

September 11 2006 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of September 11, 2006

Present were: Mr. Almeida, Mr. Batty, Mr. Cunha, Mr. DiTraglia, Mr. O'Brien, Michael Robinson, Matthew Robinson, Jeanne Boyle (staff), Patrick Hanner (staff), and William Conley, City Solicitor.

Mr. Batty will be chairing the meeting regarding the Walgreens development since Chairman Robinson has recused himself from the vote at the prior meeting on Walgreens.

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as a voting member in place of Mr. Robinson who recused himself from the Walgreens vote.

2. APPROVAL OF PLANNING BOARD MINUTES

The Board was notified that these minutes were in draft form and would be forthcoming.

- A. Minutes of May 8, 2006
- B. Minutes of July 20, 2006
- C. Minutes of July 24, 2006
- D. Minutes of August 28, 2006

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

4. NEW BUSINESS

- A. **Public Hearing** – Modification of an approved subdivision, Appl. #2004-24 Major, Applicant: Beacon Construction Corporation, Metacomet Avenue, Map 305, Block 7, Parcels 46 and 47

Mr. Hanner went through the staff memorandum. He said this is a request to modify an approved plan by Beacon Construction Corporation. On July 11, 2005 the Planning Board granted a combined Master and Preliminary Plan approval for the creation of seven parcels which was classified as a Major Subdivision on existing frontage. On April 4, 2006 a final plan approval was issued by the Administrative officer and on April 28, 2006 the final plans were recorded.

The applicant is requesting to modify the approved subdivision by proposing to increase the size of the building footprint of parcel 1 from 1,230 sq. ft. to 2,022 sq. ft and increase the dimensions of the dry well located on parcel 1 from 11' x 11' to 2' x 10'. The

increase to the building footprint will increase the lot coverage of parcel 1 from 18.2 percent to 30 percent.

The Zoning Officer has determined that that relief from the Zoning Board is required for exceeding the maximum building lot coverage requirement of 25 percent. The Public Works Department has reviewed the modified plan and determined that the proposed increase to the dimensions of the dry well meets the requirements of the Land Development and Subdivision Review Regulations.

Recommendation

It is the opinion of the Planning Department that this increase to the dimensions of the dry well from 11 x 20 to 20 x 10 will not negatively impact the adjacent properties or the character of the neighborhood. This is a minor revision from the requirements of Zoning, meets the requirements of the Land Development and Subdivision Review Regulations, and is consistent to the Comprehensive Plan.

Based upon the above, staff recommends that the Planning Board grant conditional approval of the modification of plans subject to the following conditions:

1. That the impervious coverage is calculated for lot 1 and placed as a notation on the modified plan;
2. That the notation is placed on the site plan referencing the previous recorded plans as recorded in the East Providence Land Evidence Record as plat card 571, Book 36, Pages 2 and 6;
3. That any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the final plan indicating which variances were granted, date of the Zoning Board approval, and recorded book and page of the East Providence Land Evidence Record;
4. 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; and
5. That the proposal shall meet all applicable City, State and/or Federal Regulations and requirements.

Motion – Modification of Plans

On a motion by Mr. seconded by Mr. the Board approved the modification with the conditions noted above and made the staff recommendation part of the Board's official record.

B. Public Hearing - File # 2006 – 01 Proposed Walgreens Store
(11,633 s.f footprint and 5,161 s.f. Mezzanine); Warren Avenue; Assessors Map 404, Block 1, Parcels 1,2,3,4 and 5 and Assessors Map 407, Block 2, Parcels 1 and 2;
Owners – Christopher P. Gasbarro, Anna L. Gasbarro, SSB Group. LLC, and

Barrington Liquors Inc.; *Applicant* – Mark Investments; Zoning: Commercial - 3 and Commercial – 4

Ms. Boyle presented the staff recommendation. She explained there are three stages of plan review for a Land Development Project: Master, Preliminary and Final. The Master plan requires a Public Information Meeting. The Planning Board held a Public Information Meeting on February 13, 2006 at which time the Board voted to grant Conditional Approval to the Master plan. The Preliminary Plan stage requires fully engineered plans and applicable State permits in place, at which time a formal Public Hearing is held, which is scheduled for the Board's September 11th meeting. She said notice was mailed to all abutting property owners within a 200 foot radius. A Certificate of Completeness was issued on August 21, 2006. The proposed development was reviewed by Planning, Public Works and Fire and Police Departments. A traffic impact assessment was prepared by Vanasse & Associates Inc. of Andover Ma. Maguire Group Inc. of Providence was selected to conduct the peer review. The peer reviewer found that the methodology of the applicant's traffic study was correct.

