

May 9, 2005 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES of MAY 9, 2005

Chairman Robinson called the meeting to order at 7:35 p.m.

Present were: Messrs. Batty, Robinson, Sullivan, O'Brien, Jeanne Boyle (staff), Diane Feather (staff), Patrick Hanner (staff).

1. SEATING OF ALTERNATE MEMBER

2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of April 11, 2005

Mr. Robinson said he will abstain from voting since he was not present at the April 11, 2005 meeting.

Motion

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously voted to approve the minutes of April 11, 2005 with Mr. Robinson abstaining.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Memo dated 4/20/05 to the City Council, Re: Request to Purchase City-owned Property, Harding Avenue, Map 313, Block 9, Parcel 5)

On A motion by Mr. O'Brien, seconded by Mr. Sullivan, the Board unanimously approved the Planning Board correspondence.

4. NEW BUSINESS

A. Rezoning Study of Catamore Boulevard

Rezoning of Catamore Avenue Area

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

Patrick Hanner gave the presentation, which included a power point presentation. He stated that the Planning Department completed a land use analysis of the Catamore Boulevard area which examined the current land uses and existing facilities to determine whether or not they are compatible to the existing zoning. There are four zone districts within the study area; a C-5, I-1, I-2 and an I-3 district. The C-5 district is one of the

most intensive commercial and retail zone districts within the City. The C-5 district also allows for light manufacturing, industrial offices, and gas stations. The I-1 district is the least restrictive and less intensive industrial zone of the City that includes uses such as business offices, limited manufacturing, medical research, and communication services. The I-2 district is slightly more intensive than the I-1 district; it prohibits business and communications services while allowing trucking terminals, metal reclamation and bulk storage of chemicals. The I-3 district is the most intensive industrial district which allows the uses found in the I-2 district such as trucking terminals, metal reclamation, bulk storage of chemicals and metal reclamation, and in addition, heavy manufacturing.

Mr. Hanner showed the Board the existing zoning of the area which depicts the different zoning districts. The study area consists of 75 parcels, from Warren Avenue, along Risho Avenue, extending along the Wampanoag Trail, following Amaral Street, and including properties along Catamore Boulevard.

Mr. Hanner noted that the majority of the uses within the study area are manufacturing and office uses. Open storage, business service, public utility, data processing, and automotive repair uses are also found in the study area. Of the 75 parcels in the study area, five are currently vacant. While all 20 of the manufacturing uses conform to their current zone classification, only 9 of the 25 office uses are conforming, the remaining non-conforming by use. Non-conforming uses are concentrated along Amaral Street and Hemingway Drive.

Mr. Hanner said that the land use analysis revealed that the I-3, I-2, and C-5 districts contribute to the non-conformity of the area and that if the entire area was rezoned as an I-1 district, the number of non-conforming uses decrease significantly. As an example, as an I-1 district, all of the office, manufacturing, business services, and data process uses would conform to zoning by use. Currently, of the 75 parcels in the study area, only 41 parcels conform to zoning, 20 are non-conforming, and 9 parcels are permitted uses provided the granting of a special use permit. The study area rezoned as an I-1 district would result in 54 parcels conforming, 12 parcels non-conforming, and 4 parcels permitted uses by the granting of a special use permit. Clearly, the existing uses within the study area are more compatible to an I-1 district than more intensive zoning such as the I-3, I-2, and C-5 districts.

The Planning Department recommends that the that the Planning Board request the City Council to proceed with a petition to rezone the Catamore Boulevard Area from its current zoning designation of I-3, I-2, and C-5 districts to an Industrial 1 (I-1) designation.

Mr. Sullivan asked if the 16 office uses that are currently non-conforming are located in a zone district that prohibits light office business. Mr. Hanner answered yes. They are most likely located in the I-2 or I-3 districts.

Ms. Boyle states that rezoning of the Catamore Boulevard area would allow the open storage uses to continue as non-conforming uses but their opportunity to expand would require a use variance, rather than the current zoning classification that requires a special use permit granted by the Zoning Board of Review.

Mr. Sullivan asks if the heavy industrial and manufacturing buildings grant the City more taxes than the salvage yards. Ms. Boyle states not necessarily because the

manufacturing equipment itself is tax exempt from property taxes. It is just the building and the land that is taxed.

