns about the Walgreens development. She requested that the proposed Walgreens store be denied and stated that the area is very high with traffic and makes it difficult to exit South Rose Street on to Warren Avenue.

Motion

On a motion by Mr. O'Brien, seconded by Mr. Cunha, the Board voted to enter this letter into the Board's official record.

Attorney Sleprow asks that the staff memorandum at this time, be entered into the Board's record since he will be referring to it.

Motion

On a motion by Mr. O'Brien, seconded by Mr. Almeida, the Board unanimously voted to enter the staff memorandum of February 9, 2006 with attachments into the Board's official records.

Attorney Sleprow presented. He introduced Mr. Joseph DelSesto, project manager from Fuss and O'Neil, Michael Cassavoy, Architect, and Robert Vanasse who did the traffic study on the project. He noted their presentation will cover all the details of the project which include the pedestrian and vehicle traffic inside and outside of the site.

Mr. Sleprow states that since there are neighbors are present he wants to state what this development is in its entirety. He explains that the parcels that are being assembled for this site and comprise the site, under the Comprehensive Plan are designated for retail uses. He states he is not here to ask for a zone change. The parcels are zoned C-3 and C-4 which allows the drugstore, drive-up window and the liquor store.

Mr. Sleprow states he is not here to ask for waivers of regulations. We will work with the staff to make certain that the plan is the best one. We are not here asking for the Planning Board to make recommendations to the Zoning Board about any variances since we have a permitted use, will meet all the parking, landscaping etc.. We are evaluating the signage and may go to the Zoning Board at a later time with a sign variance petition. We are here for a Master Plan approval from the Board for a Land Development Project to which the Board has the right to either approve or deny it.

Mr. Sleprow states that Section 5-4 of the Subdivision and Land Development Ordinance does set out seven standards that we are supposed to meet. We will introduce evidence of each of these standards that will permit the Board to make a positive finding. The staff memorandum does indicate positive findings.

Mr. Sleprow introduces his three witnesses who are Mr. Joseph DelSesto, Project Engineer, Fuss and O'Neil, Providence RI, Robert Vanasse, Traffic Engineer, and Michael Cassavoy, Architect. They are all sworn in by City Solicitor William J. Conley.

Mr. DelSesto explained the Assessor's parcels that comprise the development and the requested abandonment of South Blossom, which is a paper street. He noted that the retail store is within the regulations of the City and the Comprehensive Plan. The proposed retail store will have 11,633 square feet of area with a mezzanine of 5,161 square feet primarily for storage. The building will have two drive-through lanes on the back side of the building which abuts the highway and which is the northerly side of the development. The development will have access on Pawtucket Avenue via the means of a right-in and right-out turns only. The existing driveway at Gasbarros will be closed and instead will use the new access drive which is shifted to the left with direct access to Warren Avenue.

Mr. DeSesto said that there are three access points on South Rose Street; the southern most is a full two-way access, while the center driveway would be an exit only for trucks and the northern most would be an exit only from the drive-through and the northern portion of the site. The site is located in two zones. 82 percent of the site is in the Commercial-3 zone and 18 percent of the site is in the Commercial-4 zone. The dimensional requirements used are the C-3 zone for which the site predominately exists. The parking for the Walgreens development and Gasbarros will meet the minimum requirements of the number of spaces required with the implementation of an easement on the Walgreens parcel for the liquor store's use. Mr. DeSesto explained it meets the requirements of the maximum impervious area along with the maximum height and all dimensional setbacks. He went through the landscaping and said there would be a large buffer on South Rose Street. In reference to storm water, there will be an underground infiltration system. The system will be up to all environmental standards. It will also require permits through the RIDEM for an underground injection control permit. The system and all drainage on site will be maintained and operated by the owner. The design will also require RIDEM approval for the discharge permit which is required of a one acre size site disturbance.

He went through the utilities and stated that the electric and gas lines will be granted easements. He states he is familiar with the Requirement Findings of Section 5-4 of the ordinance. Mr. Slepko asks him if he knows what the plan designation to the site is. He states yes and that Walgreens and Gasbarros are both acceptable uses in those sites. Mr. Slepko asks Mr. DeSesto several other questions; if there are any environmental impacts that the Planning Board should be aware of? He answers no. Mr. Slepko asks if the two lots that are going to be created have any physical constraints that they could not be developed. Mr. DeSesto states no. Mr. Slepko asks if both lots have access to City streets. He answered yes. Mr. Slepko asks if he has provided enough land for adequate surface runoff. Mr. DeSesto answers that he will provide enough surface runoff at the preliminary level. Mr. Slepko asks if his plan will increase any soil erosion. Mr. DeSesto answers no; we have alleviated some of the flooding that has occurred on South Rose Street.

At this time, Michael Cassavoy testified about the exterior and interior architecture of the retail store. He presented drawings of the building. He noted is it all masonry construction with a steel frame, interior masonry walls with the walls 1 foot 4 inches thick for security purposes. The awnings will be green metal. At the rear of the building is a drive-through. The signage is preliminary at this point.

Mr. Slepko asked that the drawings be made part of the record.

Motion

On a motion by Mr. Cunha, seconded by Mr. O'Brien, the Board unanimously voted to make the drawings part of the Board's official record.

Robert Vanasse, Traffic Engineer, Vanasse and Associates located in Andover Mass. He said they practice in all six New England states and currently have 14 projects in RI. He said they have some minor changes and presented them to the Board. He noted we have the accident data which was not available at the Board's earlier meeting on this project. The proposal is essentially the same. It has been reviewed by the peer

consultant, Maguire Group, and we have had preliminary meetings with RIDOT on the Physical Alteration Permit.

Mr. Batty informed Mr. Vanasse that this is an entirely different meeting than the previous meeting and if you want the data entered into the record, you cannot refer to the previous meeting that we had on this subject.

