

April 11, 2005 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF APRIL 11, 2005

PRESENT: Messrs. Almeida, Batty, Cunha, O'Brien, Sullivan, Jeanne Boyle (staff), Zac Gordon (staff), Diane Feather (staff).

1. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as the alternate in place of Mr. Robinson.

2. APPROVAL OF PLANNING BOARD MINUTES

The Board unanimously voted to approve the minutes of March 14, 2005 with the correction that Mr. Batty was not present at that meeting.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Memo dated 3/30/05 to the City Council Re: "Sale of City-owned Property

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board voted unanimously to approve the correspondence above.

4. NEW BUSINESS

A. Request for Board Determination – Modification of approved plan 900 Warren Avenue; Assessor's Map 507, Block 12, Parcel 1

Ms. Christine Engustian, 1 Grove Avenue, East Providence, RI was sworn in and presented to the Board.

Ms. Engustian states that she represents Coastal Medical, 900 Warren Avenue which seeks to modify its plans that this Planning Board previously approved. The lot is located on Map 507, Block 12, Parcel 1. The land is located between I-195 to the north, Warren Avenue to the south, and immediately west of 550 Warren Avenue. It is a 72,000 square foot office and 1000 Warren Avenue, where the Extended Stay Hotel is located. All three parcels were part of the overall development plan by Marshall Properties. The third parcel at 900 Warren Avenue was the subject of review before this Planning Board which was approved and the plan recorded. However, the owner did not go forward with the construction of the office building. With the owner's consent, Coastal Medical wishes to modify Marshall's final plans in order to construct a smaller medical building. The plans tonight show the original plans belonging to Marshall 950 Warren Avenue LLC. A clear overlay map has been provided which shows the proposed changes. A letter dated April 6, 2005 to the Planning Director has been submitted. This letter outlines the changes. In this letter Coastal Medical has requested in accordance with Section 6-7 and 6-8 of the City's Land Development and Subdivision Review

Regulations that the Planning Director, as the Administrative Officer deem the proposed changes as minor so an administrative review may follow.

Ms. Engustian explains that these changes are minor in nature and are not contrary to the intent and the spirit of the original development plan. The square footage of the proposed building is smaller by approximately 14,000 square feet and the rest of the modifications to the original plan are merely to accommodate this size reduction and the relocation of the building closer to Warren Avenue. There are no major changes to the original development plan as described in the Land Development and Subdivision Regulations. There are not additional lots created, no relief is required, the abutting properties are not adversely affected or impacted, and no state or federal approvals different in type from what has already been secured for this site shall have to be obtained due to the requested changes. She says that the applicant is respectfully before the Board this evening not for a full review of Coastal Medical's proposal, but instead for this Planning Board sanction of the City's treatment of these proposed changes as minor so that Administrative Review may proceed. At this time Ms. Engustian shows the Board a rendering of Coastal Medical's plan for this site. The proposed building is state-of-the-art in material and design and would be an outstanding landmark in an important area of the City; an area that the City has already identified as a gateway from neighboring Seekonk, Massachusetts. It also purports to have the same economic benefits as the previously approved plan. She respectfully requests the Planning Board deem the proposed changes as minor and consistent with the intent of the original plan as defined under Section 6-7 of the Regulations and then these changes would be subject to administrative review and approval.

Ms. Engustian thanked the Board and the Planning Department for allowing them to come before the Planning Board and thanked them for their time and consideration. She states that Mr. George Babcock is present tonight to answer any questions. He is the President and Co-Executive Director of Coastal Medical. Ethan Sleuter and Colin Kane are the development managers for this project. Also engineers from Pare Engineering Corporation are present tonight who prepared the site plan before the Board tonight.

Mr. Batty asks if the development is going to change hands? Mr. Engustian answers yes. Mr. Batty asks if they were in a while back for a drain line for relocation that was going through the middle of that lot? Ms. Engustian said she does not recall that specific change, but there were modifications. The last time we were before the City for those modifications was in January of 2004. Mr. Batty asked if that line was relocated? Ms. Boyle answered that the drainage improvements have taken place.

Mr. Batty asks if they are going to use the traffic light at the office building to gain access to this new site? Mr. Engustian states yes and that they will be entering through the signalized intersection in the same manner as those vehicles accessing 950 and 1000 Warren Avenue.

Ms. Boyle states that as described by Attorney Engustian, this is a modification to the originally approved site plan. As Administrative Officer she has the authority to approve administratively, in consultation with the Director of Public Works and the Fire Chief, administrative changes. However, most of the Administrative changes that have come before have been much smaller in scale. She says she did not feel comfortable looking at the determination that this was minor without having this presented to the Board first. This proposal was referred to the Director of Public Works and also to the Fire Chief.

