

March 14, 2005 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF MARCH 14, 2005

Present: Messrs. Almeida, Batty, Cunha, Robinson, Sullivan, Jeanne Boyle (staff), Patrick Hanner (staff), and Zac Gordon (staff), City Manager William J. Fazioli, and William Conley, City Solicitor.

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated in place of Mr. O'Brien who could not attend.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of February 16, 2005

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board unanimously approved the minutes of February 16, 2005.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Memo dated February 22, 2005 to the City Council, Re: Street Abandonment – Portion of Abbott Street;

B. Memo dated February 22, to the City Council, Re: Portion of Paper Street – Oregon Avenue.

IV. NEW BUSINESS

A. Appl. #2004-26 Minor Subdivision, 336-338 Mauran Avenue and 340 Mauran Avenue;

Chairman Robinson asked if the applicant or a representative of the applicant is present. Milton P. Slepko, Esq. informed the Board that he is representing the applicant. Mr. Slepko gave a brief presentation before the Board of the proposed subdivision. Mr. Slepko informed the Board that he read Planning staff's recommendation and that all of the conditions are reasonable with the exception of removing the existing 3,500 sq. ft. paved area that is present on parcel 4. Mr. Slepko suggested that a reasonable condition is to remove a portion of the existing paved area that will allow the proposed parcel to be in conformance with the impervious coverage requirement of 45%.

Mr. Hanner stated that the application before the Board is a preliminary plan for a three lot minor subdivision on existing frontage. The application was determined to

be complete and a certificate of completeness was issued on March 3, 2005. The Board must make a decision within 65 days of the issuance of the COC. Currently located on the site are two parcels, parcels 4 and 5 of map 206, block 30, which are 10,308 sq. ft. and 10,080 sq. ft. The two existing parcels are corner lots, parcel 4 has frontage on Mauran Avenue and Bentley Street and parcel 5 has frontage on Mauran Avenue and Follet Street. A two-unit dwelling is located on parcel 4 and a single family dwelling on parcel 5. Approximately 3,500 sq. ft. of paved asphalt is located along the east side of parcel 4 along Bentley Street. Parking is prohibited at all times along the west side of Follet Street from the intersection of Follet Street and Mauran Avenue to the intersection of Follet Street and Warren Avenue.

The applicant is proposing to create three (3) parcels, parcels 4, 5, and lot A as shown on the plan. Parcel 4 is proposed at 9,080 sq. ft., parcel 5 at 6,080 sq. ft., and lot A at 5,000 sq. ft. A single-family dwelling, driveway, parking garage beneath living space, and dry well are proposed for lot A. Lot A conforms to all dimensional requirements for an R-6 district.

The applicant has submitted a waiver from the requirement of the installation of sidewalks and curbing along the frontage of all three proposed parcels.

Mr. Hanner stated that no sidewalks are present along the frontages of the existing parcels being Follet Street, Mauran Avenue, and Bentley Street. Curbing is present on a portion of the frontage of parcel 4 along Mauran Avenue, between the driveway and east property line, and the entire frontage of parcel 5 along Mauran Avenue. No curbing is present along the frontage of parcel 5 on Follet Street. Curbing and sidewalks are present in scattered locations within the immediate neighborhood and scattered sections along Follet Street, Mauran Avenue, and Bentley Street.

Mr. Hanner stated that the Board required the installation of sidewalks and curbing for two recent subdivisions, the Bentley Street subdivision on December 8, 2003 which directly abuts the proposed subdivision and the Mauran Avenue subdivision on January 12, 2004, located directly across the intersection of Follet Street and Mauran Avenue. The Board required the installation of 300 feet of sidewalks and curbing along Follet and Bentley Street for the Bentley Street subdivision and the installation of granite curbing, cement sidewalks, and a handicap ramp at the intersection of Mauran and Follet Street. Planning staff recommends that the Board deny the applicant's request for a waiver from the requirement of the installation of sidewalks and curbing. The installation of sidewalks and curbing along Follet Street, Mauran Avenue, and Bentley Street will further increase safety of pedestrians within the neighborhood as well as serve as a pedestrian linkage between Warren Avenue and the neighborhood.

Mr. Hanner stated that the Zoning Officer has reviewed the application and determined that parcel 4 requires a variance for exceeding the impervious coverage requirement, minimum number of off-street parking spaces, and number of stacked vehicles within a designated parking area. Parcel 5 requires a variance for the minimum lot depth requirement.

Mr. Hanner stated that the general purposes of section 1-2 have been addressed and that positive findings have been found for section 5-4. A typo is on page seven of staff's opinion, section e should state that all three proposed parcels have access to the right-of-way and section f should state that the installation of sidewalks and

curbing along the frontage of all three proposed parcels will further increase safety to pedestrians.