He went through some major points. The 11,000 square foot Walgreens Drugstore is proposed with two drive-through stations to the rear of the building. There are 63 parking spaces. The access on Pawtucket is a right-in, right-out driveway and larger than normal openings. The Warren Avenue entrance is the main access drive. It will be one lane in and one lane out. We are proposing to retain the parking spaces on the westerly side of South Rose Street and will not disturb those spaces. He discussed the through lanes; six lanes present. He described the traffic report, and noted that on Warren Avenue there are a little under 21,000 cars a day and on Saturdays there are 17,400 a day.

He described the Pawtucket Avenue/Warren Avenue signal as a four phase signal. Each of the approaches has a left-turn lane which goes separately under a green arrow. The left turns in all four quadrants are protected. From 2002 to 2005 at the signalized intersection, the average accident rate is about 25 a year; 74 total over that period. Mostly they are rear-ending accidents. At South Blossom Street over a three year period is about six accidents a year. Most of them are cross movements.

He went through site specific growth and noted they went through four projects noted by staff. These projects include the Dunkin Donuts directly across the street and the drive through, the 950 Warren Avenue building which is a 72,000 square foot office building, the 900 Warren Avenue building which is a 48,000 square foot office building proposed and a 5,000 square foot bank with a drive-through. We have included those as we did with the traffic report. We generated traffic with this specific Walgreens development and we are bound and follow certain very conservative and tight standards and we generate what traffic the driveways will see and what new traffic the street will see. In reality, the vast majority of trips that enter the driveway are already either on Pawtucket or Warren Avenues. Drugstores are not going to draw from other cities. It is a local traffic draw. The total new trips that would hit the streets in the evening peak hours are 111 and at the Saturday mid-day peak hour would be 124; daily about 1,138, which is about 550 vehicles and Saturday which is about 625 vehicles. The increase is anywhere from 1 to 2.6 percent during the evening hour; the highest existing traffic hour which we compare to that number that is most conservative.

He explained the different levels of service – mitigate and unmitigated. For example Warren and Pawtucket Avenues in the evening is level service which ranges from A to F. A being the best; F being the worst. On Saturday mid-day it is E. With what we are proposing we can bring those levels of service back up to D; and acceptable level of service.

Mr. Vanasse said they recommended seven recommendations that were submitted to staff;

1. Signal enhancements at no cost to the City

2. Phasing reorganization and Skip Phase Capability – This means if there is no one waiting for the left turn west bound or south bound, it is not suppose to come on. This will be done at no cost.
3. Extension of the light in yellow and add one or two second All Red Clearance (ARC) signals.
4. Widening the lanes - instead of 12 feet, the main access drive lanes will be 15'
5. Retaining the parking on South Rose so that there will be one lane in and one lane out.
6. Consolidation of Gasbarros driveway, with traffic to come out the new South Blossom Street entrance drive.
7. Pawtucket Avenue Drive – Both drives will have 15 foot widths coming in and coming out.

Mr. Vanasse reported on the traffic circulation. There are 90 degree double loaded roads, drive-throughs that are placed on the property in the rear so that there is direct access to Pawtucket Avenue. Services are on the west side of the building in a protected and secluded area so as not to mix with the regular retail property.

Emergency Access – Emergency access was reviewed by the Fire Department and staff and is designed so that it works properly. There is a designated crosswalk from the sidewalk on Warren directly crossing at the corner. The traffic is distributed over three locations in essentially five drives.

The peer review by Maguire states that the traffic is correctly identified and evaluated. There are no deficiencies in traffic analyses that would preclude acceptance of the report and content. We agree to implement the time changes at the traffic light at no cost to the City and also agree to secure commitments from the proponent to cover costs for the signal enhancements which we also agree to. It was noted in the report that the holiday traffic will not generate extra trips to the parking lot. The traffic analyzed that they did was actually higher than what the site will actually see.

Mr. Sleprow asked Mr. Vanasse if all parking standards as designed will meet City standards. He answered yes. Mr. Sleprow asked if all appropriate handicap spaces will be provided and will the applicant take care of the costs of signal improvements and all roadway changes. Mr. Vanasse answered yes. In regard to the project itself, Mr. Sleprow asked if the plan provides for safe circulation of all pedestrian and vehicle traffic. Mr. Vanasse answered yes.

Vice Chair Batty asks the Board if they have any questions about the traffic flow.

Mr. Sullivan asked about the left turn signal. Mr. Vanasse said when you get a green arrow in the left hand turn lane that means it is a protected movement – no one will be opposing you at that light. You can make that turn unimpeded. The green arrow means the traffic is stopped, the green ball means they are not.

Mr. Sullivan asked about the 28,790, the two-way traffic and how many extra cars include the 1 percent increase. Mr. Vanasse explained how he arrived at the figures. He said there are four ways to distribute those trips. Pawtucket Avenue has about 25 percent of the trips. Total trips are 111. Warren Avenue to the west is about 42 percent of the trips. Warren Avenue to the east has 16 percent of the trips, and Pawtucket to the south has 17 percent of the trips. You divide the 111 trips with each of those fractions and that is the amount of new cars that would go on each of those roadways.

Mr. Sullivan asked which driveway would be closed. They said Gasbarros existing curb cut.

Mr. Batty asked about the signalization. Mr. Vanasse said they will analyze the accidents in detail and if there are a lot of rear end accidents, they will make the adjustments to the light signals. If goes yellow to red on Warren, it remains red on Pawtucket Avenue. This is called an ARC which means an all red clearance. This is generally done on higher speed roadways.

At this time, Attorney Sleprow asks that the Peer Review Study be put into the record.