The land on which the development is proposed to take place consists of seven parcels, 1, 2, 3, 4 and 5 of Block 1, Map 47. Parcels 1 and 2 on Block 2, Map 407. A platted paper street, South Blossom separates Block 1 and Block 2. These seven parcels and the area of the paper street following street abandonment, are proposed to be merged into two lots through an administrative subdivision. The mergers would create a development parcel for the Walgreens store of 74,369 square feet. With the exception of the Gasbarros Liquor Store, the remaining structures located on the properties associated with the development are proposed to be demolished.

The applicant proposes the development of a 24-hour Walgreens store, which will contain a pharmacy and a drive-through window. Loading for the Gasbarro's Liquor store is located on the north side of the building and loading for the proposed Walgreens is located on South Rose Street. The drive-through window is located on the north side of the structure, adjacent to the I-195 side of the property.

Primary access for the site will be through a site drive added on the north side of Warren Avenue at the location of the "Paper" portion of South Blossom Street, for which a street abandonment was approved by the City Council subject to the granting and recording of utility easements for the gas and electric utilities. Access will also be provided at South Rose Street and on Pawtucket Avenue. On street parking will be provided on the east side of South Rose Street. There are three driveway openings from the Walgreens parcel onto South Rose Street. The Walgreens parcel is proposed to provide a total of seventy-eight off street parking spaces plus 3 handicapped.

Granite curbing and concrete sidewalks are proposed and storm water runoff will be handled by a series of catch basins and underground infiltration. A drainage study and drainage structure plan was submitted and reviewed and accepted by the Public Works Department. Staff would recommend that a final check if the plans address any remaining outstanding technical staff review items for the Final Plan submission.

There will be a buffer required along the South Rose Street side of the site. This landscaped buffer along the South Rose Street frontage will be increased in width which was part of the Master Plan submission. The developer is proposing to increase the

caliper of the trees proposed for the South Rose Street frontage to three inches , whereas a minimum 2 ½ inch caliper is required.

Section 19-454 of Zoning also requires the planting of trees along the frontage of the development at an interval of 35 feet on center. The landscaping plan details the locations of trees proposed for the perimeter of the property. The Warren Avenue frontage and the South Rose Street frontage do not have the minimum number of trees as required. The applicant is seeking a waiver from this requirement and details the request and basis for the request in the Revised Narrative (Section A of the bound booklet). Staff understands the desire of the Walgreens to maintain visibility to the front of the store and to signage, but recommends that in the absence of additional street trees along this frontage that the applicant revise the plantings along the Warren Avenue frontage to include lower height flowering shrubs in addition to the currently proposed tree and holly plantings.

Signage and traffic were also discussed. Ms. Boyle states that in an effort to improve traffic operations, the following actions were discussed with RIDOT engineers and summarized in a letter to RIDOT from the Planning Director to Russell Holt as follows:

1. Install a "Do Not Block Intersection" sign on the south side of Warren Avenue for eastbound traffic to advise motorists to not block the South Blossom Street and Warren Avenue intersection.
2. Install "No Parking" signs on the north side of Warren Avenue at the location where the eastbound lanes drop from two lanes into one lane.
3. Re-stripe the north side of Warren Avenue westbound at the location where the lanes drop from two lanes into one lane, and install signage warning motorists of the lane drop.
4. Install striping for a crosswalk connecting the south and north sides of Warren Avenue west of its intersection with South Rose Street.

The City is preparing a submission to the State Traffic Commission to seek approval of signage, striping, and crosswalk components of the recommended changes. The RIDOT has reviewed the proposed Walgreens development for the Physical Alteration Permit and noted that they decided not to require the developer to make any changes to the signal timings as part of the PAP. Rather the development when completed will be monitored by the City and adjust the signal timings as necessary. RIDOT also reviewed the pedestrian phasing of the crossing signal and deemed that it was programmed properly, but new signage would be installed by RIDOT to help pedestrians better understand which pole-mounted pushbutton should be pressed to cross a specific roadway.