The Fire Chief responded that based upon the information that he received that he would deem it as a minor modification. The Director of Public Works responded also that he concurs it is a minor modification. There are a number of extensive changes, but the distinction here is that although there are a number of changes, the impact of those changes is insignificant. She stated that during the Board's deliberations on the original master plan much of the discussion hinged around traffic and access to the property. The applicant has provided preliminary traffic analysis which shows that the amount of traffic that would be increased, even though it is a smaller building, because it is a medical building. There is a little more parking associated with its being a medical use, but that it is a negligible increase. The access will continue to be from the signalized intersection and this minor increase in traffic can be safely accommodated. She seeks the Board's concurrence that this can be treated as a minor change and that we can proceed with the administrative review.

Mr. Batty asks if there are any comments from the public. There are none.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board deems this proposal to be a minor modification of the original plan and approves the modification unanimously.

Roll Call Vote

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

B. Appl. #2004-27 Minor Subdivision – 435 Waterman Avenue and George Street, David A. and Fatima Bairos, Proposed 2-lot Minor Subdivision on Existing Frontage

Mr. Martin P. Sleprow, attorney for the applicant, David Bairos and Diane Bairos is sworn in. He states this is a minor subdivision. The property is located at the corner of Waterman Avenue and George Street, and they want to separate a single parcel into two parcels. The front parcel is along the frontage of Waterman Avenue and the front of George Street, which contains the existing the exiting three-family. The vacant parcel would be available and be built upon by Diane Bairos as her single-family home. Mr. Sleprow states they will have to go before the Zoning Board for a couple of variances. He said he would like to address before the Board is that staff is recommending in their report to deny this subdivision. He notes that the staff report is very professionally done and if you look in the "planning book" and talk about a three-family on 6,445 square feet, it is going to clearly state that that is not considered good current planning. He notes it does reflect a planning point of view, but asks the Board to consider a fairer, more humane view of this project.

Mr. Sleprow explains that David and his wife have been are long-term residents of East Providence, and their daughter Diane has always wanted to build on this lot and is now in a position to do that. First, this existing three-family well predates the 1966 Zoning Ordinance because it is built right on the front line. When this house was built it was

reasonable to assume that the back lot could be developed. When you look at the three-family it is close to the front lot line as you could do back in the 1900's when this was built. There is more than adequate room in the rear for a single-family house without having any negative impact. Second, there is a zone line here. The front is zoned commercial and the back is zoned residential. Already we have an existing three-family in a non-conforming situation. We want to divide this right on the zone line. Building a single-family house in an R-6 zone requires 5,000 sq. feet. Thirdly, if you look across the street everything is commercial. This would be a nice development in that area which has already got commercial across the street. It is zoned residential and is probably a very fair thing to do to allow a single-family to be built. It is very hard to find land in East Providence and this lot has always been in the family and intended to be for Diane. Mr. Sleprow distributed a picture of the three-family to reinforce his points. The picture depicts a fair piece of land to build a single-family house on it. He notes this is a fair request and asks that the Board approve the applicant's request to subdivide this lot.

At this time, Ms. Feather presents the staff memorandum. She said it is a two-lot subdivision and is a split zone which is Commercial-2 and Residential-6. The property consists of one lot which is 11,451 square feet. A photo is attached to the recommendation so that the Board can get a feel for the three-family use that is currently on the property. The three-family that is currently there predates the adoption of Zoning and also the use of automobile. It is a three-family that at the time it was constructed may have been adequate, but additional square footage is required to adopt the property to modern use, which includes the parking of automobiles. She noted that the Zoning Officer has provided the Board with a recommendation that was attached to the staff memorandum. Ms. Feather noted that notice on this subdivision was sent to the abutting property owners on April 4, 2005. She noted that because the proposal requires both dimensional variances and a use variance from Chapter 19, Zoning, that the applicant's must first obtain approval by this Board before they can move forward to the Zoning Board for the requested variances. In the event that they did get these variances, they would come back to the Planning Board or Administrative Officer for final plan approval.

Ms. Feather states that the subdivision proposes a lot of 6,445 square feet which is Lot 1 on the subdivision plan, and that would contain the existing three-family structure. Lot 2 would be the new buildable lot for a proposed single-family dwelling, which would consist of 5,004 square feet, and have frontage on George Street. She noted that the proposal does involve the extension of the sanitary sewer line in George Street and it would have to be extended for a distance of approximately 160 feet from where it currently dead ends in the street. It would have to be brought up to Lot 2 to allow the new single-family to be connected to the sanitary sewer. The R-6 district requires a minimum lot size of 5,000 square feet, and a minimum 50 feet in width and 100 feet in depth. The C-2 requires the same minimum 5,000 square feet and 50 feet in width by 100 feet in depth. Lot 1 has proposed lot depth of 99 feet, which is one foot short of the minimum.

Ms. Feather noted that Lot 2 has a lot depth of 61.8 feet, which is a significant deviation from the 100-foot minimum depth requirement. She noted that with the minimum required 15-foot yard setback and a minimum required 20-foot rear yard setback, thirty-five feet of that lot is dedicated to the front and the rear setback, which leaves a depth of only 25 feet in which to construct the new single-family lot. The proposed single-family dwelling would have a 24-foot depth. Ms. Feather noted that there is no room for this or a future property owner to make future improvements off the front or back because of

the deficient depth, creating the situation where the property owner would again have to petition for a variance.