Mr. Jim Coogan, Engineer with Maguire Group, Providence, RI was sworn in. For the record it was stated that Maguire Group was hired by the City of East Providence for the Planning Staff to conduct a review of the work that was done by Vanasse. Mr. Coogan read the letter dated February 10, 2006 to Ms. Jeanne M. Boyle, Director of Planning from James Coogan, Maguire Group regarding the traffic impact and analysis report for Walgreens. This letter was entered into the Board's official record.

A concerned neighbor said that the safety of the residential neighborhoods must be a priority and is very concerned about the increase in traffic. In the last few years we have a few buildings on Warren Avenue, Pawtucket Credit Union, the building across from Chelos. He reminds the Board that there are four travel lanes on that side of Pawtucket and Warren Avenues; two east and two west. There are a lot of accidents at S. Rose and S. Blossom Streets; you cannot see the traffic through the parked cars. There are bus stops in this area and asks that the Board take that into consideration. There are other types of businesses that could go in there instead of Walgreens that will not attract the same amount of customers especially 24 hours a day; 7 days a week. He said the traffic from Dunkin Donuts will also add to increase traffic in that area. He said he spoke to Norman Miranda about Walgreens and said Mr. Miranda has concerns for the neighborhood also. Why do we need Walgreens when you have CVS and Brooks down the street?

Mr. Batty asks if anyone else wishes to speak.

Robert Kelly, 12 South Blossom Street voiced his concerns about all the cars parked in front of the Auto Body. They are parked all the way up to the Subway Shop on the corner of South Blossom. He states he has been to the City Engineer's office about this problem. There is a major traffic problem now even if Walgreens is not approved. He asks the Engineer what they plan on doing to deter the traffic coming out and going northbound on Pawtucket Avenue. The applicant's engineer stated that whatever is required of the City, they will do.

Mr. Batty ask if there will be a divider at Gasbarros and Miller's Roast Beef and if there is there is a divider Miller's will only have one exit out onto Pawtucket Avenue. Mr. Sleprow states his applicant does not object to Miller's Roast Beef customers crossing over Gasbarros; we have extra parking spaces if the staff feels that we should allow that Miller's opening to remain. That will not be a problem. Miller's has their own egress and ingress onto Warren Avenue and that will stay.

Robert M. Brady, Attorney, Grove Avenue is sworn in and states he is present on behalf of the Gasbarro family who owns the property in question. We are not asking for anything that does not already exist. He states this meeting is about approving a Master Plan. There has been considerable testimony with regard to issues that will be addressed at the preliminary hearing which are not necessarily before the Board tonight. The concerns of the neighbors are well articulated with regard to existing problems, lack of law enforcement with regard to certain issues that already exist. It sounds like the neighbors now deal with the existing conditions that are on the other side of the street. Mr. Gasbarro and his family have looked at other proposed uses for the property in terms of other developers. By far and away this particular developer presents the most aesthetically pleasing type of plan as well as the type of plan that fits more in line with the neighborhood. A strip mall could easily be put in there or other uses because it is a C-3 and C-4 zone. My client has been a good neighbor to the neighbors and wants to maintain that good relationship. We believe Mr. Gasbarro has picked the best retail for that location and respectfully request that the Board approve this Master Plan.

Jody Federowicz, 165 South Rose Street states that she is not here tonight to complain about the existing problems referred to by Mr. Brady, but that she wants her children to be safe and not have to worry about them walking out on the street and anticipated problems that will come with the Walgreens development.

Mark Zito, 149 South Rose Street is sworn in and states he has small children and safety is also his concern. The plan must incorporate two more traffic lights at the intersections of South Rose and South Blossom Streets so that we can get out of our streets.

Attorney Katherine Federowicz, 1 Turks Head, Providence RI states that she represents Gene and Al Mancino who own property on 83 South Rose Street. She said initially they proposed for the applicant to rotate the building to have the dumpsters facing the rear. It was explained to us that as a result of certain requirements of the applicant and zoning that that was impossible. As a result we reached a compromise; namely that the dumpster be screened by a brick façade as opposed to a stockade fence. In addition, the applicant proposes certain landscaping in an additional attempt to shield the dumpster from view of the residents of South Rose Street. We appreciate those concessions and aesthetically we think the building is acceptable.

Ms. Federowicz states she did not hear any testimony as yet regarding the impact on South Rose Street itself.

Mr. Vanasse explained the different levels of service. He said they are represented by letter grade. A is the best, E being capacity and F being delayed. In signalized intersections there is a lot you can do to help it. In unsignalized intersections, 9 out of 10 unsignalized intersections, driveways etc. are level service E or F because of the delay in getting out. All the street levels are good at that intersection; there is no interruption

basically. We retained the parking. One lane in and one lane out and the parking lane stays. Mr. Vanasse said the 2007 peak hour out of S. Rose Street in the evening will be 38 right turns and 14 left turns. On Saturdays during the peak there will be 29 right turns and 13 left turns.

Ms. Federowicz states that she appreciates the aesthetic changes and appreciates the fact that the applicant is willing to work with us; we do still have concerns with regard to the increase in traffic at South Rose because the wait now is already long enough and asks that the Board consider this.

Christine Reynolds, 117 South Blossom Street is sworn in. Ms. Reynolds states her concerns about the increase in traffic and that she has trouble getting out of this street as it is and if she wants to come out of South Blossom, and get in the third lane to make a left hand turn onto Pawtucket Avenue, she cannot do it. There are parked cars daily from 7:00 a.m. to 5:00 p.m. in front of Subway and the auto body shop which no one has done anything about. The cars are there all the time. Why don't your surveys reflect this? When I pull out I have to pass the parked cars that do not belong there into the second lane to look. The school buses are backed up on Warren Avenue already and I cannot get to the middle lane. It will be worse when Dunkin Donuts drive-through goes in. If I cannot get out of South Blossom now, how am I going to do it.