Ms. Boyle states that the office uses are under a hardship at present. So many of them are non-conforming. Any expansion for them would require them to go before the Zoning Board for a use variance. The other problem is that you do have some properties that are heavy manufacturing that are not compatible with the abutting residential and are not compatible with some of the other light manufacturing uses. The character of Catamore Boulevard and the surrounding area is office and light manufacturing which is much more appropriate for this location.

Mr. Robinson asked if there was any heavy manufacturing currently within the study area? Ms. Boyle answered only the salvage yards. The salvage yards will be able to remain zoned as an I-1 district, but it makes it more difficult to increase the number of salvage yards in the area. Ms. Feather noted that Planning sees it as a protection from heavy manufacturing uses coming into the area and a protection to the high-end office and data-processing businesses that are currently established in the area. The Catamore Boulevard area has developed as a light manufacturing, high-end office campus that deserves protection from additional scrap yard or recycling operation. Ms. Boyle gave an example such as Starkweather and Shepley is right across the street from a vacant lot which if not rezoned, could end up a salvage yard. An insurance company does not want to be located across the street from a salvage yard.

Ms. Boyle also reminded the Board that this recommendation to rezone the area was part of the City's Comprehensive Plan which went through an extensive review process and formally adopted by the City Council as policy.

Mr. Sullivan states he agrees with the staff recommendation because of the noise and pollution from the industries and that regular businesses do not create a lot of noise or pollution such as manufacturing or heavy industry uses. Ms. Boyle and the Board agreed. Discussion followed regarding the Comprehensive Plan designated the Runnins River as a critical area and concerns about protecting it from any further degradation. Planning staff concluded that an industrial area adjacent to a fragile wetland system does not make sense.

Motion

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

Motion

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the Board voted to recommend to the City Council to proceed with a petition to rezone the 75 parcels listed in the staff memorandum from their current zoning designation of I-2, I-3, and C-5 to an Industrial-1 District.

Roll Call Vote

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| Mr. Sullivan | Aye |
| Mr. Batty | Aye |

Mr. O'Brien Aye
Chairman Robinson Aye

B. Release of Performance Guarantee, Application #2002-21 Minor Subdivision – 56 and 60 Reynolds and 107 North Hull Street, Map 206, Block 21, Parcels 11, 12 and 13.

Ms. Boyle explained that this is a subdivision for David DiPalma was approved by the Planning Board on January 12, 2004. The application was required to post a performance guarantee in the amount of \$17,800 for the installation of sidewalks, a handicap ramp and also granite bounds. They have completed those improvements to the satisfaction of the Department of Public Works and are requesting that the performance guarantee be released. We recommend release of the entire performance guarantee by the Board.

Motion

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously approved the release of the performance guarantee.

Roll Call Vote

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

C. Appl. #2005-02 Minor Subdivision – 1001 Willett Avenue, Map 513, Block 52, Parcels 3 and 6

Mr. Joseph Proietta, attorney for the applicant, was sworn in. He states there are at present two existing residential structures. The first is on 1001 Willett Avenue and the other is on Franklin Street. The lot with the Franklin Street address is the narrow lot and the main lot is at 1001 Willett Avenue. There are two residential lots and two residential structures, the one on the existing Franklin Street lot being undersized. We propose to bring it into conformance with Zoning so that if we want to sell off the Franklin Street residence it can be sold and in addition we can create a new lot that can also be sold. We want to keep the character of Willett Avenue lot and keep it zoned as commercial and the other two zoned as residential. The two proposed residential lots are in conformance with Zoning. The Willett Avenue commercial lot is short 2 1/2 feet in depth. There is adequate square footage on Lot 1 fronting on Willett Avenue which is 13,578 sq. ft., and which has an existing single-family residence.

Regarding sidewalks, Mr. Proietta said he is verbally requesting this evening that the Board waive the sidewalks and the granite curbing. It was noted on the plan that sidewalks would be constructed on Franklin Street, but they would now like to request a waiver for that. There are no plans right now to sell any of the lots. It is just being done for convenience and for estate planning purposes.

Mr. Batty asks if 1001 Willett Avenue is empty? Attorney Proietta answered no, Mrs. Harrison, the owner, lives there. Her sister-in-law and niece live at the Franklin Street property.

Mr. Robinson states that the surrounding properties do have granite curbing and on the north side there is wooden curbing. There are no sidewalks though on either side of the street.

Mr. Robinson asks if there are any questions?

Mr. Sullivan asks to be shown exactly the existing property lines and the new lines. Ms. Feather explained the existing lines and the proposed lines of the property.