Ms. Feather referred to the Zoning Officer's memorandum which states that a multi-family use is allowed in the C-2 District provided that the parcel have additional lot area beyond the 5,000 square foot minimum. Those requirements are outlined in Section 19-216 of the Zoning Ordinance, and the Zoning Officer has determined that for this case, the minimum lot area needs to be 11,000 square feet and he gave a range of up to 14,000 square feet (dependent on # of bedrooms, etc.). Ms. Feather noted that the existing lot area for the three-family is lot that is 11,451 square feet. She noted that the subdivision proposes to reduce the multi-family lot area down to 6,445 square feet, which is a 41 percent deviation from the minimum standard. She noted that a use variance is required and that the reduction in lot area is a significant deviation from the minimum standard.

Ms. Feather explained that the use variance that is required for this proposal has a different standard of hardship than those for dimensional variances. The hardship for the granting of a use variance is that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of Chapter 19. She noted that the applicants currently have a beneficial use of the property being a three-family tenement. The Zoning Officer has determined that the lot currently configured is required for the three-family use.

Ms. Feather noted that off-street parking portions of the plan. There is an existing one-car parking space on the Waterman Avenue frontage of the property and a small informal parking area for approximately two cars off the George Street frontage. The subdivision plan shows an enlarged parking area on Lot 1 that contains five spaces with a driveway on George Street, and the one parking space on the Waterman Avenue frontage. The Zoning Officer has noted that it appears to be difficult to exit from parking space number five shown on the plan due to limited maneuvering room for a turn. The Zoning Officer also notes that space number 6 requires backing out onto Waterman Avenue which is a hazardous condition. However, staff would like to note that there appears to be ample room to extend this driveway to a hammerhead or L configuration that would allow a turn-around so that a vehicle can drive forward onto Waterman Avenue.

Ms. Feather noted that regarding the terms of public improvements that are required for the subdivision, there is an existing concrete sidewalk on the Waterman Avenue frontage which is a state road and there is granite curbing there as well. The applicants are proposing that they would install a concrete sidewalk along the George Street frontage. There is existing granite curbing along that frontage that would be re-set as part of the sidewalk reconstruction. Ms. Feather noted that the applicant did submit a performance guarantee estimate. In the event that the subdivision is approved, they would have to post that performance guarantee to insure the completion of the public improvements, including the sewer line extension.

Ms. Feather noted that regarding the Comprehensive Plan and Required Findings we look at Section 5-4 of the Regulations and we also take the Board through the General Purposes of Article 1, Section 1-2 of the Land Development and Subdivision Regulations in the staff memorandum. Ms. Feather read a number of pertinent findings into the

record and also asked the Board to enter the staff memorandum and recommendation into the record.

In reading the staff recommendation and findings, Ms. Feather read several findings. She noted that a reduction in the lot size for the multi-family use is an over-intensification of the property and creates a density beyond that permitted by Zoning, and is therefore inconsistent with the City's Comprehensive Plan. She noted that both lots fail to meet minimum lot depth, notably the proposed Lot 2 which has a lot depth of approximately 61 feet, whereas the minimum of 100 feet is required, which is an approximate 39 percent deviation from the standard. She stated Lot 1, which contains the multi-family dwelling, would be reduced to 6,445 square feet, whereas the Zoning Officer has determined that a minimum of 11,000 square feet is required and a use variance would be required. The area of proposed Lot 1 would be deficient by 41 percent which is a very significant deviation from the standard. Ms. Feather noted that the definition of "Lot Depth" in the Zoning Ordinance is measured at the mid-point of the lot, and noted that the depth decreases more at the southerly property line, where the depth is approximately 60 feet. She noted that the R- 6 District has a 15-foot front yard setback and 20-foot rear yard setback leaving 25 feet in depth in which to construct the house. The proposed single-family house has a depth of 24 feet, leaving essentially no room at the front or rear for common future improvements, such as a deck, without the property owner again having to petition for a dimensional variance through the Zoning Board. Ms. Feather noted that the significant reduction in the lot size for multi-family use is an over-intensification of the property that is contrary to the General Purposes of Zoning and Article 1 of the Subdivision Regulations, and it is contrary to protecting the health, safety, and welfare. She stated that the proposal would result in the over-intensification of the three-family use on Lot 1 and would exceed allowable density, and would also create a single-family lot of insufficient depth. Based on the above discussion in the memorandum and as just presented to the Board, and upon the findings that the proposed subdivision is inconsistent with the East Providence Comprehensive Plan and that the General Purposes of Article 1 of the Regulations are not met, and further that positive findings cannot be met with the standards contained in Section 5-4 of the Regulations, staff does recommend that the Planning Board deny the requested subdivision.