Jodie Federowicz, 165 South Rose Street states her concerns the increase Walgreens will bring to an already congested area. She said that she has two children who she will not let stand in front of the bus stop on Warren Avenue for fear they will get hit. She has to put them in the car so they don't have to stand out on that corner. She said she tried to exit the street and was rear ended twice. I can't make the left hand turn onto Warren because of those parked cars at the auto body. There is a dance studio at the end of South Rose and their peak hours are Saturday. Can you just see them trying to get out of there. The area already has two pharmacies down the street. You cannot change Level E to a D; by increasing the traffic by adding Walgreens. She said she cannot walk on the sidewalks she has to walk on South Spruce. Walgreens will not benefit anyone in East Providence.

Nancy Escobar, said she owns the house across the street in front of the dumpster. I have three families that live in my house. I do not want Walgreens there are all. It is a danger for children that are in the area. They had the Police there the other day near that dance studio because someone did not like where those cars were parked. Walgreens will just exacerbate the problem. She said she only has 3 parking places for her tenants as it is. Where are the trucks going to turn around? Walgreens will benefit from this, not the people from East Providence. She said drivers might cut-through the Walgreens parking lot and use South Rose Street to get to Warren Avenue.

Mark Zito, 149 South Rose Street states he has been living there close to 20 years and the traffic is terrible. It will only get worse. States he is very familiar with the intersection and the increase of traffic which will create a danger for the neighborhood. The Pawtucket Avenue and Warren Avenue intersection is very dangerous as it is. He states the traffic reports that have been made are just predictions; they are not facts. There have already been many accidents and tweaking the signal traffic time will not help at all. Mr. Zito also states his concern about the noise it will generate. He also states there are many elderly people on South Rose Street and South Blossom Street and a few injured younger people that could not attend this meeting because of the bad weather, but who

are also opposed to this development. South Blossom residents have to cross three lanes to take a left-hand turn. Mr. Zito states that the proposed development will also lower the property values. Dunkin Donuts has created more traffic and more noise; Walgreens will do the same. He said they need to put No Parking signs in front of Vinny's Auto body and Graphic Inc. Mr. Zito concludes by asking the Board to please take these statements into consideration.

Ms. Feather presented the staff recommendation and the proposed conditions of approval. Ms. Feather noted that traffic would continue to be an issue for discussion at the Preliminary Plan and that the comments of the peer reviewer, Maguire Group, in their letter of February 10, 2006 must be addressed in the Preliminary Plan. She noted that the peer reviewer, Mr. James Coogan, was present at the meeting and available to answer any questions the Board may have. She noted that the applicant's main proposal to mitigate any increased traffic from the Walgreens is to distribute it over multiple access/egress drives from the site and re-time the traffic light, which will continue to be analyzed.

Ms. Feather noted that staff had addressed the issue of cut-through traffic, traffic traveling southbound on Pawtucket Avenue and cutting through the Walgreens site onto South Rose Street to get to Warren Avenue. Ms. Feather stated that the long distance a car would have to travel, and the impediments on-site (parked cars, landscaped islands in the parking lot, the drive-through lanes and divider), combined with the fact that the right turn lane for cars traveling southbound and taking a right onto Warren Avenue never appears to have a long line of cars, would not appear to make that an attractive cut-through.

Ms. Feather noted that the design of the side of the building facing South Rose Street is not acceptable and must be re-designed to break up the mass of that façade. She also noted that the proposed landscaping along that side was also insufficient, and staff has noted that the minimum buffer is 25 feet. She stated that the building is 38 feet high on that side and it is especially important to have it be well-designed and to buffer the neighbors on South Rose Street with adequate landscaping.

Ms. Boyle noted the façade of the west elevation of the building must be fenestrated and that this had been previously mentioned to the applicant's representatives.

Mr. Batty asks if there are any other questions from the Board. Mr. Cunha states he agrees with the neighbors regarding their concerns. He also agrees with Walgreens and the City of East Providence and said they have done a wonderful job in putting this package together. He notes this is a Master Plan, not a preliminary plan. There are more problems across the street than on the side of the Walgreens. He suggests that the Walgreens applicants, the State of Rhode Island, the City Engineers all get together and come up with a better solution to the neighbors concerns, i.e. maybe a No Parking sign at the Vinny's Auto Body business. These issues will not be resolved at the Master Plan meeting.

Ms. Boyle states that if the Board desires, staff could work with Walgreens and their traffic engineers to see if there are other mitigation measures that might make sense and then report back to the Board at the Preliminary Plan stage. The Board will then have a more detailed report on the traffic problems and solutions.

Mr. Sullivan states that by making No Parking for the eight automobiles on the street, it is still not going to solve the problem. These people are concerned about going across two lanes of traffic to go in a certain direction. They're talking about walking around there and their safety. By not having eight cars parked on Warren Avenue, may relieve some of the problem, but will not solve the problem.

Motion – Master Plan Approval

On a motion by Mr. Almeida, seconded by Mr. Cunha, based upon the staff recommendation and 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 4- 1 to grant Conditional Approval of the Master Plan, as proposed, subject to the following conditions:

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Nay
Chair Batty	Aye

Mr. Batty explains to the public that this vote just means that Walgreens must come before this Board again and they must show us the proposal in more detail and more information at the preliminary plan stage.

B. Street Abandonment – South Blossom Re: Walgreens

Ms. Feather noted that the Board needs to enter the Street Abandonment staff memorandum of February 9, 2006 into the record.

Upon a motion made by Mr. O'Brien, seconded by Mr. Cunha, the Board voted unanimously to enter the staff memorandum of February 9, 2006 into the record.

