

July 24, 2006 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of July 24, 2006

Present were: Mr. Almeida, Mr. Batty, Mr. Cunha, Mr. DiTraglia, Mr. O'Brien, Mr. Robinson, Patrick Hanner (staff).

1. SEATING OF ALTERNATE MEMBER

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of May 8, 2006

It was noted the minutes of May 8, 2006 would be forthcoming

B. Minutes of June 14, 2006

On a motion by Mr. O'Brien, seconded by Mr. Almeida, the Board unanimously voted to approve the minutes of June 14, 2006.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

A. Application #2006-06 Minor Subdivision, Prescott Avenue, Map 512, Block 12, Parcel 4, Applicant: Estate of Catherine R. Gibblin and Brendan J. Gibblin.

Patrick Hanner presented the Planning Department's report. He explained that there is an existing two unit commercial retail store and an existing single family dwelling located on one lot. The petitioner is proposing to separate these two structures into two uses. Lot 1 is proposed at 3,167 sf and proposed Lot 2 at 7,909 sf. The proposed Lot 1 is a corner lot with frontage on Willett Avenue and Prescott Avenue. Lot 2 has frontage of Prescott Avenue. Sidewalks and curbing and handicapped ramps are present along Willett Avenue. There are no sidewalks or curbing on Prescott Avenue. Hanner states that approval of the subdivision will result in separate utilities.

Mr. Hanner explained further that there is a number of zoning that is required. This Board has seen this before with having two structures on one lot and one lot being a quarter lot and the other being an irregular shaped lot does generate quite a few dimensional relief that is required. In addition to the dimensional relief the applicant will have to submit a signage plan to the Zoning Officer following an approval if the subdivision is granted. Also a variance will have to be given for a designated trash container area that has to be screened. The ordinance calls for a six foot solid fence.

There are two additional variances that the applicant will have to go for along with all the dimensional relief.

General Purposes

All the General Purposes of the Subdivision Regulations have been addressed. Section 5-4 Positive Findings were found. Since there is no construction or expansion of intensifying the use Planning Staff found that this is in close conformance to the Comprehensive Plan than its current situation if approved. It is consistent with the goals and policies of the Comprehensive Plan.

Regarding the requested waivers, the applicant is requesting a waiver for sidewalks and curbing along Prescott Avenue. Staff is recommending that the Board deny the applicant's request and have the applicant install the sidewalks and curbing along Prescott Avenue because Prescott Avenue is a connection to the existing residential neighborhood which is the commercial corridor of Willett Avenue. This is a commercial property on Willett Avenue with five parking spaces which conforms to zoning. In the future there may be some sort of uses at this site which may generate more parking than just the five spaces being provided or actually being proposed. In that case sidewalks and curbing along Prescott Avenue would protect cars from parking on the residential property on Prescott. Staff is recommending that the Board deny the applicant's request. Staff is recommending conditional approval as proposed with the 10 conditions stated in the staff report.

Attorney Martin Sleprow, attorney for the applicant states that the applicant is proposing to divide the lot into two lots. There is no new construction proposed. It is simply to divide the lots and asks that the City correct an ordinance that it had when the merger ordinance was passed most lawyers including myself missed that there was something in there that shouldn't have been. Most of the jurisdictions that I deal with in their merger ordinances would say "merger unless there are principle structures on each lot". This is true of Barrington, Pawtucket, Providence. When the merger ordinance went through it was similar to a condemnation of this property. A number of buyers for a retail store and a house together are extraordinarily limited and if they are limited the number of banks that would finance a retail store in a house together in my judgment is zero. You are left with a situation because there is a merger you are stuck. You cannot sell the property together. Mr. Sleprow states that he and the applicant agree with the conditions that the staff report entails.

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

Bredan J. Gibblin, 125 Monarch Drive, Seekonk, MA is sworn in.

Mr. DiTraglia asks Mr. Gibblin what kind of a business he plans to put in. He states it will be a kitchen business called Kitchens Direct. The house will be rental property. Mr. Sleprow states that once this is passed it will be sold to a homeowner as a single family home.

Mr. DiTraglia asked about the traffic and parking and how many people will be in the store. Mr. Gibblin states that as it exists today there are two vehicles there that are associated with the business and maybe one customer at a time. The place is so small that it would be difficult to conduct business with more than one customer at the same

time. Mr. DiTraglia asks what it is zoned for parking. It is all residential. Mr. Slepko states that this predates the 60's. The building has been there before 1966. Mr. DiTraglia asks Mr. Hanner if there are any drainage concerns. Mr. Hanner states no, not that he is aware of. Mr. DiTraglia asks why the Planning Department requests sidewalks. Mr. Hanner states as a future policy we have been emphasizing that these subdivisions near pedestrian destinations have sidewalks and curbing because it is protection safety for the vehicles. In this case Willett Avenue is a commercial corridor; it is a pedestrian destination. The curbing and sidewalks would aid in the drainage also. Mr. DiTraglia states he agrees with this and says it costs more money, but it very important for a safety issue and it is aesthetically pleasing to the neighborhood. Mr. Robinson states he is a big supporter of sidewalks and if we have the opportunity to beautify the City he supports it. He said he will vote to deny the waiver request.

Mr. Slepko proposes a compromise along the commercial, but not the residential part.

Motion – Admission of Staff Report and supporting documents

On a motion by Mr. DiTraglia, seconded by Mr. Batty, the Board unanimously voted to make the staff report and attachments part of the Board's official record.

Motion – Waiver of Sidewalks and Curbing at Prescott

On a motion by Mr. DiTraglia, seconded by Mr. O'Brien the Board moves to deny the waiver request.

Roll Call Vote

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

Motion – Subdivision Approval

On a motion by Mr. Batty, seconded Mr. O'Brien, the Board voted to approve the subdivision based on the staff report, attachments and supporting documentation from other city staff. All the General Purposes Section 1-2 of the East Providence Land Development and Subdivision Review Regulations has been addressed and positive findings were found for all the standards of Section 5-4 "Required Findings". It is also apparent that the proposed subdivision is Consistent with the East Providence Comprehensive Plan.

Roll Call Vote

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

Motion – Delegation of Final Plan Approval

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

5. CONTINUED BUSINESS

A. Staff Report

1. Mr. Hanner reminded the Board of the July 25th, 10:00 a.m., groundbreaking for the Warren Avenue/Waterfront Drive.
2. The next meeting will probably be on August 28 because of the August 14th holiday. Stephanie will poll the members.

6. COMMUNICATIONS

7. ANNOUNCEMENT

Next Meeting – Monday, August 28, 2006

8. ADJOURNMENT

On a motion by Mr. Ditraglia, seconded by Mr. O'Brien the Board voted to adjourn.

Respectfully submitted,

Michael Robinson
Chairman

MR/JB/sac