Ms. Feather concluded that we would also like to say that in reviewing this, staff noted that the applicant indicated that he intended to subdivide his property so that he could create a lot for his daughter to construct a home. Staff does sympathize with that, however, in order to do that with this particular property, the applicant does not have sufficient area for the three-family dwelling and significantly deficient lot depth for the single-family lot. These are very significant deviations from the minimum standards set by Zoning. She noted that these deficiencies would run with the land into the future whether these parties remained the owners of the lots or not.

Ms Feather asks at this time that the staff memorandum and attachments be entered into the Board's record. On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board voted unanimously to enter the staff memorandum into the Board's official records.

Mr. Batty noted that he looked at the property and agreed that the existing building is very close to the property front line. There seems to be a question on the parking space number 6 as far as backing out onto Waterman Avenue. Space number 5 has tight quarters. As far as impervious parking or building on the property, and the amount of

impervious area, would it be possible if the driveway was brought right straight through? Ms. Feather answered that they would have to provide new calculations so that the Zoning Officer could review both the layout of the parking and the impervious area and whether they needed a zoning variance for that as well. However, she noted that the parking was not a major concern, but that the deficient lot size for the three-family and the deficient lot depth for the single-family were the significant issues.

Mr. Cunha states that they also drove by the house and said the land is totally in the back and it would be consistent with all the neighborhood. It is a huge piece of land, the house was built in 1916 and at that time there was frontage of Waterman Avenue, but feels that the length of the lot itself does not serve any purpose for the three-family. He feels the Board should approve this subdivision request.

Mr. Sullivan states it is his opinion that the lot is too small for a piece of property to be subdivided into two house lots. If you tried to put parking in for the three-decker, you will have a lot of concrete which will be very overwhelming. The land should not be separated. He said 11,000 square feet for a three-decker house is appropriate at this time even though in 1916 it wasn't.

Mr. Sleprow states the applicant has no desire to put a deck on this house. We are very satisfied with the plans submitted. He believes the Zoning Board would pass it. Although the entrance on Waterman Avenue pre-exists zoning, there is no reason why it would be any harm in a hammerhead. He does not see that building this house would be hazardous to the public health, safety and welfare and asks the Board for their approval.

Mr. David Bairos, 28 Skycrest Avenue is sworn in at this time.

Mr. Sullivan asks him if he has three families living in the three-family house? Mr. Bairos answers yes. Mr. Sullivan asked if the families have children? Mr. Bairos answers that there is only one child on the first floor. Mr. Sullivan states that the people renting this property thought they would be there a few years at least and selected it because of the nice yard and attractiveness. Mr. Sullivan stated that the people who live in there might want to sit outside on the grass or play in the yard with their children.

If you were to divide this property, the people renting it who anticipated using the yard to sit outside or play with their children would not have the opportunity anymore. Mr. Bairos states they do not use the big yard anyway. Mr. Sullivan states the property is a beautiful piece of property as is and subdividing it would be detrimental to the neighborhood.

Mr. Sleprow said most of the three deckers in East Providence do not have 11,000 square feet. Ms. Feather states that other non-conforming uses are not a reason to establish one more three-family not having 11,000 square feet, and that Zoning states that other nonconformities are not a basis for creating new nonconformities. She noted that a future property owner may want to add to the house, and adding a deck is not uncommon at all, especially given the proposed house style. She said the single-family lot would be starting out from day-one from the point of its creation as being almost 40 feet deficient in lot depth, which is a substantial reduction from the minimum.

Ms. Boyle added that there are lots in East Providence that are undersized, however, having a lot with 60 feet in depth vs. 100 feet is very, very unusual. If you look at the assessors maps you will see some lots with 80 feet in depth, but 60 feet is very uncommon. She stated that while Mr. Sleprow referred to planning staff as having referred to the "planning book" in writing the recommendation, we referred to the "Zoning book", the Zoning Ordinance. The Zoning Ordinance was adopted by the City Council in 1967. This has been a very long-standing non-conforming use and this is a very significant deviation from the standards. In my experience, I have never seen someone come in with a 60-foot deep lot.

Mr. Almeida agrees with Mr. Sleprow's statements and states he wants this subdivision approved. He says it is a nice area, has been there for many years and believes that the house will fit perfectly in that spot. He states he has seen a lot of areas in the City where they are a disgrace and no one says anything about it. They put up buildings without permits and get away with it. He refers to the 18-unit apartment in Riverside.

Mr. Batty asks if there are any other comments. There are none.

Motion

On a motion by Mr. Almeida to approve the subdivision, seconded by Mr. Cunha, the Board voted on this subdivision with a roll call vote.

Roll Call Vote

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

The vote was 2 Aye – 3 Nay to approve. The motion did not carry.

C. Citizens Bank – Land Development Project (LDP) Master Plan

Robert Smegburg, VHB engineer, 530 Broadway, Providence, RI is sworn in and gave a presentation. He states this property is Map 509, Parcels 3 and 4, at 10 Tripps Lane, off Wampanoag Trail. The site is 7 ½ acres. The owner of the property is Citizens Bank. He introduces Charlie Martin, Vice President of Citizens Bank, Charles Carpenter, Vice President of Citizens Bank and Bob Clinton, registered traffic engineer with the State of Rhode Island.

