

November 27, 2006 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF NOVEMBER 27, 2006

1. SEATING OF ALTERNATE MEMBER

Members present: Chairman Robinson, Mr. Batty, Mr. Almeida, Mr. DiTraglia, Mr. O'Brien and Alternate Member Mr. Robinson. Alternate Member Mr. Cunha was absent. Ms. Boyle, Ms. Feather, Mr. Moran, Mr. Hanner and Solicitor Conley were present from staff.

2. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Batty, seconded by Mr. O'Brien, the minutes of October 23, 2006 were unanimously approved by the Board.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

A. Request for Release of Performance Guarantee – Joseph and Joyce Cabral, 55 Colwell Street, Map 307, Block 34, Parcels 6 and 7

Mr. Hanner stated that this subdivision appeared before the Board in November 2004 as a minor subdivision for the purpose of creating two parcels. The Board placed as a condition of approval an improvement guarantee to be held by the City for the installation of sidewalks and curbing. All of the improvements have been installed and inspected by the DPW. The Planning Department recommended that the Board release the full amount of the performance guarantee in the amount of \$9,800.

On a vote by Mr. Almeida, second by Mr. DiTraglia, the Board voted 5 to 0, to release the full amount of the improvement guarantee in the amount of \$9,800.

B. Request for Release of Performance Guarantee – App #2005-03, Applicant: Mario G. Carreiro, Map 306, Block 16, Parcels 1 and 2

Mr. Hanner stated that in October 2006 this subdivision appeared before the Board as a minor subdivision for the purpose of creating two parcels. As a condition of approval the Board required the applicant to post an improvement guarantee for the installation of sidewalks and curbing. As of today, the sidewalks and curbing have been installed and determined by the DPW to meet city standards. The Planning Department recommended that the Board release the full amount of the improvement guarantee of \$3,500.

On a vote by Mr. DiTraglia, second by Mr. Almeida, the Board voted 5 to 0, to release the full amount of the improvement guarantee in the amount of \$3,500.

C. Application #2006-13-Minor – 37 Cushman Avenue, Applicant: Victor and Rita Texeira Applicant, Owner: Carroll M. Venable.

Mr. Hanner briefly summarized the Planning Department's staff report. Mr. Hanner stated that the application before the Board is a request for two lot minor subdivision. The application was certified as complete, reviewed by City staff and all memorandums have been submitted as enclosures as part of staff's opinion.

Mr. Hanner stated that the applicant is requesting a waiver from the requirement of installing sidewalks and curbing. Based upon the proximity of the subject property to Pawtucket Avenue, a major pedestrian destination for residents of the immediate neighborhood and Dover Avenue being a north/south connection for pedestrians traveling within the neighborhood, Planning Staff is recommending to deny the applicant's request for a waiver and require the installation of concrete sidewalks, granite curbing, and a handicap ramp at the intersection of Cushman and Dover Avenue.

Mr. Hanner stated that the proposed subdivision was found to be consistent to the Comprehensive Plan, including the Land Use 2010 Plan. In addition, all of the requirements of section 1-2 have been addressed and positive findings were found for section 5-4.

The owner, Carroll M. Venable was sworn in and Richard Bzdrya of Ocean State Planners, Inc. was sworn in and represented the owner. Mr. Bzdrya gave a brief description of the subdivision. Mr. Bzdrya and Ms. Venable requested the Board to grant a waiver from the requirement of sidewalks and curbing. Mr. Bzdrya questioned the need for a variance for exceeding the number of vehicles parked in the front-yard for proposed lot B. Mr. Hanner and Ms. Boyle explained that zoning relief was determined by the Zoning Officer and that this may be brought to the Zoning Officer's attention before seeking relief from the Zoning Board of Review.

Mr. DiTraglia requested clarification of the ownership of a fence located within the City's right-of-way. Mr. Bzdrya stated that the fence is proposed to be removed.

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted 5-0, to enter Planning Department staff memorandum dated November 20, 2006 into the record;

On a motion made by Mr. Batty, seconded by Mr. O'Brien, the Board voted 5-0 to delegate final plan approval to the Administrative Officer.

On a motion by Mr. Batty, seconded by Mr. O'Brien, to deny the applicant's request for a waiver from the requirement of installing sidewalks and curbing; require the installation of granite curbing along the frontage of Dover Avenue; and require a handicap ramp at the southwest corner of the intersection of Cushman and Dover Avenue.

