February 16, 2005 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE
PLANNING BOARD

MINUTES OF FEBRUARY 16, 2005

Present were: Messrs. Batty, Cunha, O'Brien, Sullivan, Robinson, Councilperson, Valerie Perry, and James Moran (staff).

I. SEATING OF THE ALTERNATE MEMBER

Mr. Cunha was seated as a voting members in place of Mr. Almeida who could not attend.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of October 4, 2004

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to approve the minutes of October 4, 2004 and make them part of the official record.

B. Minutes of November 8, 2004

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to approve the minutes of November 8, 2004 and make them part of the official record.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to approve the correspondence below.

A. Memo dated ll/9/04 to the City Council, Re: Request for Easement – Dunellen, LLC - Pier Road and Water Street

B. Memo dated ll/9/04 to the City Council, Re: Request for Street Abandonment – Portion of Sumach Avenue

IV. NEW BUSINESS

A. Rezoning – Bishops Bend - Map 201, Block 1,2,3, portion of 4 and 5

James Moran informed the Board the Bishops Bend section of East Providence is located in Rumford on the Pawtucket line. It is located geographically in East Providence, but the residents' mail goes to a Pawtucket address. Access to the neighborhood is through Pawtucket, RI. It was zoned I-3 and with that I-3 designation, I-3 and OS-1 are two primary zoning districts in that particular neighborhood. Over the years it has evolved as a primarily single-family and two-family development neighborhood. The City is the applicant for this rezoning request and it is brought before the Planning Board for an advisory opinion to the City Council. The Council will be responsible for review the rezoning request and active under state law to rezone this parcel from an Industrial-3 District, and a portion of Open Space 1 category to a Residential-4 District.

Mr. Moran noted that the Planning Department has reviewed a number of districts in the City where the zoning did not match up with the existing land uses and there are several other parcels and other pieces of property around the City which will be before the Board in the future with other rezoning requests.

Mr. Moran stated that the Assessors' Map 201 indicates most of the parcels. It encompasses Map 201, Lots 1, 2, 3, a portion of 4 and Lot 5. The area is abutted by St. Mary's Cemetery to the east and the Blackstone Valley Sewer Treatment Plant to the south. Mr. Moran states he did a feasibility report in December to look at the feasibility of the rezoning. We looked at the existing land uses in the neighborhood and a drive- through will show that most of the homes are single-family cape-cods, ranches and some two-family developments as well. The area abuts areas to the north, particularly in Pawtucket that are primary and the portions in East Providence are residential in character even though the zoning district is I-3.

Mr. Moran stated the abutters were all notified by registered mail informing them of the rezoning. In looking at the Comprehensive plan the area is to be developed as low-density residential area, which is in the Land Use 2010 Plan and that noted this district is compatible with the Comprehensive Plan.

Mr. Moran informed the Board that there were two individuals who called and asked if this would affect their property values? He said it will not affect the values of the properties and the Assessor will be assigning new values because of the change in the land use. There could be some enhancement to the value when something is zoned Residential-4 rather than R-3 which would require that they have a 60,000 square foot lot. It makes it difficult for zoning variances and hardship cases for that particular neighborhood.

Mr. Moran stated that he had a response from a property owner, P.R.M. Concrete just to the north who owns land within the area of Bishops Point which is Parcel 7, Block 5. He said they looked at the plan and had no objection to the area being rezoned to R-4. Mr. Moran stated memoranda was referred to other City staff,

such as the City Solicitor and Zoning Officer requesting their opinions. The Zoning Officer has had individuals who wanted a building permits in this area, but had to indicate to them that they would require zoning variances. He said that many times people would leave bewildered that their properties were zoned I-3 and not residential. Mr. Moran stated the City Solicitor also reviewed the petition and was in concurrence that the rezoning made sense.

The staff recommendation is that this rezoning will correct a land use zoning anomaly that has existed in the neighborhood for many years. The change to an R-4 District will relieve an undue hardship on the residents of this neighborhood and will allow them to complete subdivision petitions in the future without the need for a dimensional variances through the Zoning Board associated with maintaining a residential neighborhood and a heavily industrially zoned district.