Motion – Street Abandonment

On a motion by Mr. Cunha, seconded by Mr. O'Brien and Mr. Almeida, the Board voted to recommend to the City Council that South Blossom Street be abandoned subject to the conditions included in the staff recommendation:

1. That the applicant prepares and grants an easement to Verizon to retain the facilities (utility pole and overhead wires) on-site (which will be re-located a short distance from their present location on-site as shown on Plan Sheet 6 of Walgreens LDP Master Plan), said easement to be recorded along with the Final Plan in the City's Land Evidence records;
2. That the applicant prepares and grants an easement to New England Gas which includes a metes and bounds description or surveyor's drawing indicating the location of the proposed easement, said easement to be recorded along with the Final Plan in the City's Land Evidence records.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chair Batty	Aye

At this time, Chairman Robinson resumes the Chair and normal voting position. Mr. Batty will be stepping down for the remainder of the meeting.

B. Appl. No. 2005-20-Minor Blanding Avenue
Applicant/Owner: Ralph J. Simmons
Street Address of Property: 195 Central Avenue and Blanding Avenue
Map 205, Block 18, Parcel 39

Mr. Sleprow described the site. He said there are 19 lots with less than 5,000 square feet; a block that is between James Street and the Central Avenue Playground at Blanding Avenue and Central Avenue. Across the street there are 10 lots. There is no use of that Blanding Avenue Property for Mr. Simmons. Mr. Robinson states that he does have an extremely long backyard. The neighbors do not object. Mr. Sleprow asks that it be approved incidentally. Mr. Sleprow states that Mr. Simmons told him that the City when they took out a tree of the sidewalks area, told him they would be redoing that sidewalk. If it is not done by the City, the applicant will accept the recommendations.

Mr. Simmons states that he has been in East Providence a long time. It is time for me to retire and would like to help make provisions for my retirement by selling this lot. At the time, I bought the lot as a separate lot and said he did not know that the City had merged the lots.

Mr. Robinson asks Ms. Boyle "wouldn't it be inequitable not to let the applicant subdivide this?" Ms. Boyle states that the Zoning lot provision goes across the board. There were a number of lots in this City that were acquired previously when the Zoning Regulations were less strict. This is not an unusual circumstance. The purpose of the Zoning lot merger was to take lots that were undersized and in the same ownership and to make them closer to being complying lots. I don't think there is inequity here; I do think this is a simple application of rules. The staff recommendation states there are a number of variances required and it is the opinion of staff that this is significantly below current standards. There are lots platted across the City back into the 1930s that were as small as 2,000 square feet. That's why we have the ordinance to address undersized lots. Chairman Robinson states that he has frontage on two streets. He feels the lots should be subdivided.

Mr. Robinson also states that he does agree with staff that the applicant's request to maintain the asphalt sidewalk should be rejected.

Mr. Robinson asks the Board at this time if they have any questions or comments.

Patrick Hanner went through the staff recommendation. He said the applicant is proposing a two lot minor subdivision which is classified as a Minor Subdivision on existing Frontage. There are two states of plan review; preliminary and final. There are no sidewalks and curbing are present along the frontage of Blanding Avenue and granite curbing and asphalt sidewalks, in moderate condition are present along the frontage of Central Avenue.

Mr. Hanner reported that the proposed is the creation of two parcels, lots 1 and 2 as shown on the site plan. Lot 1 is 4,438 sq.ft., which will retain the existing single-family dwelling and Lot 2 is a 4,864 sq. ft. parcel with the placement of a single-family dwelling (44' x 26') with frontage on Blanding Avenue. A driveway (9' x 50' is proposed along the east side of the dwelling and a dry well to the rear of the proposed parcel. All utilities are proposed to be connected to the existing utility lines within the right-of-way of Blanding Avenue.

The applicant proposes the installation of concrete sidewalks and granite curbing along the frontage of Blanding Avenue and retain the existing asphalt sidewalks and curbing along the frontage of Central Avenue. Planning staff is recommending the replacement of the existing asphalt sidewalks along the frontage of the proposed lot 1 (195 Central Avenue) for a distance of approximately 25 linear feet with concrete sidewalks. Concrete sidewalks are present on the two abutting properties and nearly the entire south side of Central Avenue from James Street to the subject property.

Regarding drainage, Mr. Hanner states that the subject property is relatively flat with no distinctive slopes present. A dry well system is proposed to be installed on proposed lot 2 connected to the roof drains of the single-family dwelling.

He states this is a two lot minor subdivision on existing frontage. This is a preliminary plan. The application was certified complete on February 6, 2006. There are no newspaper advertisements or public hearing for a minor subdivision on existing frontage, but notice was mailed to the immediate abutters. It is a single family dwelling on Central and Bland Avenues. It is currently a single family dwelling which is located on the property facing Central Avenue.

It is the opinion of Planning that the creation of these two substantially two parcels that are substantially below the minimum area requirement as well as the lot width. They diminish the character of the neighborhood as well as the privacy of the adjacent residential neighborhood. It would also encourage the creation of undersized parcels.

GENERAL PURPOSES & REQUIRED FINDINGS

In accordance with Section 5-4 of the Regulations: "Prior to approval of any application for subdivision and/or land development project, the Administrative Officer or Planning Board, as applicable, shall address each of the general purposes stated in Article 1 and shall make positive findings of fact on all of the applicable standards listed below, as part of the proposed project's record. If a positive finding for any of these standards cannot be made, the Administrative Officer and/or Planning Board shall have grounds for denial of the project".

Section 1-2. General Purposes. The general purposes of these Regulations is to establish procedural and substantive provisions for the subdivision and development of

land that will, consistent with the provisions of the East Providence Comprehensive Plan and the East Providence Zoning Ordinance, accomplish the following:

(a) Protect the public health, safety and welfare;

It is the opinion of the Planning Department that the character of the neighborhood would be impacted adversely by the creation of two parcels substantially below the minimum area requirement of 5,000 sq. ft.

(b) Provide for orderly, thorough and expeditious review and approval of land developments and subdivisions;

The regulations provide for an orderly, thorough and expeditious review of subdivisions and this application has been following that process.