Staff is recommending that a landscape improvement bond be required to insure that the plantings for the landscaping and landscape buffer become established and remain healthy over time. An estimate of \$32,400 is proposed for this guarantee. The bond will be held for a minimum of two growing seasons following planting.

The Comprehensive Plan designation for this property is "retail". The existing Gasbarro's Liquor store use is consistent with this designation, and the proposed Walgreens store is consistent with this designation.

Recommendation on Waiver

The Board recommends that the developer shall provide shading and interior landscaping in excess of the minimum required amounts, and provided that the Final Plan be revised to include flowering shrubs along the Warren avenue frontage (in addition to the current proposed plantings) and that appropriate trees can be selected to address the concerns of the Fire Department, the Board recommends to approve the requested landscaped buffer and number of trees along Warren Avenue and South Rose Street.

Elizabeth Noonan, Attorney at 1 Citizens Plaza, Providence RI states that she represents Waterman Associates the owner of property at Assessor's Map 307, Block 5, Lot 17 (Brooks) which abuts the proposed development. She said she will be asking some questions of the witnesses but the primary argument today is that there are a number of variances we believe should have been sought from the Zoning Board. She notes that the calculations that have been done are improper.

Attorney Noonan asked her first witness, Mr. Joseph Delsesto about the lots being merged into one. Mr. Delsesto said that six lots will be merged into one including South Blossom Street abandonment. She asked if those lots line were being revised at all. He said he did not think so, but defers to the representatives of the parcel as to how the abandonment of that road will take place. She asked if he was familiar with the abandonment of South Blossom Street. He said yes. It is approximately 13,000 square feet of land that will be abandoned. She explained that in regard to street abandonments that when the property is divided down the center of the road it goes to each property owner on either side. Mr. DelSesto said he would defer to Mr. Slepchow. He said there will be some cross easements that are going to take place in the parcel but is not sure about the configuration of the abandonment. We have not determined the exact configuration of the abandonment. Mr. Slepchow states that they have submitted a subdivision plan. Attorney Noonan asks if any portion of the abandoned roadway is going to be merged into Gasbarros. Mr. Slepchow states that Gasbarros will remain as it is.

Ms. Noonan questioned the parking calculations and the zoning table. Mr. Delsesto states that no zoning variances are needed for dimensional and parking requirements. The mezzanine space will be used for warehousing which is a different calculation. She asked about the parking and spaces per spot. She asked Mr. Delsesto if he was aware that in a C-3 zone, warehousing is not a permitted use and that it is stated in the Zoning Schedule of Use Regulations that warehousing is not a permitted use.

Mr. Slepchow states that this has already been reviewed by the Zoning Officer, it has been accepted by the Zoning Officer who has approved all of the calculations. He said Mr. Delsesto is not qualified as a zoning expert and trying to ask him these questions regarding zoning is unreasonable. Ms. Noonan states she has a right to ask these questions since this is a public hearing.

Mr. Conley states that if the witness does not know the answers to these zoning questions, then he can just state that he does not know.

Ms. Noonan asked about the footage of the floor area. If the calculation was done on a retail basis is it not correct that it would be 84 parking spaces required.

She discussed the parking on the street and the travel lanes, and discussed which way the trucks would be coming in and out of the area site. Mr. Delsesto states that the truck movement will be entering South Rose Street and not affect both sides of the roadway or the existing parking on the west side of the roadway.

They discussed the stacking of the vehicles.

Ms. Noonan states it is the position of Waterman Associates that there are a number of variances and number of items on this plan that should have been sought for zoning relief before coming before the Board for preliminary. The reason for this is the clear language of the zoning ordinance; the authority of the Zoning Board vs. the authority of the Planning Board. Since this is a preliminary plan you should have all the necessary approvals in front of the Board. But in this situation what you have is a case where a number of these lots are being merged together and there are a number of items that have been omitted, from a legal point of view it should have been subject to the two requests for variances prior to this meeting.