The Planning Department recommends that the Planning Board issue a recommendation to the City Council that the following areas on the Assessor's maps be redesignated from I-3/OS-1 to R-4.

For the record, Mr. Moran reads in the Map, Block and Parcels of the maps affected:
Map 201, Block 1, Parcels 1, 2, 3, 4, 5 and 6
Map 201, Block 2, Parcels 1 and 2
Map 201, Block 3, Parcels 1, 2, 3 and 4
Map 201, Block 4, Parcels 1, 2, 3, 4, 4.1, 5, 6, 7, 8, and 9 and
Map 201, Block 5, Parcels 1, 2, 3, 4, 5, 6 and 7.

Chairman Robinson asked the Board if they had any questions:

Mr. Batty asked if there are any industrial buildings abutting these properties? Mr. Moran answered the areas to the north are industrial in character. PRM Concrete is located immediately to the north of that area and their property is used as a storage area, but there are no real buildings per se. They like the fact that it will be rezoned to R-4 within the waterfront because they could subdivide the land and it would be a plus to them. Mr. Batty asked about the Nassau Street area and buildings. Mr. Moran noted that the area near Nassau Street does have industrial buildings for a number of years there for a number of years. If the Board recommends this zone change to the Council, the City would be contacting the City of Pawtucket Planning Department to coordinate the rezoning.

Mr. Moran stated that PRM Concrete will be contacted again when it goes to the City Council for the public hearing process and the abutters will be notified within the 200 foot radius.

Mr. Moran states that this Bishop Bend rezoning was looked at in the 1980's, but it was never acted on for some reason. At that time they also suggested to have Norfolk Avenue abandoned since it does not serve any purpose and is located on

the sewerage treatment property. Those areas will remain Open Space 1 and the areas that are shaded will be rezoned.

Mr. Moran stated that if the Planning Board wanted to consider keeping this as an industrial zone and matches it into Pawtucket, then that could be entertained. He reiterated the fact that PRM Concrete is in favor and in support of seeing this rezoned to an R-4 designation. Mr. Moran also stated that there is an individual property owner on parcel 6 who would like to subdivide a parcel and has had great difficulty because of the fact that his lot is zoned OS-1 which requires a lot of 100,000 square feet.

Mr. Sullivan asked if any of this property is in the redevelopment of the waterfront district? Mr. Moran states this is not part of the waterfront district. He asked if the Open Space designation changes to R-4? Mr. Moran answered that the St. Anne Cemetery and Blackstone Valley Sewerage Treatment Plant properties will remain OS-1. The areas that will be zoned R-4 are designated as shaded on the map such as Kent, Arbor, and Nassau Streets. Mr. Sullivan asked if the industrial areas would stay industrial. Mr. Moran stated this rezoning would eliminate all the industrial areas within the East Providence area.

One of Mr. Sullivan's concerns was if rezoning this property would de-value other properties going from Industrial to Residential? Mr. Moran stated that most of the people that own these properties are already residential property owners except for PRM. Mr. Moran stated that he does not know since he is not a real estate expert, but if he markets his property as a residential property on the waterfront, it could be looked at as an enhancement to that property. Mr. Moran states that if it is rezoned, the property will be legally non-conforming and he and the successor owner will be able to continue with that use.

Mr. Sullivan asked if the industrial property would be short-changed monetarily? Mr. Moran states that two things are going on with this property. One is that it is on the waterfront. It is very narrow and any kind of industrial development along that waterfront would probably be subject to review by the CRMC. It is not likely that you will see a lot of ability to develop that for industrial because of its size and proximity to the water. Mr. Sullivan said the reason he is asking is that you have people on Valley Street that are locked in down there because of the waterfront district development. They do not know what they can do with their property; it has been devalued and they cannot sell it to anyone. They will probably have to move out to keep their business going. Will that happen here with the rezoning? Mr. Moran stated no, the property will not be de-valued and reiterated the fact PRM wants to see it rezoned to R-4. Mr. Moran noted that staff wrote in its memo that if the Board had a problem with it, there is the option to maintain that as an Industrial zoned piece that could attach to the land use located in Pawtucket.