(c) Promote high quality and appropriate design and construction of subdivisions and land development projects;

The proposed subdivision is for an in-fill development of a single-family dwelling.

(d) Protect existing natural and built environments and mitigate all significant negative impacts of any proposed development on the existing environment;

The proposed single-family dwelling will be connected to City sanitary sewer and water. A dry well system is proposed to be connected to the drain spouts of the proposed single-family dwelling.

(e) Promote design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

As stated earlier, it is the opinion of Planning Department that approval of this subdivision may diminish the character of the neighborhood and privacy to adjacent residential properties. While this neighborhood contains a number of parcels that pre-date the City's Zoning Ordinance, Planning is of the opinion that the medium density character of the neighborhood would be impacted adversely.

(f) Encourage design and improvements standards to reflect the intent of the East Providence Comprehensive Plan with regard to the physical character of the various neighborhoods, districts, and special and critical areas of the city;

Approval of this subdivision may create a precedent that would encourage the creation of undersized parcels that would adversely impact the character of residential neighborhoods.

(g) Promote thorough technical review of all proposed land developments and subdivisions by appropriate officials;

The proposed subdivision has been reviewed by appropriate officials, including: Planning, Public Works, Zoning, Law, Assessment, and the Fire Department (See attached memorandums).

(h) Encourage dedications of public land and impact mitigation to be based on clear documentation of needs and to be fairly applied and administered, and;

No dedication of public land is necessary.

(i) Provide for the establishment and consistent application of procedures for local record keeping on all matters of land development and subdivision review, approval and construction.

The proposed subdivision is being reviewed under the Regulations adopted by the East Providence Planning Board and pertinent records are being kept.

Section 5-4 Required Findings

Section 5-4 of the Regulations requires that, prior to the approval of any application for a subdivision, the Planning Board shall address each of the general purposes in Article 1 of the Regulations and shall make positive findings on all of the applicable standards, as listed below:

A) Subdivision and land development project proposals shall be consistent with the East Providence Comprehensive Plan, including its goals, objectives, policy statements and Land Use 2010 Plan, and/or shall satisfactorily address the issues where there may be inconsistencies;

Based upon the submitted plan and required materials, Planning staff finds that the proposed subdivision is not consistent with the East Providence Comprehensive Plan, including its goals, objectives, and policy statements.

B) All lots in a subdivision and all land development projects shall conform to the standards and provisions of Chapter 19, Zoning.

As stated earlier, proposed lots 1 and 2 require substantial relief from the minimum lot area requirement and width requirement. Proposed lot 1 (195 Central Avenue) fails to comply with the minimum off-street parking requirement.

C) There will be no significant environmental impacts from the proposed development as shown on the plan.

Sewer, water, and gas utilities are proposed to be connected to the proposed single-family dwelling and a dry well system is proposed.

D) The Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable.

No physical constraints to development appear present.

E) All proposed land developments and all subdivisions shall have adequate and permanent physical access to a public street. Lots cannot be isolated by topographic, natural, or other features which prevent physical access from the street

Proposed lots 1 and 2 will have physical access to either Central Avenue or Blanding Avenue.

F) Each subdivision and land development project shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites, and shall provide for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community to the extent feasible.

If the Planning Board grants approval, Planning Staff is recommending replacement of the existing asphalt sidewalks along the frontage of the proposed lot 1 (195 Central Avenue) for a distance of approximately 25 linear feet with concrete sidewalks. Concrete sidewalks are present on the two abutting properties and nearly the entire south side of Central Avenue from James Street to the subject property. In addition, concrete sidewalks compared to asphalt sidewalks are more durable and offer a more level walking surface.

The proposed subdivision is not consistent with the East Providence Comprehensive Plan and East Providence Zoning Ordinance and that it would be in the best public interest for the Planning Board to deny this request based upon the potential precedent which may be created, negative impacts to the character of the neighborhood, and decrease of privacy to abutting properties.

However, if the Planning Board determines that the proposed subdivision is consistent with the General Purposes of section 1-2 and Required Findings of section 5-4, as well as being consistent with the East Providence Comprehensive Plan and Zoning Ordinance, staff recommends that a preliminary plan approval is made subject to the conditions listed in the staff memorandum dated February 8, 2006.

Motion – Staff memorandum and supporting documentation submitted into the record.

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board unanimously voted to make the staff memorandum part of the Board's official record.

Mr. Ralph Simmons, 195 Central Avenue, owner of the property is sworn in by Solicitor Conley.

Attorney Martin P. Sleprow, attorney for the applicant states that Mr. Simmons lives at 195 Central Avenue who is seeking approval of a minor subdivision to divide the current parcel 39 into two parcels; one fronting on Central Avenue where Mr. Simmons and his wife live, and one fronting on Blanding Avenue which if this is approved, Mr. Simmons intends to sell the lot to provide retirement income for him and his wife. They have lived on Central Avenue for 40 years, he purchased three recorded lots in 1966, and one was sold.

Mr. Sleprow distributes a copy of the deed to all Board members and asks that it be made part of the record. He said that these recorded lots were established in 1987.

When Mr. Simmons bought the parcels they were separate building lots. There was a merger ordinance and then a further ordinance regarding lots fronting on two streets. As a result, although they were buildable when he bought them they are not now because they were merged. Mr. Sleprow asks the Board to give some credence to the fact that a local resident bought these 40 years ago when they were two buildable lots. He said that Mr. Simmons has already spoken to his neighbors about this. Each of those neighbors, the abutters have signed a letter stating they are a neighbor and are not opposed or have no objection. At this time, he presented copies of these letters to the Board.

Mr. Sleprow states the lots to be created are undersized; they are 4,864 square feet for the new house and 4438 for the existing house. It is an R-4 District with 5,000 square feet. For the new house it is 2.72 percent below the 5,000 and for the existing lot, 11 percent below. I do not consider these very large variances.