At this time, Ms. Feather of the Planning Department went through the staff report. She asks for the Board to enter the staff recommendation into the record.

She explained the applicant is requesting a three-lot subdivision. It has existing frontage on Willett Avenue and existing frontage on Franklin Street. There are two lots at present. The existing single-family that fronts on Franklin Street straddles the property line of the two lots. Both of those structures well pre-date the adoption of zoning in East Providence. She noted this was a minor subdivision. She explained that there are two stages of plan review; preliminary and final. Notice was sent to the abutting property owners on May 3, 2005 by certified mail. We did not receive any phone calls or walk-ins to review the plan.

Ms. Feather noted that the third lot proposed would be a new buildable lot for a single-family home fronting on Franklin Street. Lot 1 fronting on Willett Avenue is proposed to be 13,578 square feet, Lot 2 fronting on Franklin Street is a 6,012 square feet and Lot 3 is also 6,012 square feet. The property is roughly divided down the middle by a zoning district boundary line. The C-1 portion is on the Willett Avenue frontage and R-4 portion is on the Franklin Street frontage. The lot depth of Lot 1 is 97.15 feet which is roughly 2.8 feet short of the minimum depth of 100 feet. They would have to go before the Zoning Board for a variance. Staff does not consider this a significant deviation. The lot is over-sized in area and has a more than adequate building envelope, that is, the area of the lot that does not include the front, rear and side setbacks, for a commercial structure is they choose to construct one at some point.

Lots 2 and Lot 3 have more than enough width and depth, and lot area as well. The only comment from the Zoning Officer is that there was a slightly deficient lot depth for Lot 1, for which the applicant will have to petition the zoning board for a variance. If they get conditional subdivision approval from the Planning Board, they may then go to the Zoning Board to get the variance on lot depth, and we recommend that they may then return to the Administrative Officer for final plan approval.

Ms. Feather noted she included a photograph in the staff report that shows some granite curbing in place on the frontage of Franklin Street (taken from Metropolitan Park Drive). The curbing extends for maybe a distance of 100 feet. There is also some timber curbing on Franklin Street. Staff feels it is appropriate to have granite curbing, and people in the area feel there is a need for curbing and have installed some curbing. If we add to the current lot that has a granite curbing with these two lots, then hopefully other people along the street will participate in the City's granite curbing program. Staff

feels the curbing helps maintain the pavement edge of the roadway and prevents some of the parking that tends to go into the right-of-way where the sidewalk would be. We feel it is appropriate to grant the requested waiver for the sidewalks since it is a very short street, it doesn't appear to be a cut-through street and has very low traffic volume.

Comprehensive Plan and Required Findings

Ms. Feather explained that the C-1 portion of the property will remain commercially zoned. There is a pre-existing residential use there that they indicated in the petition and verbally as well that that will be maintained. At some future point it is commercially zoned and it is a large enough parcel that some kind of commercial use could be established there. It is consistent with the Comprehensive Plan.

1. That the residential use of lots 2 and 3, the lots fronting on Franklin Street be restricted to single-family uses and accessory uses in perpetuity and a note be placed on the final plan;
2. That any outstanding comments of the Department of Public Works be satisfactorily addressed in the Final Plan submission;
3. That all necessary variances be obtained from the Zoning Board of Review prior to Final Plan approval, and that the date of the granting of these variances be placed in a note on the Final Plan;
4. That the title block of the plan be revised to indicate Final Plan status;
5. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;
7. That a performance guarantee in the amount of \$2,205 be submitted with the Final Plan application, and that the guarantee shall be subject to approval of the City Solicitor and Finance Director prior to recording of the Final Plan; and
8. That the Final Plan be submitted on mylar, and electronic format in AutoCAD version 14.

Enter Staff Memorandum into Record

On a motion made by Mr. O'Brien, seconded by Mr. Batty, the Board voted 4 – 0 to enter the staff memorandum and all its attachments into the record of the application before the Board.

Roll Call Vote

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| Mr. Sullivan | Aye |
| Mr. Batty | Aye |
| Mr. O'Brien | Aye |

Chairman Robinson Aye

Request for Waivers

On a motion by Mr. Batty, seconded by Mr. Sullivan, the Board voted to grant the requested waiver with respect to the sidewalks, but not with respect to the curbing.