On a motion made by Mr. Batty, seconded by Mr. DiTraglia, the Board voted 5-0, to conditionally approve the subdivision, as proposed, subject to the following conditions:

1. That the residential use of the proposed single-family dwelling is restricted to single-family use and accessory uses in perpetuity;

2. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City's Right-of-way;
3. That any outstanding property taxes be paid to date before a final plan approval is granted;
4. That the title block of the Final Plan be revised to indicate Final Plan status;
5. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and
7. That upon project completion, final "as-built" plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

D. Appl. #2006-20 Admin – Applicant: 945 Warren Avenue, LLC

Ms. Boyle asked that Mr. Moran present the recommendation to the Board. Mr. Moran stated that the Administrative Officer had referred this petition to the Planning Board in light of the fact that the subdivision required the approval of a variance for coverage and as mandated by regulation, requires that the Planning Board hear and decide on the petition. Mr. Moran described the development and the nature of the subdivision. He noted the Zoning Officer's request for additional information on off-street parking and loading on parcel 2. The Zoning Officer's memorandum indicated that there was the possibility of needing a second variance for off-street parking and that the information was requested to determine compliance.

Mr. Moran also noted the comments of the Fire Chief, who requested that a fire hydrant be placed at the rear of 945 Warren Avenue as a condition of the approval. After describing the memorandum, Mr. Moran noted the conditions for approval of the recommendation and noted that the Board should enter all written items as described in the Planning Department recommendation into the record.

Chairman Robinson asked if the applicant wished to present any testimony. Mr. Martin Slepko, Esq., representing the applicant, presented the applicant's plans and noted that the applicant was in full agreement with the terms of the approval recommendation of the Planning Department.

Mr. Morris, the property owner, testified before the Board in support of the application.

Chairman Robinson asked for a Motion to enter all of the items identified in the Planning Department recommendation into the record. A Motion was made to enter the items into the record by Mr. Batty. Mr. O'Brien Seconded the Motion. The Board unanimously approved the Motion.

Chairman Robinson asked for a Motion on the decision for the Subdivision. Mr. Batty stated that: based on the finding that the proposed subdivision was consistent with the East Providence Comprehensive Plan, that it met the General Purposes of Article 1 of the Regulations and that the required positive findings of Section 5-4 were met, he Motioned for Approval of the requested Administrative Plan submission subject to the following:

1. That all comments in the technical staff memoranda to the Planning Department and all other requested modifications identified in the recommendation memoranda and any stipulations and conditions mandated by the Planning Board be incorporated into amended subdivision plans;
2. That the applicant obtain all necessary Zoning Variances as identified by the City Zoning Officer in his technical review memorandum of September 1, 2006;
3. That a performance guarantee be submitted to the City for the costs associated with the installation of the fire hydrant as requested by the Fire Department. The amount shall be calculated by the applicant's engineer and submitted to the Department of Public Works for final review and approval prior to the recording of the Administrative Subdivision. Plans for recording shall also be amended to indicate the location of the new hydrant on the plans;
4. That the proposal meet all applicable City, State and Federal regulations and requirements;
5. That final plans be submitted on mylar, and electronic format in AutoCAD version 14.

Mr. O'Brien Seconded the Motion. The Board unanimously approved the Motion.

E. Public Informational Meeting - Appl. # 2006-11 Wampanoag Ponds, proposed 321 Unit Multi-Family Residential Development, 1279 Wampanoag Trail, Applicant: Wampanoag Partners LLC, Owners: Joseph Leonardo Trust & AMJAM LP, Map 711, Block 3, Parcel 15

Chairman Robinson opened the Public Informational Meeting. Mr. DiTraglia, who was elected to a seat on the City Council in the November 7th election and would be sworn in on December 1st, noted that he is recusing himself from voting on this matter as a Planning Board member since he will be a member of the City Council when the rezoning comes before the Council. Chairman Robinson noted that Alternate Member Matthew Robinson would be seated as a voting member for the Wampanoag Ponds applications.

Ms. Christine Engustian, Esq., representing the developer Wampanoag Partners, introduced herself and the development team present at the meeting. Mr. Conley swore the group in and asked that they state their names and addresses for the record.

Ms. Engustian provided a detailed overview of the proposed development. Ms. Engustian described the proposal in detail and stated that representatives of the engineering firm of Vanasse Hangen Brustlin, who prepared the site plans and studies,

and Mr. Darrell Lee, who completed the fiscal impact analysis, were present to describe details of the project and to answer any questions the Board might have.