Mr. Smegburg states he had pre-application meeting with officials from the Fire, Planning and Public Works Departments on September 7, 2004. He noted he had a follow-up meeting with the Zoning Officer on November 16, 2004.

Mr. Smedberg continues. Lot 3 is presently undeveloped. The area is about 2 acres. The existing portion that houses the Citizens Mortgage facility is approximately 5 ½ acres. There is parking along the rear of the existing facility and also parking along the primary entrance in the front. The site is located in an I-1 Limited Manufacturing District. The building is approximately 67,000 square feet. There are approximately 140 parking

spaces available on-site. There are two loading areas at this time. We have done some test borings at the undeveloped portion of the site to determine soil characteristics for the storm water drainage system. There are no wetlands present on-site. The only feature is the existing detention basin.

Mr. Smegburg noted the proposal is an expansion of the existing mortgage facility; approximately 7,100 square feet would be added onto the existing 67,450 square foot facility that exists today. With the new addition, the total parking spaces required (based on the square footage of the building) would be 299 parking stalls. They are proposing 315 total parking stalls. He explained the ingress and egress to the site. They will add a separate ingress and egress location south of Hassell's Service Station. A portion of the existing Citizens lot is used by Hassell's Service Station. They are proposed to maintain 9 stalls associated with that facility today.

Mr. Smegburg noted that they are proposing a separate loading area. We have redesigned the site to avoid pedestrian/vehicle conflicts and to allow for service mobility around the site. We are looking for a waiver on the existing portion on the lot that now exists in terms of bringing it into compliance with shading requirements. We have gone to RIDEM approval for the Underground Injection Control System Program and they are bringing that forward to a state-of-the-art stormwater design. We are mitigating that additional 10 percent of impervious coverage. As part of the Master Plan, we provided you with a traffic impact and access study. He noted that there will be 190 new jobs created.

At this time Mr. Robert J. Clinton, VHB, registered engineer in the State of Rhode Island was sworn in. Mr. Clinton stated they performed a traffic impact and access study. The proposed renovations include modifications of the building that will accommodate additional employees and therefore additional parking is required. Traffic counts were performed at Tripps Lane and Wampanoag Trail and the Wampanoag Trail ramp to Rt. 114 the East Shore Expressway. We have also projected future traffic volumes, performed capacity analyses, gap and delay studies in the Wampanoag Trail traffic. We have concluded that the proposed mitigation that we have proposed will offset any impacts of the proposed additions. The mitigation includes re-striping Tripps Lane which is 45 feet in width into two lanes on the approach to Wampanoag Trail and still accommodating traffic turning into Tripps Lane.

Mr. Batty asks if they ran this by the City of East Providence Engineering Division? They stated no. Ms. Boyle stated that the Director of Public Works has been participating in the review of these plans and recommendation.

Mr. Batty asked if they were creating a second parking lot behind Hassell's garage or are they joined? Mr. Clinton said they would create some kind of a barrier and curbing, but it will basically be all one lot.

Mr. Batty states that the only concern he has is traffic on Wampanoag Trail, which can be bad at times and ok at other times, but believes that with the changes proposed, it will take care of itself.

At this time, Zac Gordon went through the staff recommendation. He states this is a Master Plan submission. There are three stages in a Land Development Project (LDP) - Master, Preliminary, and Final Plan. The master plan is a conceptual overview of how

the site is to be developed. Other details and complete engineering will come before the Board at the Preliminary Plan stage.

The proposal is to add an addition of 7,100 square feet onto the existing 67,000 square foot building. The net impact will be approximately 175 parking spaces to a lot which has about 140 at the present time. There is an increase in terms of the impervious surface coverage and this is one of the issues that needs to be addressed prior to preliminary plan approval.

Mr. Gordon states that adding more office space for the mortgage processing facility and some other office functions that support Citizens' operation is a permitted use. The site is bounded by Wampanoag Trail. The Exxon/Mobil Oil property is just to the south of the property. The applicant will employ state-of-the-art drainage techniques to deal with the significant increase in surface runoff as well as expanding and enlarging the existing detention pond. The proposal will go through a detailed review and will also be the subject of State (RIDEM) review.

He explains that this is a permitted use of zoning. Regarding dimensional requirements there are areas that need to be addressed. Those relate to shade coverage for the lot, as well as impervious coverage. They are proposing to meet the shading requirement for the new parking area, but not the existing parking area. Those two issues will need to be resolved and dealt with at the preliminary plan stage or prior to that. At the Board's previous meeting in March 2005, the Board granted the authorization to proceed with an outside review of the traffic study performed by the applicant. Staff has provided an overview of the impacts as projected by the applicant, suffice it to say that with the additional office workers there will be an increase in traffic. There will be an increase from 1475 vehicles per morning peak to 1,590 (an approximately 10 percent increase). Tripps Lane will also see an increase, and there will be increases at the new site access drive as well as the existing one.