Roll Call Vote

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

Vote on the Subdivision

On a motion by Mr. Batty, seconded by Mr. O'Brien the Board voted to approve the subdivision, as proposed, based upon the submitted application and testimony presented to the Planning Board tonight and include the staff report and attachments from various City departments, based on a finding that all of the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed and positive findings were found for all the standards of Section 5-4 Required Findings, and that the proposed subdivision is consistent with the East Providence Comprehensive Plan.

Roll Call Vote

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

Delegation of Final Plan Approval to the Administrative Officer

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted to give Final Plan Approval to the Administrative Officer.

Roll Call Vote

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

5. CONTINUED BUSINESS

A. Staff Report

Ms. Boyle informed the Board that Appl. #2004-27 Minor Subdivision, 435 Waterman Avenue and George Street, Applicant: David A. and Fatima Bairos

who came in for a proposed 2-lot Minor Subdivision on Existing Frontage at last month's meeting which was not approved by the Planning Board is being appealed by the applicant to the Zoning Board of Review. The applicant's claim is that the Planning Board did not take into consideration the non-conforming status of the existing three-family dwelling on the site. I received a packet from the Zoning Division this week. They will be requesting a copy of the Planning Board minutes as they have done for previous appeals.

Mr. Sullivan asked the basis of the appeal. Ms. Boyle states that the argument of the petitioner was that this Board did not take into due consideration the non-conforming status of the existing three family dwelling on the site. Ms. Boyle noted that she did receive a copy of the appeal, but does not know if it will be on the next Zoning Board docket.

The Board asked about the appeal of the Linden Street subdivision that was appealed by the applicant. Ms. Boyle states that it is still going through the court process.

Ms. Boyle informed the Board that she has been trying to schedule a meeting with Citizens Bank to finalize the LDP preliminary plan. We are still awaiting to hear from them as to their availability.

Mr. Batty noted that because they excavated a lot of loam and there was an old foundation involved they felt if they asphalted right away they will be some settlement and they want to let it set it a while. There is no landscaping taking place as yet. Ms. Boyle stated that there is an "in-between" use. They are moving in one division from the mid-west on a temporary basis, but it was underneath the threshold of the Land Development Project. That striping that is down right now is just for the temporary use. When they come before the Board for the preliminary and final approval, then they will actually proceed with the full-build which is the full construction of the parking lot and the full redevelopment where they will bring in 200 jobs.

Ms. Boyle states she met with the potential developer of the Rumford Center; the Rumford mill property on the corner of Greenwood Avenue and North Broadway located in the brick building. There are several structures in there, all of which are eligible for the National Register of Historic Places. The same developers who did the Rossccommons development, Peregrine Inc., are proposing to re-develop that whole complex. It is zoned currently industrial and they would have to rezone it to a mixed use district because some of the buildings will be condos, warehouse, use, retail, office space, and maybe keep some of the artists that are there. They will be before the Board as a Land Development Project. The Historic agencies will also be involved with this project because of the historical buildings.

Ms. Boyle also reported there has been some interest in the Leonardo property which is back on the market. She has been approached by some multi-family developers.

Ms. Boyle reported that another property being contemplated for multi-family development by Carpionato Corp. is on the corner of Reardon Avenue, with frontage on the Wampanoag Trail. This is a 10-acre parcel that the City sold to Carpionato Corporation. It will be about 150 units and will also come before the Planning Board for

the rezoning, a land development project approval, and a Comprehensive Plan amendment.

Mr. Batty asked about the historic property next to St. Martha's Church and status? Ms. Boyle stated the applicant is working on it, but nothing has been filed with the Planning Department yet. She said she met with Mr. Mateus which is proposing a 9-lot subdivision, but it never went beyond the discussion stage. He is dealing with some environmental issues and working out the easements with the electric company since it is transversed by the transmission lines.

Ms. Feather states that the Tobias Freitas subdivision on First Street that the Board previously denied for the two-lot subdivision is now undergoing construction for an addition so that he will have a two-family use on *one* single lot. She wanted the Board to now because there is some excavation going on.

6. COMMUNICATIONS

Regarding the April zoning cases, they were not submitted by the Zoning Officer in time for the Planning Department to make their recommendation so there is no recommendation for the April Zoning Board meeting from Planning. The next meeting of the Zoning Board will be on May 25, 2005.

7. ANNOUNCEMENT

A. Next Meeting – Monday, June 13, 2005, 7:30 p.m., Room 306

8. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

submitted,

Respectfully

Michael Robinson
Chairman

MR/JMB/sac