Mr. Robert Dale, a partner in Wampanoag Partners LLC, explained the interior layouts of the proposed townhouses and carriage houses. He said they expect the units would be appealing to “empty-nesters”, single professionals, and young couples with no children or those just starting a family. Based upon his experience with his other developments, they would not expect to see families with a number of children locating in this type of development as they are more likely to want a detached single family home on its own parcel. Mr. Dale noted that the entry-level price for the units would likely be in the \$300,000 to \$350,000 range.

Mr. Robert Clinton, VHB, gave an overview of the traffic impact analysis prepared for the Master Plan. Mr. Robinson asked about the width of the proposed acceleration/deceleration lane and stated there should be a full third travel lane rather than what is essentially a breakdown lane. Mr. Clinton stated that the acceleration/deceleration lane is proposed to be 12 feet wide (the existing pavement will be extended by 2 feet), and all the proposed work is within the existing right-of-way for the road. He noted that widening beyond that would require taking of private property along the frontage of the properties to the north and south.

Mr. Batty asked if they were aware that the Fire Department wanted 24 foot wide roads and that the entrances are 18 feet. Mr. Stabauch noted that the ingress and egress drives (which are separated into a one-way-in and one-way-out driveway) are 18 feet and they will check with the Fire Chief on this. All other roads are 24 feet wide.

Mr. Jonathan Stabauch, P.E., of VHB, explained the proposed drainage system. He noted that the proposal would reduce the amount of stormwater runoff going to the Trail from the existing condition. He noted that a small berm would be maintained at the Trail frontage. Mr. Stabauch noted that all of the stormwater runoff will be kept on-site. He pointed out the renderings showing the proposed buffers to adjoining properties and instances where topography and trees will significantly buffer the adjoining residences from the proposed development. He noted that while the buffer at the Hospital Road side of the property will be level, it is a wider buffer.

Ms. Feather noted that there were two concurrent actions before the Planning Board this evening – 1) the Land Development Project Master Plan, for which the Board is the deciding body, and 2) the requested rezoning, for which the Board is required to make an advisory recommendation to the City Council. Ms. Feather explained the three stages of LDP review and approval. She noted that if the Board decided to vote this evening, that the developer would then proceed to the City Council to seek the requested zone change. She noted that a Physical Alteration Permit (PAP) is required from the State Department of Transportation (RIDOT) and that this is a submission requirement for the Preliminary Plan stage.

Ms. Feather noted that direct notice had been mailed to all property owners within a 200-foot radius, that there had been a large display ad in the Providence Journal, and that although not required, the developer had held a neighborhood meeting on November 17th at the East Bay Manor Community Room which was well-attended and gave neighbors a good opportunity to review the plans and ask questions.

Ms. Feather explained that in June 2006 the Planning Board voted to require outside scoping of the drainage/geotechnical and traffic impacts portions of the proposal, and that based upon a scope of work prepared by the City, consultants were selected to conduct an outside independent peer review and these consultants were here this evening if the Board has any questions for them. She pointed out Sharon Raymond, P.E., who had conducted the drainage/soils peer review, and Mr. James Coogan, of Maguire Group who had conducted the traffic peer review.

Ms. Feather noted that the buffer needed to be increased at the northwest corner of the property, which Ms. Engustian noted would be accomplished in the Preliminary Plan. Ms. Feather noted that the developer had verbally committed to including a minimum of ten percent (10%) of the total units in the development as affordable and that this would be required.

Chairman Robinson opened the meeting to public comment. Mr. Conley asked everyone who thought they might want to speak to stand and be sworn in.

Mr. Bruce DiTraglia questioned the number of vehicles that would be exiting the development and thought that more traffic would be leaving in the morning than stated. He also questioned whether the City's sewer plant had enough capacity to handle the proposed development. Mr. DiTraglia also questioned traffic impacts to the Hospital Road neighbors.

Mr. Dale noted that although they would prefer to have a full access drive onto Hospital Road as well as the Wampanoag Trail, they are not providing access onto Hospital Road except for emergency access so that there are no impacts to the neighbors. He stated that the development's only access is onto Wampanoag Trail. Mr. Stabauch stated that VHB had worked closely with the Public Works Director and there were no sewer capacity concerns related to this development. Mr. Clinton noted that unlike a manufacturing or office type land use, a residential land use would not involve all the residents leaving at the same time and the trips would instead be spread out over the course of the day.

Mr. Antonio Fernandes of 18 Julie Ann Circle stated he was concerned about traffic and in particular about cars turning from Forbes Street onto Wampanoag Trail and accelerating while slower traffic is either entering or exiting the development site.