The project will generate an additional 100 trips during the weekday morning peak hour and 70 additional trips during the weekday evening peak hour. The level of service measures the capacity of road and what the proposed development will add to that or how it will impact capacity. The study shows that the level of service remains the same in all locations except for the Wampanoag Trail southbound ramps which are projected to climb from level of Service E to level of Service F during the morning peak hours. The evening peak will continue to operate at level of Service E. Level of Service F means you have stoppages in traffic or break in the flow.

Mr. Gordon explained the traffic gap analysis. It measures how many gaps there are in traffic for a car to get out of a driveway or an intersection vs. what the demand for those gaps is. In the case of Tripps Lane, for vehicles leaving the site the traffic study indicates that there are 199 gaps available for vehicles to turn left out of this site while there are a total demand for 210 left turn lanes from Tripps Lane. This is a deficit of 11 gaps in the evening peak. In the a.m. coming into the site it shows 421 gaps for a demand of only 405 vehicle trips, which denotes a surplus.

Mr. Gordon noted that the recommendations for this project are to re-stripe Tripps Lane approaching Wampanoag Trail to provide dedicated left and right-turn lanes so that vehicles that are exiting to the right get to do so as soon as possible and not get stacked

behind vehicles waiting to turn left, and staggered work shifts are also being discussed to spread the traffic outside the typical peak hours.

Mr. Gordon noted that the Board has received a letter from Jim Coogan of the Maguire Group which gives a summary of their peer review comments on the traffic impact study conducted by VHB. Maguire has a fair number of questions in both the methodology as well as the conclusions of the analysis. They cover the gap analysis, trip generation, the directional split, the accident analysis and how that would be interpreted in what they are proposing to do and the capacity analysis. We need to resolve the traffic situation satisfactorily at the staff level before we go back before the Board.

Mr. Gordon stated that the Comprehensive Plan designates this area for mixed use, which allows for industrial, retail, office, service or residential provided they are compatible with existing and planned adjacent land uses. The development is abutted to the east by Wampanoag Trail and by a service station and light industrial uses to the north. To the south is land owned by Exxon/Mobil. The proposal would be compatible with these uses, and with the existing Citizen's facility. The Planning Department believes that the proposal is consistent with the Comprehensive Plan, as well as the East Providence Zoning Ordinance.

Recommendation

Based upon a finding that the proposed development is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations, and further that the required findings of Section 5-4 of the Regulations are met, staff recommends *Conditional Approval* of the Land Development Project Master Plan submission, as proposed, subject to the following conditions of Master Plan approval being incorporated into the Preliminary Plan submission:

1. That all comments in the technical staff memoranda, and any and all conditions of the Planning Board approval be reflected in the Preliminary Plan submission;
2. That the applicant obtain all necessary Zoning variances prior to the submittal of the Preliminary Plan submission;
3. That all issues identified by Maguire Group, Inc. in their review of the TIAS be addressed to the satisfaction of City staff prior to submission of Preliminary Plans;
4. That the Preliminary Plans and supporting documentation be based upon this Master Plan approval.

Ms. Boyle states she would like to elaborate on the consistency with the Economic Development Element of the Comprehensive Plan. This development is the kind that we have been encouraging in the Economic Element, the types of jobs that are being created are very beneficial to the City. There is a significant economic spin-off associated with this development. We are very pleased to see the quality of development that is being proposed and the jobs that are being created. She states that this is the Master Plan stage and some of the issues that were mentioned, in particular, traffic, I am confident that everything will be addressed at the Preliminary Plan stage. I also think that some of the mitigation measures that are being proposed as part of this

development will improve the situation that exists. She states that she hopes the Planning Board will support this request.

At this time the Board voted unanimously to enter the staff memorandum dated April 7, 2005 into the Board's official record upon a motion made by Mr. Almeida and seconded by Mr. Sullivan.

Mr. Gordon states that Mr. James Coogan of Maguire Group is here tonight to answer any questions the Board has.

Mr. Batty asks if there are any questions? He asked if there will be a meeting set up regarding traffic issues? Ms. Boyle answered that there will be at least one meeting held between the Master Plan stage and the pre-application meeting for the Preliminary Plan stage. Based upon whatever action the Board takes tonight we will have a follow-up meeting. The Public Works Director will also participate in that meeting.

Mr. Batty questions the beautification part on the south side up against Exxon/Mobil Oil, and also questioned whether the existing parking area could be landscaped like the proposed parking area. Ms. Boyle states there are standards that require a vegetative buffer which is part of the Development Plan Review standards. It does anticipate that land uses changes over time. Since this is a master plan, a lot of the details of landscaping and buffering have not been developed, but will be provided to the Board at the preliminary stage.

Mr. Batty asks that it be put into the record that it be a consideration of Citizens Bank and addressed before the next meeting.

At this time, Mr. Batty asked if there was any public comment and noted that this is an information meeting.