Normally under the calculations that are done for a retail store most floor area is calculated with everything in the building whether its storage in the back room or front room space. If you do it for the gross floor area what you will need is a lot more parking spaces, specifically 87 spaces. Add that to the Gasbarros and just using their map you come up to 118 spaces that you will need for the whole lot. No one else considers this warehousing because it is not a permitted use. If they are going to do that and they are calling it warehousing space, they need to go to Zoning to get a use variance because warehousing is not permitted. If they take the benefit of the parking then they should take the burden of the zoning and request the variance on the parking. They are adding in a new use and you must make sure that it all conforms. They also need to go to zoning for loading requirements because the area requires two loading spaces not one. If you are using the longer trucks the turning movements will be different. She asks that that be made a stipulation of the approval.

The buffers, loading and parking issues need to go before the Zoning Board. For those reasons, Waterman Associates objects at this stage to the preliminary plan approval. The applicant does not have the variances necessary or in place for the Planning Board to grant preliminary. She asks that the Board deny preliminary approval at this time until they get the appropriate relief.

Mr. Batty asks if there are any questions. Mr. Sleprow asked if Ms. Noonan was testifying as an attorney or a land use expert, zoning expert, or a planner. She states she is a land use attorney. Mr. Sleprow states he and his experts have spent a considerable amount of time putting this presentation together first to the staff and to the Board, and have worked with the Zoning Officer making certain that he agreed to what they were proposing. He states that the only variance needed was signage. The mezzanine was discussed right up front. It is part of Walgreens and not a warehouse

use. The parking requirements, loading requirements, mezzanine and buffers were all discussed with the Zoning Officer and we received his approval at that time. Ms. Boyle states that is a memorandum dated January 19, 2006 to Steven Coutu and myself from Ed Pimentel with his comments on the master plan submission. The only variance that was noted in the January correspondence was for the signage.

City Solicitor Conley states that if the Board wants to they can defer action tonight and refer it to Zoning Officer for further comment. It could certainly act on the master plan before it and require it referred to zoning. On the February 15, 2006 Notice of Decision for the Master Plan it states that the applicant identify all necessary zoning variances in the preliminary plan and obtain any and all necessary zoning variances prior to final plan approval. That was part of the Master Plan submission. If the Board wants further input from the Zoning Officer at this stage before taking action tonight, it can or it can certainly do it prior to Final Plan Approval and have that submitted to the Board prior to that time. It is not incumbent upon the Board though to make the zoning decision. That is not within your jurisdiction. You need to determine that the Zoning Officer's original review and memorandum is sufficient for your purposes or refer the matter to the Zoning Officer for the Zoning Officer's further report to you whether at this stage or further along. I don't think this Board should nor have the jurisdiction to make the zoning decision.

Attorney Noonan states that there is a section in the regulations that talks about precedents of approvals. First you obtain master plan approval, then go to Zoning if variances needed to be sought, and then come back to the Planning Board for preliminary approval. Mr. Conley states that he does not think this Board should be making the zoning decision this evening. They will either accept the original memorandum of the Zoning Officer or based upon the arguments made this evening by the remonstrance you are going to ask the Zoning Officer for further guidance on it.

Mr. Batty recommends that the Board make it a stipulation to the City Council that we get the crosswalks in. Walgreens has acknowledged the blinking light at S. Blossom located at the main entrance to the store. The parking problem was discussed. Mr. Batty states that they can recommend that the sign be put up near the dance studio

Ms. Boyle states that the Board can request any restrictions on on-street to the City Council. The Council would pass any ordinance for the local streets.

Mr. Batty states he is not looking for any restriction, but asks if they can send a letter to the owner of the commercial building in the back requesting that they try to coordinate the parking onto the parking. Ms. Boyle states she questions how the use got in there if it does not have adequate parking. There are zoning requirements for all uses. The Board might want to send a letter to the Zoning Officer asking about the parking. If you send a letter asking the owner to coordinate, it will not be very meaningful.

Mr. Batty states he recommends that the Board send a letter to the Zoning Officer to look into the parking situation as far as the use of the commercial building at the end South Rose Street to check on that parking situation.