Chairman Robinson asked if there were any comments from the Board or if the public had any comments.

Mr. Cunha questioned the abutters' addresses. Mr. Moran stated some of them are out of state and the notification is always sent to their mailing address.

Mr. Moran states that all the people in the neighborhood will be helped by this rezoning because they will not have to go before zoning for variances and it will allow them to do improvements to their properties.

Motion

On a motion by Mr. Batty, seconded by Mr. Cunha, the Board voted 4 to 1 to recommend to the City Council changing the Bishop Bend area from Industrial-3 and Open Space 1 to a Residential-4 District.

Roll Call Vote

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

B. Petition for Street Abandonment – Abbott Street

Mr. Moran reported that the City Solicitor has forwarded a petition for highway abandonment to the Planning Board for its review and recommendation. Under Ordinance Section 14-22 "Abandonment of Highway and a Public Right-of-way" the Planning Board shall review and provide a recommendation to the City Council for all requests to abandon a public right-of-way. The petitioner which is the City, is to abandon a portion of Abbott Street from its intersection with State Street in an easterly direction approximately 115 feet. Presently the portion of Abbott Street is unimproved. Mr. Moran noted there is a garage indicated on the map which does encroach on the paper street and it is associated with the property of the DeSousas. The Planning Department received no comments from City agencies opposing the abandonment. Based on the fact that this street does not appear to serve any public purpose, the City Planning Department recommends that the Board recommend to the City Council that this portion of Abbott Street be abandoned.

Mr. Robinson asked what impact this will have on the person with the garage? Mr. Moran states he will own half of that piece of the roadway being abandoned.

Chairman Robinson asked if the Board had any more comments and if the public had any comments?

There were none.

Motion

On a motion by Mr. Batty, seconded by Mr. Sullivan, the Board voted to recommend to the City Council that that portion of Abbott Street shown on the enclosed map dated July 7, 2001 be abandoned

Roll Call Vote

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

C. Petition for Street Abandonment – Oregon Avenue

Mr. Moran went through the staff recommendation and explained that this is a portion of Oregon Avenue to be abandoned. The petitioner's names are Steven J. Najas and Kellie A. Swider. The attached plan indicates the portion of the roadway that will be abandoned. There are two parcels that will be involved and split between the properties. Parcel A will be a 3,785 square foot parcel and Parcel B will be a 3,661 square foot parcel. Comments were requested by other City agencies and no comments were received opposing the abandonment. The Planning Department has reviewed the requested street abandonment and determined that there is no public purpose to be served by the City to retain this portion of Oregon. The Planning department recommends that the Board recommend approval by the City Council of the requested abandonment for a portion or Oregon Avenue to the City Council.

Mr. Robinson asked if its only parcels A and B affected? Mr. Moran stated yes, just the rectangular sections. Mr. Moran stated that Parcel A measuring 3,785 square feet will be deeded to the owner of Assessor's Map 304, Block 9, Lot 23 and Parcel B would be deeded to Steven J. Najas and Kellie A. Swider and split down the middle as required by State law.

Mr. Cunha asked if their property value would be increased automatically or not until the new tax year? Mr. Moran stated he did not know if the Assessor goes out immediately to value the land or if will be done at the next re-valuation. From a policy standpoint, Mr. Moran explained that the City has been looking for ways to take public land and get it back on the tax rolls since this land does not serve a public purpose.

Chairman Robinson asked if anyone had any comments from the public?

Mr. Robert Murray, attorney for Mr. Najas and Ms. Swider explained that it is just a routine abandonment. This portion of Oregon Avenue is unimproved and not paved. It abuts their property and asks that the Board recommend to the Council the abandonment of this property.

Motion
On a motion by Mr. Batty, seconded by Mr. Sullivan, the Board voted to recommend to the Council that a portion of Oregon Avenue be abandoned.