Bruce Cox, attorney representing Ray Hassell of Hassell's Garage, states this his concern relates to the house that was demolished and the parking lot that Hassell's Garage has used over the years. In talking with the Vice Presidents of Citizens Bank, Mr. Cox said he would like some kind of long term lease for the Hassell's Garage so that they can continue to use it for parking. Mr. Hassell states he is in favor of the whole proposal and feels that by re-stripping the area to include the left and right turn lane, it will improve traffic in that area quite a bit.

Mr. Batty asks about the 50-year agreement. Mr. Cox states there is a course of conduct between Hassell's Garage and Mobil, and now Citizens. He noted that when there originally was a house on that site, Mobil allowed for the people to live there until they passed on. When they passed on, Mobil demolished most of the house. Hassell's Garage offered to demolish the house and pave the area in order that they could use it. Mobil agreed to this and Hassell's Garage has maintained it ever since.

Mr. Cunha asks who owns the property. Citizens Bank owns it.

Mr. Bagdasarian, 179 Walnut Street is sworn in and states he owns the building next to Hassell's Garage. He said after he bought it he talked to Mobil and asked if they would sell him the parcel of land behind his building. At that time, they were not selling any real estate, but he stated the next thing we knew the property was sold and now we're

asking Citizens, the new owner, if he can buy a small piece of land behind his building. Mr. Batty suggests that he meet with Citizens Bank about this, as it is not something that the Board can decide.

Mr. Bagdasarian mentioned that every week there are two accidents coming up the off-ramp and suggested a light coming out of Tripps Lane.

Mr. Robert Bagdasarian, 20 Holton Street, Barrington, RI is sworn in. He agrees with what is going on, but is afraid that the area will be blocked where his building is. Mr. Bagdasarian states his father's lot is undersized and also requests if they could possibly buy a piece of the land to give them a little more land to expand his building. Mr. Batty states that Citizens cannot do anything to disturb his land and Citizens is not obligated by any law to sell you anything, but that it is not up to the Planning Board anyway and suggests they set up their own meeting with Citizens Bank. Mr. Bagdasarian also voices his concerns regarding the traffic accidents.

Motion

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board approved the Master Plan subject to the conditions below.

Based on the findings of the proposed development it is consistent with the East Providence Plan, meets the general purposes stated in Article 1 of the Regulations and further that the required findings of Section 5-4 of the Regulations are met, the Board approves *Conditional Approval* of the Land Development Project Master Plan submission, as proposed, subject to the following conditions of Master Plan approval being incorporated into the Preliminary Plan submission:

1. That all comments in the technical staff memoranda, and any and all conditions of the Planning Board approval be reflected in the Preliminary Plan submission;
2. That the applicant obtain all necessary Zoning variances prior to the submittal of the Preliminary Plan submission;
3. That all issues identified by Maguire Group, Inc. in their review of the TIAS be addressed to the satisfaction of City staff prior to submission of Preliminary Plans;
4. That the Preliminary Plans and supporting documentation be based upon this Master Plan approval.

Roll Call Vote

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

D. Request to purchase City-owned property – Harding and White Avenues

Ms. Boyle explained that this request has been referred by the City Council to the Planning Board. The Board must provide an advisory opinion to the City Council as to whether or not to dispose of the property.

Ms. Boyle explains that the City received a request for Mr. Scott Cordischi of 8 Harding Avenue to purchase a city-owned parcel that is located between Harding and White Avenue. It is 2,217 square foot parcel and is used for parking by nearby residents. The portion of Harding Avenue where Mr. Cordischi resides historically has no frontage on a City street. Access to that property and eight others is obtained through a narrow right-of-way or pedestrian path that extends from an improved portion of Harding Avenue, which is an actual street, and to the north.

Ms. Boyle states that we referred this request to a number of City agencies and received one response from the Fire Department. There are two portions of Harding Avenue which extends from Beacon Avenue southward toward Beach Road. There is another portion of Harding Avenue that is a right-of-way and there are about 8 or 9 properties that access solely from that right-of-way; they have no access on a City street. It is 5 to 10 foot wide path. It is historical and came about when the property was a summer colony. This City-owned parcel has been used for parking for a number of residents in the area. They have requested to purchase that property to try to formalize this arrangement that has been taking place. Because of the lack of frontage, the Fire Department has concerns about losing that one piece of City-owned property because that allows fire department vehicles to have access. The streets are very narrow in that area and it makes it difficult to fight fires.

Ms. Boyle also informed the Board that she and the Fire Chief met with some residents at the site and it is very problematic in that area. As a result, the Fire Chief has recommended denial of this request because he wants as many means of attacking a fire as possible. The Planning Department is also advising the Board to advise the City Council to deny this request. What has precipitated this request is that there is another vacant parcel next door which is privately owned and the property owner on that property has told people not to park on her land anymore. The Fire Chief does not intend to put a chain on the property, but wants to make sure that he can get access there.

Mr. Sullivan asked how long White Avenue is. It was answered about 20 feet. Beacon is very narrow also.

Mr. Batty asks if there are any questions.