Motion

On a motion by Mr. DiTraglia seconded by _____ the Board unanimously voted that a letter be sent to the Zoning Officer regarding the parking ordinance and to review the adequacy of the parking for the business that is in that commercial building.

Mr. DiTraglia states he has reviewed all the studies that were done and does not think there will be a problem with Walgreens. Competition with other stores is good and states that Walgreen has been very cooperative with the City. We need this kind of business in East Providence and it will be good for the City.

Mr. Batty at this time asks that the Board make a motion to either accept or deny the Walgreens Development. He asks that one of the conditions include referring to the Zoning Officer about the parking situation that was discussed and also his recommendation as far as the dumpster encroaching on the 25 foot buffer zone. Another condition should be placed into the record that the type of delivery truck will be a wheel-base 40 (WD40) and that be noted on the plan.

As a condition of the parking situation or the crosswalk situation has been handled by the Planning department and Walgreens as far as the light that will go at South Blossom. Mr. Batty asked if the painting of the crosswalks was discussed. Ms. Boyle answered that that was discussed as a portion of the request that went before the RIDOT. Those Improvements for the striping and no parking signs have to be approved by the State's Traffic Commission. That was all encompassed within the request that has previously submitted which was part of the staff recommendation. Ms. Boyle states that all information was included in the staff report that the Board received.

Motion – Staff Report Acceptance

On a motion by Mr. DiTraglia, seconded by _____ the Board unanimously voted to accept the staff report and all the attachments and make them part of the Board's official record which include .

Motion – Walgreens Development

Mr. Batty states that this motion must included the condition of the trucks and the condition that the Board defer to the Zoning Officer for his recommendations as far as any other zoning concerns that need to be attended to.

Motion – Walgreens Development Preliminary Plan with stipulation

On a motion by Mr. DiTraglia, seconded by Mr. _____. The Board voted to approve the Walgreens development with the conditions stated in the staff recommendation and with the condition that the Board defer to the Zoning Officer.

Mr. Cunha asks for clarification of the motion.

Mr. Batty states that the motion is to accept Walgreen proposal as is with the stipulation that a wheel based WD40 truck be incorporated into the plan and that a memorandum be sent to the Zoning Officer to review any zoning concerns.

Attorney Sleprow states the motion should include the 15 stipulations that they have agreed to already so that it is clear and the Board should follow the procedure that we

do to approve the preliminary plan subject to the stipulations contained as amended to include the trash as amended to include the Zoning Officer and as amended to include the WD-40 truck.

Motion – Preliminary Plan

On a motion by Mr. DiTraglia, seconded by Mr. Almeida, the Board voted unanimously to approve the preliminary plan with the stipulations noted in the staff recommendation below and to include that the Board will defer to the Zoning Officer and that the WD-40 truck be put on the plan.

Based upon the above discussion, and upon a finding that the proposal meets the purposes and objectives of Chapter 19, Zoning, and further that positive findings are met for the standards contained in Section 5-4 of the Regulations, the Board recommends conditional approval of the preliminary plan, as proposed subject to the following conditions of the Planning Department:

1. That any outstanding comments of technical staff are satisfactorily addressed in the Final Plan;
2. That the applicant revise the plantings along the Warren Avenue frontage to include lower height flowering shrubs in addition to the proposed tree and holly plantings, and that this be noted on the Final Plan;
3. That the applicant and applicant's landscape architect work with the Planning staff and the Fire Department in development of the Final Plan to select trees that will address the Fire Department's comments about internal site and ladder truck operations;
4. That a landscape improvement guarantee in the amount of \$ 32,400 be submitted with the Final Plan submission, subject to the review and approval of the Finance Director and City Solicitor, said guarantee shall be held for a minimum of two (2) growing seasons following planting;
5. That all deliveries to the Walgreens store and trash compactor/dumpster operations (or to any retailer operating out of this building) shall not take place between the hours of 12 AM to 6 AM, and that a note to this effect be placed on the Final Plan;
6. That all delivery trucks be limited to those of a WB 40 size or smaller;
7. That the developer pay for the cost of an overhead mast and flashing lights for a "Do Not Block Intersection" sign proposed for the intersection of Warren Avenue and South Blossom Street;
8. That the applicant finalize City Council conditional approval for the abandonment of the paper portion of South Blossom Street north of Warren Avenue (Council conditional approval granted April 18, 2006, Resolution No.27.)