Mr. Sullivan requested from the Planning staff a definition of a stacked vehicle and the number of stacked vehicles currently located on parcel 4. Planning staff stated that the current driveway configuration allows two legal parking spaces and the ordinance requires that a two-family dwelling have 4 parking spaces, with no more than two vehicles stacked.

Chairman Robinson asked William Conley, Esq. if the subdivision regulations grant to the Board the authority to require a specified amount of paved area to be removed from the site. William Conley responded that the subdivision regulations and zoning ordinance address impervious surfaces, the zoning ordinance as a maximum allowed percentage and the subdivision regulations through drainage and run-off requirements.

Mr. Hanner stated that Planning Staff recommends that the Board approve the subdivision based upon the following conditions: That the Board delegate final plan approval to the Administrative Officer; that the Board deny the applicant's request for a waiver from the installation of sidewalks and curbing along Follet Street, Mauran Avenue, and Bentley Street; and that the Planning Board grant conditional approval of the subdivision, as proposed, subject to the following eleven conditions:

1. The installation of a handicap ramp at the intersection of Mauran Avenue and Follet Street and the intersection of Mauran Avenue and Bentley Street;
2. Removal of the existing 3,500 sq. ft. paved area located on parcel 4;
3. That the final plan illustrates the placement of four (4) off-street parking spaces (9' X 20' or 10' X 18'), no more than two (2) spaces within the front yard, and no more than two (2) stacked (in tandem) parking spaces.
4. 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;
5. That the residential use of the proposed dwelling on lot A be restricted to single-family use and accessory uses in perpetuity;
6. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City's Right-of-way;
7. That any outstanding property taxes be paid to date before a final plan approval is granted;
8. That the title block of the Final Plan be revised to indicate Final Plan status;
9. 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
10. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.
11. That upon project completion, final "as-built" plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all

roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

Discussion occurred among Board members that removal of the asphalt area should be made as a condition of approval and that a sufficient amount of asphalt should be removed in order for the proposed parcel to conform to the drainage requirements of the subdivision regulations.

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 4-0, that the final plans must demonstrate a reduction of the asphalt paved area on parcel 4 to the satisfaction of the Director of the Department of Public Works that meets the standards of the Land Development and Subdivision Review Regulation.

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 4-0, to delegate final plan approval to the Administrative Officer.

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 4-0, to deny the applicants' request for a waiver of the installation of sidewalks and curbing along Follet Street, Mauran Avenue, and Bentley Street.

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 4-0, to conditionally approve the subdivision, based upon the following conditions:

1. The installation of a handicap ramp at the intersection of Mauran Avenue and Follet Street and the intersection of Mauran Avenue and Bentley Street;
2. That the final plan illustrates the placement of four (4) off-street parking spaces (9' X 20' or 10' X 18'), no more than two (2) spaces within the front yard, and no more than two (2) stacked (in tandem) parking spaces.
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 residential use of the proposed dwelling on lot A be restricted to single-family use and accessory uses in perpetuity;
5. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City's Right-of-way;
6. That any outstanding property taxes be paid to date before a final plan approval is granted;
7. That the title block of the Final Plan be revised to indicate Final Plan status;
8. 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

9. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.
10. That upon project completion, final "as-built" plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

B. Appl. #2003-12 Ashburton Road Minor Subdivision – Improvement Guarantee Reduction

Ms. Boyle indicated that the Planning Department had received a request from the developer of the Ashburton Road subdivision for a reduction in the improvement guarantee. Ms. Boyle asked Mr. Gordon to provide the Board with the Planning Department staff report regarding this request, contained in a memo to the Board dated March 9, 2005. Mr. Gordon explained that the Planning Department had received a request from the developer of the Ashburton Road subdivision for a partial release (80% or \$120,000 of the \$150,000 bond amount) of the improvement guarantee posted by the developer for public improvements to be installed in conjunction with this subdivision. Mr. Gordon noted that, in accordance with the "Land Development and Subdivision Review Regulations", all such requests for partial releases must be reviewed by the Director of Public Works who shall provide a recommendation to the Administrative Officer (i.e. Planning Director). Mr. Gordon indicated that the Planning Department had received a memo from the Public Works Director, dated March 8, 2005, recommending a 75% reduction in the improvement guarantee, equal to \$112,500. Mr. Gordon noted that the Planning Department concurred with this recommendation and was recommending Planning Board authorization for a reduction equal to this amount, and that the Finance Director be advised accordingly to release this amount. Mr. Gordon concluded by indicating that he would answer any questions that the Board might have. No questions were raised by the Board.