Roll Call Vote

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

D. Advisory Recommendation to the Design Review Committee of the Waterfront Commission – Applicant: Aspen Aerogel, Inc.

Mr. Moran gave an overview of what this company is all about. He explained that this development is within our waterfront district area within Dexter Road. It is a high tech company called Aspen Aerogels Inc. For the record, he distributed to the Board a portion of their web page for information, which indicates the kinds of products that they manufacture. Presently they have a facility in Northboro, MA and are looking to relocate at the 3 Dexter Road property which is a very large building that has been vacant for a number of years. It is located within the Waterfront Development Special District and the Waterfront Commission was charged to oversee, review and approve developments within the Waterfront Development Special District.

Mr. Moran informed the Board that there are several design elements that are part of the review process for these types of developments within the Waterfront Development District. One of the groups is called the Design Review Committee which is the body that will be reviewing this project tomorrow evening on February 17, 2005, 5:00 p.m., in Room A. They will review the application and provide a recommendation to the full Waterfront District Commission in the near future. It is also going to be subject to a review by the Hearing Panel which reviews any issues that might be associated with relief that may be needed associated with the development which in the case of open storage it is a conditional use, so they would need to look at a conditional use for the area. It is allowed, but requires the special use conditional approval.

Mr. Robinson asks to clarify that the Board's role is just an advisory opinion to the Design Review Committee? Mr. Moran states that the Planning Board's role is to basically review the development and assure that it is consistent with the East Providence Comprehensive Plan. He said in December of 2003, the City

Council had made the Waterfront District a part of the Comprehensive Plan elements. The Plan which included the five-year update included that portion of this area which includes the Waterfront District. The development is consistent with the Comprehensive Plan.

Mr. Moran noted that a description of the proposal is attached and noted the company produces a very high tech insulator product. The company's goal is to utilize the entire building. They will be doing a significant retrofit to make the property work for them. They will be adding parking enhancing the property and doing some open storage to the southern portion of the building. The interior portion will be a significant portion of their processing operation and they have high tech products. An extremely heat resistant material will be created. It is used in a number of applications for aerospace.
The material is also used in automobiles, and military applications. He said they had shown us a situation where they rap the cowlings on helicopters in combat situations to reduce the heat signatures for these helicopters so that they would be less prone to missile attacks. It will also be used in high-tech clothing equipment.

Recommendation

The Planning Department believes that this development is consistent with the Comprehensive Plan and the recommendation is as follows:

a) The proposed development would create positive impacts for the health, safety and welfare of East Providence.

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

The proposed development is being reviewed by staff, the Planning Board, and commissions in conformance with City regulations and ordinances, and within the timeframes allotted for such review.

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

The proposed development utilizes high quality design for the improvements to the existing building and site design, and is appropriate and in-keeping with the existing adjoining manufacturing district.

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

There are no know or expected negative impacts to the natural or build environment. The proposed development provides remediation of existing environmental contamination.

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

The proposed development would connect to existing City infrastructure – roads, sanitary sewer and water. There are no known or expected negative impacts to the natural or built environment.

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

The proposed building and site design reflects the intent of the East Providence Comprehensive Plan, which includes the Waterfront Special Development District Plan, and specifically reflects the proposed land use for the Dexter Road sub-district.

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

The proposed development has been the subject of meetings between city staff and the developer and the developer's consultants. The development plan will be reviewed by the Departments of Planning, Public Works, Zoning, Fire and the Design Review Committee of the Waterfront Commission.

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

There are no required dedications of public land for this particular development proposal (the property is not located directly on the waterfront). There are no known or expected negative impacts from the proposed development.

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

The proposed development is being reviewed under the Regulations and Ordinances adopted by the City and pertinent records are being kept.

Mr. Moran noted that staff is of the opinion that the proposed nano-technology manufacturing use will set the tone for the technology-oriented companies which the City desires to bring to the Waterfront District and will augment other mixed use developments throughout the Waterfront District.