9. That the easement with Verizon for overhead electric wires and utility pole be executed and recorded in the City's Land Evidence records at the time of the recording of the Final Plan;
10. That the easement with New England Gas Co. for the underground gas line be executed and recorded in the City's Land Evidence records at the time of the recording of the Final Plan;
11. That the applicant obtain all necessary zoning variances as identified by the City Zoning Officer prior to Final Plan approval, and should approval be granted for any necessary variances, that the book and page recording of the Zoning Board of Review decision on the petition be noted on the Final Plan;
12. That a revised improvement guarantee for all required public improvements be submitted with the Final Plan submission, subject to the review and approval of the Department of Public Works, and further that the form of said improvement guarantee be subject to the approval of the Finance Director and City Solicitor and be posted with the City prior to the recording of the Final Plan;
13. That the cross-easement document for the access to the Gasbarro liquor store loading area over the Walgreen's parcel, and for the shared use of off-street parking spaces by Gasbarro's patrons on the Walgreens parcel be executed and recorded in the City's Land Evidence records with the recording of the Final Plan;
14. That the Final Plans be based upon the approved Preliminary Plans as derived from the Master Plan, and further that the Final Plan and supporting documentation meet the requirements of Chapter 19, Zoning, and the East Providence Land Development and Subdivision Review Regulations;
15. That the title block of the plan be revised to indicate Final Plan status; and
16. That the proposal shall meet all applicable City, State and/or Federal regulations and requirements.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. O'Brien	Aye
Acting Chair Batty	Aye

Motion – Waiver on the 25 foot buffer

(Ms. Boyle notes it is the position of staff with the concurrence of the applicant that this is within the purview of the Planning Board). She defers to the City Solicitor as to whether that is a correct interpretation. Mr. Conley states that based on the Zoning Officer's previous memo on this matter it is apparently not considered to be a zoning matter so it would be subject to a waiver.

Waiver

Upon a motion made by Mr. DiTraglia, seconded by Mr. Almeida, the Board voted 5 – 0 to grant approval for the requested waiver for landscaped buffer and number of trees along Warren Avenue and South Rose Street provided that the Final Plan be revised to include flowering shrubs along the Warren Avenue frontage (in addition to the current proposed plantings) and that appropriate trees be selected to address the concerns of the Fire Department.

Mr. Batty mentions the Zoning again. Ms. Boyle states that as proposed there is no variance requested for the signage. If upon referral to the Zoning Officer the need for additional variances is determined, then those variances we sought at the same time as the signage. Presumably if it all went smoothly, it could be approved administratively at the final plan. Clearly if something changed, it would be the role of the Administrative Officer to refer it back to the Planning Board for final approval if those changes were anything other than administrative in nature.

Motion – Delegation of Final Plan Approval to the Administrative Officer

On a motion by Mr. DiTraglia, seconded by Mr. Almeida, the Board recommends that delegation of Final Plan Approval to the Administrative Officer.

Chairman Robinson resumes chairmanship at this time.

C. Request to Release Improvement Guarantee - Minor Subdivision – Application No. 2003-20-Minor, Applicant/Owner: David M. Tanury Bullocks Point Avenue, Map 313, Block 10, Parcel 6

Mr. Hanner presented the staff recommendation to the Board. In January 2004 the Planning Board issued preliminary plan approval for this subdivision. Since then the applicant has installed all of the improvements within the City's right of way to date those being curbing, sidewalks and a handicapped ramp. As a condition of approval the Board required the applicant to place an improvement guarantee of \$17,600. Planning and Public Works have inspected the improvements. All the improvements have been installed to City standards with the exception that the applicant has not submitted as-built drawings which were requested back in January 2004 for \$400.00. Staff is recommending that the Board release \$17,200 and withhold the \$400.00 for the as-built drawings.

Chairman Robinson states that at this time Mr. Cunha will be removed as a voting member. Mr. Robinson asks if there are any comments from the Board on this matter.

Motion – Staff Recommendation

On a motion by Mr. DiTraglia, seconded by the Board voted unanimously to accept the staff recommendation and make it part of the Board's official record.