Motion

On a motion by Mr. Batty, seconded by Mr. Almeida, the Board voted to approve the application based upon the submitted application testimony presented to the Board by the staff and various City Departments. All the General Purposes of Section 1-2 City of East Providence Land Development Subdivision Review Regulations have been addressed and Positive Findings were found for all purposes in Section 5-4 Required Findings. It is also apparent that the proposed subdivision is consistent with the East Providence Comprehensive Plan with the stipulation that the conditional approval of nine recommendations by the Planning Department is adhered to and that the sidewalk request be denied.

It was noted the applicant agrees to replace them with concrete.

Roll Call Vote

Mr. Ameida	Aye
Mr. Batty	Aye
Mr. O'Brien	Nay
Mr. Sullivan	Nay (on the recommendations of the Planning Department)
Mr. Robinson	Aye

Motion – To admit the two exhibits by Attorney Sleprow

On a motion by Mr. Almeida, seconded by Mr. O'Brien, the Board unanimously voted to enter into the record the two exhibits submitted by Attorney Sleprow.

Motion – Final Plan Approval Delegation

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

Mr. Almeida	Aye
Mr. Batty	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye

Mr. Robinson

Aye

**C. Public Informational Meeting - Major Subdivision – Master Plan Review
Application No. 2005-16-Major, Applicant/Owner: Mateus Realty
Fairview Avenue-Pawtucket Avenue, Map 308, Block 2, Parcel 1**

Motion

On a motion by Mr. Almeida, seconded by Mr. Batty, the Board unanimously voted to enter into the record the staff memorandum.

Ms. Boyle asked Mr. Hanner to go through the staff recommendation. He noted this is a major subdivision requiring a street extension. There are three stages of review. The Applicant is here for the Master Plan Review.

Mr. Hanner noted that existing is a single parcel which is 3.5 acres and has frontage along the Fairview and Pawtucket Avenues. The parcel has approximately 230 feet of frontage on Pawtucket Avenue and 50 feet of frontage on Fairview Avenue. A single family dwelling is currently located on the property with a driveway entrance on Pawtucket Avenue. Residential properties abut the property along the north and west property lines and St. Martha's Church abuts the south property line.

There are two easements on the property. The overhead electric lines and tower are contained within an easement located on the property. The easement located on the property has a width that varies between 40 feet and 70 feet. Located directly abutting the property along the south and west property line is the 25 foot wide easement which contains the 42" water line, which is the City's main water supply from the Situate Reservoir. The applicant is proposing eight parcels that range from 8, 915 square feet to 21,815 square feet. Single family dwellings are proposed. All the parcels conform to the dimensional and building setback requirements of an R-3 District.

The applicant proposes to extend Fairview Avenue for a distance of 323.5 feet, with a 50 foot width, 24 foot wide roadway, and ending at a cul-de-sac with a 60 foot radius. Concrete sidewalks, curbing, street trees, and a planting strip are proposed along the north and south side of the extension of Fairview Avenue and cul-de-sac. No parking is proposed along the entire frontage of proposed parcels 1 and 2.

Regarding drainage, Mr. Hanner reported that the applicant is proposing all roadway runoff to be collected by culverts and discharged into a detention basin to be located on the southwest corner of the property. A drain line is proposed to be connected between the detention basin and existing drain line located on and owned by St. Martha's Church. Details of all proposed utilities, maintenance agreements, public/private easement, including legal documents to be recorded in the land evidence record will be requested for the City's review during the preliminary review stage.

Waivers and Consistency with the Comprehensive Plan

Mr. Hanner reported there are no waivers have been submitted by the applicant. Staff finds that the Master Plan is consistent with the Comprehensive Plan and the Land Use 2010 Plan.

General Purposes and Required Findings

All the General Purposes of Section 1-2 have been addressed and Positive Findings of Section 5-4 are stated.

Staff recommends conditional approval as proposed subject to the seven conditions stated in the staff memorandum as follows:

1. That all of the attached comments of City Staff are addressed during the preliminary plan stage;
2. That an environmental assessment of the site must be submitted by the applicant during the preliminary plan stage;
3. That all proposed public and private easements and modifications to existing easements are submitted to the Planning Department for review during the preliminary plan stage;
4. That the applicant submit an estimate for all proposed improvements and approved by the Director of Public Works to be held by the City as an improvement guarantee;
5. That the title block of the Master Plan be revised to indicate Preliminary Plan status;
6. That the Preliminary Plans be based upon the approved Master Plan, and further that the Preliminary Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
7. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

At this time, David Gardiner, 200 Metro Center Blvd., Warwick, RI is sworn in. He added that they are asking for a street width reduction waiver. Back when we first started this, the regulation was 30 feet wide and we would like to drop that down to 24 feet to save on some drainage. The other waiver we ask is that the detention pond is included in Lot 8 and it will be the responsibility of the owner of Lot 8 to maintain the basin. We worked out the issue with the electric company and it has taken some time. There never was a specified width for this easement across this property. In negotiations with Mr. Mateus and the electric we are trying to resolve that. We may ask for a waiver on the part of the sidewalk on the north side of the road because it would not be servicing any of the houses. We would like to stop the sidewalk at the last driveway and run the sidewalk all the way around the site and out.

Chairman Robinson asks if there are any questions of the Board.

Mr. Almeida asked if the applicant wants to reduce the width of the street from 29 to 24 feet. Mr. said yes. We are narrowing down to 24 to save on pavement and in doing so would have no parking signs on both sides along the road so to avoid congestion.

Mr. Cunha asked where do the people park if they have visitors. Mr. Gardiner states in the person's driveway and around the perimeter of the cul-de-sac. There will be street parking in there. The cul-de-sac is a full size for fire and rescue.

Mr. Almeida asks how many houses are there for you to narrow it down to 24 feet. He answered three.