Ms. Roberta Noel of 614 Forbes Street stated that she's glad that Hospital Road is an emergency access only. She stated that she thinks the development is a good plan that will be excellent for the City and for Riverside.

Mr. Gordon Smith of 75 Hospital Road extension stated that he would like sewer and water, not just water and asked the Board to require this. Chairman Robinson stated that the Board can't commit the developer to providing sewer to the Hospital Road extension without even knowing if it is feasible. Ms. Boyle stated that a feasibility study could be done. Ms. Gert DiQuinzio of 92-94 Hospital Road extension stated if the developer is willing to run water then maybe sewer could be run at the same time. Mr. Batty questioned whether the developer would agree to this. Mr. Stabauch noted that there is no right-of-way on the Hospital Road extension to put the line in and noted there may be other engineering issues regarding grade etc. that would need to be looked into before a commitment could be made. Mr. Stabauch pointed to the plan and noted the

location of the water line near the southern property line. He noted that easements would be required for the residents on Hospital Road to connect to this line.

Mr. Tom Moses, Esq., state he is representing Carpionato Properties and Eastgate Apartments. He noted that Carpionato owns property to the south. He stated there is basement flooding to the basement at Eastgate Apartments because of the Leonardo property. On behalf of his clients, Mr. Moses requested that the Board not vote tonight. He noted that he has engaged Pare Engineering to look at the drainage issues.

Mr. Ken DaCosta, of Pare Engineering, stated he is a Professional Engineer and has done a cursory review of the drainage plan. He noted that on the surface he does not have a problem with the drainage analysis. He noted that the existing grade of the Leonardo property is elevation 25 feet, and the Eastgate basement is at elevation 23 feet. He noted that they would like more time to review the drainage.

Mr. Merlin DeConti of 45 Reardon Avenue stated he has lived on that street for 32 years. He spoke of the heavy traffic on the street from vehicles exiting the Wampanoag Trail to get to the neighborhoods and stores in Riverside. He noted that Carpionato Properties owns a parcel on Reardon Avenue and stated that this developer should have to take that property into account.

Ms. Kathy Munroe asked if the sewage from this development would impact the sewer treatment plant and whether there would be any impact on water pressure. City Engineer Erik Skadberg noted that the issue with the plant is not so much capacity, but a treatment issue. He noted that the sewage pump stations along the route that this sewage would travel are not overburdened. Ms. Boyle noted that a new water line had recently been completed along the Wampanoag Trail and it was sized in consideration of the possible development in the area.

Mr. Al DiQuinzio of 94 Hospital Road extension stated he thinks this is a fantastic project which he is in favor of. He said a traffic light is what is needed on the Trail at Forbes Street. He noted that the groundwater level has dropped in the area and the water situation has become better for them over the years on Hospital Road.

Chairman Robinson noted that the Board has an application for development review and approval before it. He said it was not this developer's obligation to plan for other developments for which there are no specifics before the Board and that might not ever take place.

Ms. Sandra Medeiros of 93 Hospital Road stated that the Leonardo property is a dusty, ugly property that is overrun by ATV's and motorcycles on the weekends. She stated that this development would be beautiful for the City. She stated there are some issues that need to be addressed, but it is a good, beautiful plan.

Upon a question from the Board, Mr. Coogan of Maguire Group noted that he has asked for clarification on some issues, which are identified in his memorandum which is before the Board, but he does not anticipate that this would affect the traffic impacts and mitigation as currently identified by the developer's engineer, but noted that peer review will continue.

Chairman Robinson asked if the Board had any more questions or comments. Mr. Almeida noted that as far as the traffic accidents on Wampanoag Trail, everyone should look in the mirror because “we”, the people who drive the road, speed on that road. He said a development like this helps expand the tax base and brings new people to the city.

Ms Boyle noted that the RIDOT safety study for Wampanoag Trail identifies both short and long-term solutions, with the short-term solutions being installation of guardrails and additional signage and striping, while the long-term solutions will require substantial costs and study and may include a roundabout at the intersection of Forbes Street and Wampanoag Trail.

Entry of Staff Recommendations into the Record

Upon a motion made by Mr. O'Brien, seconded by Mr. Robinson, the Board voted 5 – 0 to enter the staff recommendations for the LDP/Master Plan and the Rezoning, both dated November 22, 2006, into the record of the hearing.