Mr. Larry Britt of 81 White Avenue is sworn in and states his biggest concern is that he is afraid someone will buy that piece of land and merge it with the other lot that is next door and build a house. If that happens there will be no room for emergency access. Mr. Sullivan asks him if his house is on the east side or west side of White Avenue. He stated the west and is on the south side of the parcel.

Mr. Joseph Sousa, 5 Harding Avenue is sworn in and states his biggest concern is that if the person that owns the lot that is next to the parcel is able to buy this lot from the City, then no one will be able to use it for parking and there will be no emergency access. He showed the Board the location of 5 Harding Avenue and stated he and the neighbors

have always maintained both the lots such as plowing it, keeping it clean and planting shrubs. He said when they bought the property we were under the impression that the City owned the lots and they would never be sold.

Mr. Larry Brent, 81 White Avenue is sworn in and asked if the property became available for sale, would abutters have prior notice and an option to acquire the property? Ms. Boyle stated no, that would only be for abandoned streets. Mr. Gordon explained that in the past practice, if a lot is non-buildable, it would first be offered to the abutters. The Council would have to make that determination and to how they would dispose of it.

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board voted unanimously to advise the City Council to deny this request based on the Planning Department's recommendation.

Roll Call Vote

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

E. Rezoning – City Property – Beacon Park Drive and Redland Avenue

Mr. Gordon presented the staff recommendation and explained that the Board voted at its March 15th meeting to refer 10 properties to the City Council for disposition. Three of those properties are currently zoned Open Space and would need to be rezoned to residential in order to be of any value to anyone who wants to buy them. There are two on Beacon Park Drive near Oldham School and one on Redland Avenue. Staff recommends that they all be rezoned to adjacent zoning which is Residential-4. They would be restricted to single-family use, and that recommendation be forwarded to the City Council for their next meeting when they take a final vote on disposing all the properties.

Ms. Boyle informed the Board that there was also some discussion by the Board about the possible rezoning of the Tristam Burgess School property which is currently zoned R-6. Staff is recommending a rezoning of that property at this time. However, what staff recommends is to dispose of that property through a Request for Proposals (RFP) process for a residential use so that a rezoning may take place. She suggests that the Board follow the staff recommendation, but when it comes to the Tristam Burgess property on South Broadway, you may want to make a separate recommendation to the City Council to simply dispose of that property through a Request for Proposals for a residential use and then follow up with a rezoning if necessary depending on the results of the RFP.

Regarding James Street property Ms. Boyle said there was no definitive conclusion on this property. She read from those minutes pertaining to this property in which Mr. Almeida stated he would like to see the property limited to single-family use. Ms. Boyle responded that they can subdivide it into two lots, but notes there is no specific recommendation that it be limited to just one lot.

Ms. Boyle states that if this lot was to be conveyed as two lots, then it would have to be subdivided and restricted to single-family house. She said if the desire is to convey those properties quickly, even a minor subdivision takes two to three months and there is a cost associated with the survey and the process of obtaining the services of the surveyor. Mr. Gordon states that if you conveyed that lot as it is without it being subdivided, the price of that lot would clearly be somewhere between \$80,000 and \$160,000. Whoever gets it will subdivide it and sell it for two house lots. If the City sells them they would get \$80,000 for each lot.

Mr. Gordon states that the restriction is that you can only do one lot, one house on a 10,000 square foot lot. If you don't want to tie the hands of the Council, then don't say that, just convey it for single-family use. Mr. Batty said it would be advantageous for the City to have it as two separate lots.

Motion to rezone to R-4

On a motion by Mr. Cunha, seconded by Mr. Sullivan, the Board voted to advise the Council to rezone Beacon Park Drive (Map 413, Block 9, Parcel 1), Beacon Park Drive (Map 413, Block 10, Parcel 1), and Redland Avenue (Map 603, Block 2, Parcel 5) from Open Space to their adjoining Residential-4 designation.

Roll Call Vote

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

Motion – Tristram Burgess School Property, South Broadway

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to dispose this property through a Request for Proposal (RFP) for a residential use, the form of which to be determined by the proposal.

Roll Call Vote

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

Motion – James Street Property

On a motion by Mr. Cunha, seconded by Mr. Sullivan, the Board voted to divide the property into two 5,000 parcels and to restrict the use to single-family homes.

5. CONTINUED BUSINESS

A. Staff Report

Ms. Boyle informed the Board that Zac Gordon, Senior Planner will be leaving us on April 22 to move to North Carolina. We will certainly miss his professionalism and his dedication to the City of East Providence. Mr. Gordon thanked the Board. The Board wished him luck and appreciates his good work.

6. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board voted unanimously to accept the following communication and make it part of their official records.

- A. Memo dated March 21, 2005 to the Zoning Board of Review from the Department of Planning, Re: Requests for Variances or Special Use Permit to be heard on March 30, 2005

7. ANNOUNCEMENT

- A. Next Meeting – Monday, May 9, 2005, 7:30 p.m., Room 306

8. ADJOURNMENT

The meeting adjourned at 9:53 p.m.

submitted,

Respectfully

Jeanne M. Boyle
Director of Planning

JMB/sac