Motion – Release of Performance Guarantee

On a motion by Mr. DiTraglia, seconded by Batty, the Board unanimously voted to release \$17,200 of the Performance Guarantee and hold onto the \$400.00 for the as-built drawings.

Roll Call Vote

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

**D. Release of Performance Guarantee – Luis Mateus, Appl. #2004-02 138
Leonard Avenue Map 306, Block 17, Parcels 1 & 2**

Mr. Hanner presented the recommendation. He states that all the improvements have been installed. They were inspected by the Department of Public Works and the City Engineer and the Planning Department recommends full release of the \$22,000 that has been held by the City since April 2004.

Motion – Staff Recommendation

On a motion by Mr. O'Brien, seconded by Mr. Batty, the Board unanimously voted to accept the staff memorandum and make it part of the Board's official record.

Roll Call Vote

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

Motion – Release of Performance Guarantee

On a motion by Mr. Batty, seconded by Mr. DiTraglia, the Board unanimously voted to release the full performance guarantee in the amount of \$22,000.

Roll Call Vote

Roll Call Vote

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

5. CONTINUED BUSINESS

A. Historic District Ordinance, Hunts Mills Property

Mr. Hanner went through the staff memorandum.

Mr. Hanner gave a brief history . He said the City Council back in December referred a demolition delay ordinance to the Planning Board for review. The Board in December 2005 voted to allow the Planning Department to work with the Historic Properties Commission to try to develop an ordinance to preserve historic structures. Staff has been working with the Historic Properties Commission to explore ways of preserving the sites.

A creation of an Historic District Commission was decided on and a placement of an historic district. Included is the actual ordinance which creates this Historic District Commission; which will be a seven member commission. Four of the members are proposed to be existing members of the Historic Properties Commission and three other members elected by the City Council. We are thinking of designating the Hunts Mills property as the historic district. It is our intent that once we get an Historic District Commission running, we can then exploring other areas of the City where we think it is worth preserving the historic structures. Then that District can be placed either on an individual site or as a district as we have zoning as today. It could be just one parcel or 75 parcels. There is also direct benefits to homeowners that live in these historic districts being a 20 percent tax credit on the actual cost of the renovations. East Providence will also become eligible for grant programs if we adopt this ordinance and create a Historic District Commission.

Staff recommends that the Board recommend to the City Council that they adopt this ordinance and designate the Hunts Mills property as an historic district.

Ms. Boyle added that by starting out by the creation of the ordinance and by only designating a City-owned property such as Hunts Mills this has a great deal of significance and is entirely city-owned that way we can get a better public understanding what the benefits are without alarming people that someone is going to tell them what color to paint their houses and so forth. By designating those 44 acres of Hunts Mills it is a good way to bring the process into East Providence. Regarding the design guidelines, in some cases they can be very strict, and in other cases they can be very relaxed. There have been some significant historic structures recently demolished in East Providence and we do have some historic fabric that warrants preservation. Not having this historic district zoning in place puts the City in a position where we cannot take advantage of a lot of federal, state and private grant funds that are out there.

Mr. Robinson asked who the ordinance was modeled on. Mr. Hanner said that the draft was modeled on State Enabling and also by taking a close look at the cities of North Kingstown and Pawtucket.

Motion – Recommend approval of the Historic District Ordinance adoption by the Council

On a motion by Mr. Almeida, seconded by Mr. Batty, the Board unanimously voted to recommend approval of this particular revision to the City Council.

Roll Call Vote

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

B. Staff Report

Ms. Boyle welcomed the newest member of the Planning Department, Wayne Barnes, Planner I. He comes to us from the URI Graduate Planning Program. The Board welcomed Wayne. Ms. Boyle states he will be working on hazardous mitigation plans and also the new public safety complex study.

6. COMMUNICATIONS

On a motion by Mr. DiTraglia, seconded by Mr. O'Brien, the Board voted to accept the communication below.

- A. Zoning Board of Review August 30, 2006 recommendations by the Planning Department

7. ANNOUNCEMENT

- A. Next Meeting – To be determined because of Columbus Day holiday.

8. ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Michael Robinson
Chairman
MR/JMB/sac