Based upon the recommendation of the Planning Department, ***Mr. Sullivan moved to grant a reduction in the improvement guarantee for the Ashburton Road subdivision from \$150,000 to \$37,500 and to notify the Finance Director accordingly. Second by Mr. Almeida. Motion approved 5-0.***

C. Sale of City-owned Properties;

Ms. Boyle informed the Board that City Manager, William Fazioli, was in attendance to present a request to sell City-owned property. Mr. Fazioli explained that City staff had identified 10 parcels as possible candidates for sale, to finance much needed capital improvements (e.g. Public Works vehicles, police

cruisers, salt shed). Mr. Fazioli noted that, in addition to the projected \$1.5 in revenue to be generated by the sale of these properties, their disposition would also eliminate the City's liability associated with them. Mr. Fazioli indicated that he would answer any questions that the Board might have.

Mr. Almeida stated that he would like to see the properties on James Street and South Broadway re-zoned to R-4 Residential and that they be limited to "single-family" use. Ms. Boyle noted that another way to achieve the same result would be to sell these parcels, subject to a restriction for single-family use. To re-zone these parcels would require a significant amount staff resources, as well as time, thereby delaying the sale of these parcels. Ms. Boyle also noted that in the case of the James Street property, there was sufficient land area to subdivide the property into two (2) lots, both of which would be limited by zoning to single-family use.

Chairman Robinson asked if there were any members of the public who wished to speak. Mr. Bill Reynolds (12 Russell Avenue) requested permission to speak. City Solicitor Bill Conley administered an oath to Mr. Reynolds. Mr. Reynolds explained that he had lived next to this parcel, which housed the former Welfare Department building, for many years and was asking that the Board recommend to the City Council that the neighbors to this property have the first opportunity to purchase this property, before the general public. Mr. Reynolds indicated that he was willing to pay "fair market value" for this property and wanted to be able to match any offer the City received. Mr. Reynolds was advised by Chairman Robinson that the neighbors would have the same opportunity to purchase this property that any member of the public would have, but that the City could not grant Mr. Reynolds request to be given first preference to buy the property. Mr. Reynolds thanked the Board for the opportunity to present his request.

The consensus of the Board was to restrict the James Street and South Broadway properties to single family use. Mr. Gordon noted that there were three (3) properties (Beacon Park Drive – 2) and Redland Avenue, which would require rezoning from Open Space to residential. At the conclusion of the Board's discussion, ***Mr. Sullivan moved to recommend to the City Council that all of the candidate properties be disposed of via public sale and that the Planning Board make a recommendation to the Council on an appropriate zone change for the three (3) properties currently designated as Open Space. Second Mr. Cunha. Motion approved 5-0.***

D. Recommendation – Peer Review of Traffic Study for Citizens Bank LDP, 10 Tripps Lane .

Ms. Boyle informed the Board that Citizens Bank was proposing an expansion of their Mortgage Processing facility at 10 Tripps Lane and was scheduled to appear at the Board's April 11th meeting. Ms. Boyle noted that the applicant had submitted a Traffic Impact Study (prepared by VHB, Inc.) as part of their

submission and that the Public Works Director had expressed a desire to have this study reviewed by an outside consultant. The Planning Department concurred with this recommendation and had solicited proposals from qualified traffic consultants from this work (responses attached). Based upon the responses received, the Planning Department (with the concurrence of Public Works) was recommending that Maguire Group be awarded this contract for their proposed fee of \$1,875. Based upon the Planning Department's recommendation, ***Mr. Almeida moved to award the contract for review of the traffic study prepared by VHB to Maguire Group. Second, Mr. Sullivan. Motion approved 5-0.***

V. CONTINUED BUSINESS

A. A. Staff Report

V. CONTINUED BUSINESS

A. Staff report

Ms. Boyle indicated that the Planning Department was recommending that the Planning Board authorize the preparation of a "Request for Proposals" for traffic engineering consulting services for the review of traffic studies presented to the Board in conjunction with land development and subdivision applications. Ms. Boyle explained that under this type of arrangement, the Board would have timely access to professional traffic consulting services and not need to solicit such services on a project by project basis. The Board concurred with this recommendation and asked that the Planning Department prepare such an RFP.

V. V. COMMUNICATIONS

A. Memo dated February 18, 2005 to the Zoning Board of Review from the Department of Planning, Re: Requests for Variances or Special Use Permit to be heard on February 23, 2005;

B. Copy of Chapter 19 "Zoning" Waterfront Zoning Supplement No. 26 dated 2/05.

VI. VI. ANNOUNCEMENT

The next meeting will be held on April 11, 2005, 7:30 p.m., Room 306.

VII. VII. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jeanne M. Boyle, Director
Department of Planning

JMB/sac