The Planning Department recommends that the Planning Board offer their advisory opinion to the Design Review Committee of the Waterfront Commission that the development, as proposed, is consistent with the purposes and intent of the City's Comprehensive Plan and the Land Development and Subdivision Regulations.

Mr. Robinson asked what safeguards are in place to make sure this company is in compliance with the environmental regulations? Mr. Moran stated they are going through all the permitting processes with the State and Federal governments regarding air quality standards. They will be going through an air quality process. They are being required to provide all the necessary fire suppression devices and all the elements that would be required to make a safe storage area and the Fire Chief is looking at all these issues as part of the review process.

Mr. Moran stated that congratulations could go to Congressman Kennedy and Senator Jack Reed for working with this company to attract them to Rhode Island. There are Title 3 funds that are being appropriated through the Federal Government that are being provided to assist this company and assist them in developing in Rhode Island. Also the RI Economic Development Corporation has been a big supporter of it. This high-tech manufacturing process is just what was being contemplated when those things were written into our Comprehensive Plan. It matches up very well with our vision for the Dexter Road area.

Mr. Cunha asks if it would be the Waterfront Commission's responsibility to look into all of this? Mr. Moran stated yes and that it will be part of the review process. They will be subject to all the City, State and Federal requirements and regulations for any storage of hazardous materials etc.

Mr. Batty asked which building they are locating in? Mr. Moran states it is the old Gipson Plant Building. Mr. Batty asked about the taxes? Mr. Moran states that there are back taxes to be paid which is in the record. The company will own the building not lease it.

Chairman Robinson asks if the Board has any questions?

Gregory Fisk, 15 Short Road, Barrington, RI was presented and stated he and his company who is in the insulation business would like to have Aerogels locate in East Providence and are looking forward to the opportunity to working with them. He said he saw their website and found a lot of information and that they produce their materials at an adequate price. He said he looks forward to meeting with them.

Mr. Sullivan asked if there was going to be a lot of noise generated by this company? Mr. Fisk states he does not know, but that the product has an excellent

sound insulator as well. Mr. Moran noted that the sound suppression item is also part of the City's review process with staff.

Mr. Moran stated that if there are any recommendations or concerns from the Board, it is critical that they be voiced this evening so that they can pass it along to the Design Review Committee when they meet tomorrow.

Mr. Sullivan states he would like to have a condition in the recommendation that there is noise control. Mr. Moran stated yes that could be done.

There were no other comments from the Board.

Motion

On a motion by Mr. Batty, seconded by Mr. Sullivan, the Board voted to offer an advisory opinion to the Design Review Committee of the Waterfront Commission that the development as proposed is consistent with the purposes and intent of the City's Comprehensive Plan and the Land Development Subdivision Regulations and that there be noise emission regulations put into place for this development.

Roll Call Vote

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

V. CONTINUED BUSINESS

Staff Report

1. Mr. Moran informed the Board that the City received an award from Governor Carcieri for the City's plan for providing affordable housing on the waterfront and noted that East Providence is the only municipality to receive an award for affordable housing opportunities.

Mr. Batty asked about the RossCommons project located on Roger Williams Avenue and who follows up as to making sure they are affordable housing? Mr. Moran stated that there is a deed restriction written into the condominium documents that states for 30 years they will be sold at affordable rates. After 30 years they can become market rate. He said all new developments will have to do the same or they will have to do a payment in lieu of the affordable homes. It is based on the RIFC formula guideline.

VI. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. O'Brien the following communications were approved and made part of the Board's official record:

A. Copy of memorandum dated 1/21/05 to the Zoning Board of Review from the Department of Planning Re: Requests for Variance or Special Use Permit to be heard on 1/26/05

B. Copy of letter dated 1/7/05 to Debra Rocha Re: Subdivision Violation – Main Street, Riverside RI.

Chairman Robinson thanked Councilperson and Liaison, Valerie Perry for attending the meeting tonight.

VII. ANNOUNCEMENT

A. Next Meeting – **Monday, March 14, 2005,** 7:30 p.m., Room 306

VII. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Michael Robinson
Chairman

MR/JM/sac