Vote on the LDP/Master Plan

Ms. Feather noted that staff had commented on each and every positive finding required on pages 11 through 14 of the staff recommendation, which the Board has entered into the record, and she read all the conditions for approval noted in the Department's recommendation on the LDP/Master Plan.

Mr. Batty motioned that based upon the staff recommendation and the testimony heard before the Board, and because the required positive findings were met, that the Board *Conditionally Approve* the LDP Master Plan, as proposed, subject to the following conditions:

1. that all comments of staff as identified in the attached memoranda be satisfactorily addressed in the Preliminary Plan;
2. that the applicant address the comments of the traffic peer reviewer, Maguire Group, as noted in their letter dated November 16, 2006;
3. that the applicant obtain rezoning from the East Providence City Council from the current designation of Residential – 1 to Commercial – 1 (restricted to only Multi-Family Development), and that the zoning revert to Residential – 1 should the applicant fail to obtain rezoning approval;
4. that the comments of AMEC Earth & Environmental be satisfactorily addressed in the Preliminary Plan submission;
5. that the landscape buffer in the northwest corner of the development parcel be increased to no less than 25 feet;
6. that the applicant identify any necessary waivers in the Preliminary Plan submission, and that the extent and basis for these waivers be identified in the narrative;

7. that the applicant identify any necessary zoning variances in the Preliminary Plan (and obtain any and all necessary zoning variances prior to final plan approval);
8. that an improvement guarantee estimate for any required public improvements be included in the Preliminary Plan submission, subject to review and approval by technical staff;
9. that the Preliminary Plans be based upon the approved Master Plans, and further that the Preliminary Plan and supporting documentation meet the requirements of the Chapter 19, Zoning and the East Providence Land Development and Subdivision Review Regulations;
10. that the title block of the plan be revised to indicate Preliminary Plan status; and
11. that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

The motion was seconded by Mr. Almeida, and the motion was unanimously approved (5 – 0):

Roll Call Vote

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

Vote on the Rezoning Request

Ms. Feather noted that staff had commented on positive finding for consistency with the general purposes of zoning and on consistency with the comprehensive plan on pages 4 - 6 of the staff recommendation, which the Board has entered into the record, and she read all the conditions for approval noted in the Department's recommendation on the LDP/Master Plan. Ms. Feather noted that this development shows a positive fiscal impact to the city.

Mr. Batty motioned that based upon the staff recommendation and the testimony heard before the Board, and that the required positive findings were met, that the Board recommend that the City Council *Approve* the requested zone change from R - 1 to Commercial – 1, *as proposed*, subject to the following conditions:

1. that the applicant continue to work with city staff in the preparation of the LDP Preliminary Plan and that all staff comments and all comments of the traffic and drainage peer reviewers are adequately addressed in the Preliminary Plan, and further, that the zoning of the property revert to Residential – 1 should the applicant fail to obtain Final Plan approval of the proposed Land Development Project;
2. that the rezoning be restricted to the multi-family land use and no other permitted uses of the Commercial – 1 district;

3. that the applicant obtain any and all required federal, state and city permits for the proposed use, including building and occupancy permits from the City of East Providence; and
4. that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

The motion was seconded by Mr. Robinson, and the motion was unanimously approved (5 – 0):

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 – The Staff Report was deferred.

6. COMMUNICATIONS

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously approved the communications listed below:

- A. Copies of Notice of Decisions for past subdivisions (2004-2006) and LDPs
- B. Copy of Notice of Decision dated Nov. 2, 2006, Appl. #2006-12
- D. Copy of Notice of Decision dated Nov 14, 2006, Appl. #2006-09
- E. Copy of Certificate of Completeness – Appl. #2006-12 Admin., Worcester Avenue, Applicant: Cary White, Map 412, Block 33, Parcels 5 and 6
- F. Copy of Letter dated 10/30/06 to Eugene Saveory, EP Zoning Board, from J. Boyle Re: Submittal of Walgreen's documents and plans with attached letter dated 10/26/06 to Michael Robinson from Gene Saveory.
(Chairman Robinson recused himself from voting on Communication (Item F.).
- G. Memo to the Zoning Board of Review from the Planning Department Re: Requests for Variance or Special Use Permit to be heard on October 25, 2006, October 18, 2006, Jane Murray, and a special meeting of the Appellate Board of Review for October 25, 2006 for J and B. Sousa

7. ANNOUNCEMENT

- A. Next Meeting – Monday, December 11, 2006, 7:30 P.M., ROOM 306

8. ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Respectfully submitted,

Michael Robinson, Chairman

MR/JMB/sac

Cc: City Clerk