Regarding drainage, Mr. Batty asks if the applicant has taken into advisement that water pipe and the over flow pipe, and amount of water that could be entered into the City line at Grassmere Avenue. Mr. Gardiner states that the drainage study will be done at preliminary. We do not have those exact figures yet, but the discharge pipe will be coming out of the pond over the top of that water line. It is felt at this time that that is sufficient to protect that line.

Mr. Sullivan asks if there are already water problems in that area? Mr. Gardiner states that the additional development will not be increasing any runoff.

Mr. Batty asks if the proposal is to take care of that street water? Will each home have an individual system? He answered no, it will handle the driveways and the front half of the roofs.

In response to Mr. Sullivan's question, about drainage issues, Ms. Boyle states he is correct; the memo does reference an issue of the drainage. She said they will look more closely at the drainage at master plan.

Mr. Sullivan states he would like to see the cul-de-sac wider. 24 feet is too close.

Mr. Almeida states he would like to see the street at least 29 feet width. Mr. Batty states that the Code is 30 feet. Ms. Boyle states that for this type of development the Subdivision Regulations require 24 feet, but the Board does have the authority to require a wider width. It was said that the existing road that is there now is 30 feet wide.

Mr. Sullivan requests that the Board recommend 30 feet in the stipulations.

Mr. Batty states he is concerned because in the Fire Department's memorandum of October 5, 2005, they state they have reviewed the plan and accompanying materials and there is no fire or safety issues.

Mr. Almeida asks that the street not be reduced and that it remain 30 feet wide.

Mr. Robinson asks Ms. Boyle if the street standards are different on this type of development. Ms. Boyle answers the criteria for street width vary depending on whether it is a dead-end, high density, low density area, or whether or not there is on-street parking or not. This is an unusual situation because you have an extension of an already existing street which is 30 feet in width. The Board may want to consider something in between 30 and 24.

Motion – Conditional Approval

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to grant conditional approval the subdivision with the stipulation that the street remains at 30 feet in width.

Roll Call Vote

Mr. Almeida	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Mr. Batty	Nay
Mr. Robinson	Nay

Ms. Boyle states there was no request for waivers submitted by the applicant and therefore there is no recommendation by staff on that item. Does the Board's motion include the waiver that was requested tonight or whether it is as proposed to the Board and staff initially with the sidewalks included.

Mr. Conley states that they can move to amend, but then you do not have the opportunity for the Board to review it. Mr. Cunha states the Board has done it in the pass.

The applicant states that the sidewalk on the north side, being that there are no buildings there, we ask to stop that sidewalk at the last driveway. Have the sidewalk come from the north side of that driveway and continue it on the south side.

Mr. Robinson states that staff has not had the benefit of reviewing that and asks the applicant to request it in writing at the preliminary stage.

Motion – Subdivision

On a motion made by Mr. Almeida, seconded by Mr. Sullivan, the Board voted 3-2, (Mr. Batty and Mr. Robinson voted nay) to ***conditionally approve the subdivision***, as proposed, subject to the following conditions:

1. That all of the comments of City staff attached to the memorandum dated February 9, 2006 from Planning Department to Planning Board are addressed during the preliminary plan stage;
2. An environmental assessment of the site must be submitted by the applicant during the preliminary plan stage to determine whether environmental concerns are present on the site and suitability as a residential site;
3. That all proposed public and private easements and modifications to existing easements are submitted to the Planning Department for review during the preliminary plan stage;
4. That the applicant submit an estimate for all proposed improvements to be held by the City as an improvement guarantee;
5. That the title block of the Master Plan be revised to indicate Preliminary Plan status;

6. That the Preliminary Plans be based upon the approved Master Plan, and further that the Preliminary 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 the width of the roadway of the extension of Fairview Avenue is increased from 24 feet to 30 feet.

5. CONTINUED BUSINESS

A. Draft Demolition Delay Ordinance – Historic Preservation

Ms. Boyle reported that this ordinance was discussed briefly at last month’s meeting. The ordinance was referred to the Planning Board by the City Council for their review and recommendation. Staff researched this ordinance as proposed and also reviewed some ordinances in other parts of New England that were similar to that. We have a number of concerns with it. We don’t feel that as drafted the ordinance is consistent with the State Enabling Law relative to Historic Preservation. We also were concerned about the authority of the Historic Properties Commission as its currently constituted in the City Ordinances was consistent with the role that was outlined. We also had concerns about whether or not what was being proposed actually might be too cumbersome a process and too all encompassing considering the definition of the historic structures. We would like to meet with Mr. Martineau, Chairman of the Historic Properties and go over this ordinance in more detail and take a look at other approaches to historic preservation that may not be quite as cumbersome. Other communities that adopted these ordinances turned out that they were not that effective. We ask the Board that they recommend to the City Council that they give us the opportunity to work more closely with the Historic Properties Commission and to not proceed with adoption with this Ordinance at this time. It was agreed.

Motion – Historic Preservation Ordinance

On a motion by Mr. Batty , seconded by Mr. Sullivan, the Board voted to ask the Council to postpone passage of this ordinance until staff can confer with the Historic Properties Commission.

Roll Call Vote

Mr. Almeida	Aye	Mr. Sullivan	Aye
Mr. Batty	Aye	Chair. Robinson	Aye
Mr. O’Brien	Aye		

6. COMMUNICATIONS

On a motion by Mr. Batty, seconded by Mr. Sullivan, the communications below were made part of the Board’s official record.

A. Memo to the Zoning Board of Review Re: Meeting of January 25, 2006

7. ANNOUNCEMENT

A. Next Meeting – Monday, March 12, 2006, 7:30 p.m., Room 306

8. ADJOURNMENT

The meeting adjourned at 11:31 p.m.

Respectfully submitted,

Michael Robinson, Chair

MR/JMB/sac