

November 14, 2005 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF NOVEMBER 14, 2005

Present: Mr. Almeida, Mr. Cunha, Mr. Gerstein, Mr. O'Brien, Mr. Robinson, Jeanne Boyle (staff), Diane Feather (staff), James Moran (staff), and City Solicitor William Conley.

1. SEATING OF ALTERNATE MEMBER
2. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of November 3, 2005

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the minutes of November 3, 2005 were approved with the correction that Mr. Cunha was present at that meeting. It was so noted.

It was noted that the minutes of August 22 and September 12, 2005 would be forthcoming.

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE
4. NEW BUSINESS

A. Request for Release of Performance Guarantee – Appl. #2003-22 Minor-Lyon Avenue, Map 106, Block 31, Parcel 8;

On November 13, 2003, the Planning Board granted a Preliminary Plan approval for a four (4) lot minor subdivision for the above referenced property. As a condition of approval, the Planning Board required the applicant to post an improvement guarantee in the amount of \$13,000 for the installation of concrete sidewalks along the frontage of the four (4) proposed parcels and a handicap ramp at the intersection of Lyon Avenue and Juniper Street.

This Planning and Public Works Departments have inspected the site and all of the improvements have been installed to City standards. The Planning Department is requesting the Planning Board to release the full amount of the improvement guarantee, which is \$13,000.

On a motion by Mr. seconded by Mr. the Board voted unanimously to release the performance guarantee in its entirety.

Diane to fill in below – rumford center

B.1. LDP/Master Plan and Subdivision - Public Informational Meeting – File # 2005-15 “Rumford Center” – Proposed Residential and Commercial Development; 176 Greenwood Avenue at Newman Avenue, Applicant – PK Rumford LLC, Owner – HOD Associates (William Harty Jr.); Assessors Map 403, Block 23, Parcel 1, Current Zoning: Industrial – 3

2. Requested Zoning: Commercial – 2 with Mixed Use Floating Zone Area: 8.3± Acres, # 2005-15 “Rumford Center” – Proposed Residential and Commercial Development; 176 Greenwood Avenue at Newman Avenue, Applicant – PK Rumford LLC, Owner – HOD Associates (William Harty Jr.); Assessors Map 403, Block 23, Parcel 1, Current Zoning: Industrial – 3

Motion – Grant Conditional Approval as proposed – Rumford Center

On a motion by Mr. Almeida, seconded by Mr. Sullivan the Board voted to grant conditional approval of the proposed subdivision.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O’Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Delegation of Final Subdivision Final Plan Approval – Rumford Center

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to approve the delegation of final plan approval to the Administrative Officer, Jeanne Boyle.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O’Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Master Plan Approval – Rumford Center

On a motion by Mr. Sullivan, seconded by Mr. O’Brien, the Board approved the Master Plan for 2005-15 “Rumford Center”

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O’Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Requested Zone Change – Rumford Center

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to approve the requested zone change for 2005-15 Rumford Center.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

C. Appl. #2005-17 Minor Subdivision – 2261 Pawtucket Avenue, Map 406, Block 13, Parcel 1, Applicant: Cumberland Farms, Owner: VSH Realty, 777 Dedham St., Canton, MA

Sam Hemingway, Project Engineer for the firm Garofallo and Associates, 85 Corliss Street, Providence, RI gave the presentation and stated that the applicant seeks a request for the subdivision of a single lot which is commercially zoned into two separate lots. The property is located on Pawtucket Avenue immediately north of Grosvenor Avenue. The property is just 36,355 square feet. It is in a split zoning district and the project does abut residential neighborhoods and zones.

There is an existing Cumberland Farms convenience store with six pumps on the site. It was recently upgraded from a Gulf Station with a service phase to a Cumberland Farm facility which has been operating for two years. The majority of the developed portion of the site fronts on Pawtucket Avenue. There are two primary entrances on Pawtucket and the other entrance is located on Grosvenor Avenue west of Pawtucket Avenue. Currently Grosvenor Avenue has granite curbing and concrete sidewalks. Sidney Street does not have either. We propose to cut off a portion of the lot that is not utilized for Cumberland Farms. The proposed lot does not conform to the minimum requirements of the C-1 District by area. Once the applicant cuts off that land he will sell it, but they have no plans to develop it at this time. They will make some improvements on the lot. Because of the C-1 district we have selected a use and a small office building has been indicated on the plan.

Tape B 385

Mr. Hemingway said that the applicant has requested waivers from the curbing and sidewalk requirements of the City. He said that several uses of this property have been discussed and that there may be potential to do residential or some other non-conforming uses, but for right now that just want to cut the land out and market it.

Tape B402

At this time, James Moran went through the staff recommendation. He explains that it is a split zone of C-4 and C-1 districts. 85 percent of parcel 1 is in the C-4 district; the rear portion being within the C-1 district. The minimum requirement for a C-1 district is for a 10,000 square foot parcel. This parcel is an 8,141 foot parcel which is short of the requirement under Zoning. The Zoning Officer discusses the width requirement and at

present 72 feet is provided. These are issues that would have to be resolved at the Zoning Board hearing subject to the approval of the Planning Board.

The conceptual design indicates a small office building or business. This application was reviewed by the Department of Public Works and Fire Department for review. The Department of Public Works had a number of design review comments associated with the development. The City Engineer and Mr. Hemmingway discussed the issues. It was determined that many of the issues associated with that memorandum could potentially be reviewed in the future once a design is more settled as to what exactly will be occurring there. Some of those were deferred until such time a more definitive development plan is submitted. In the staff recommendation we state that prior to the final plan approval that they should address those items under that memorandum including Item 2, 3, 4, 6, and 10 through 13.

Based on the finding that the proposed subdivision is consistent with the East Providence Comprehensive Plan, that it meets the General Purposes of Article 1 of the Regulations and that the required positive findings of Section 5-4 can be met, Planning recommends Conditional Approval of the requested Preliminary Plan submission subject to the following:

1. That all comments in the technical staff memoranda to the Planning Department and all other requested modifications identified in this recommendation memoranda be incorporated into the plans as submitted; and that any and all conditions of the Planning Board approval be reflected in the Final Plan submission;
2. That the Final Plans and supporting documentation be based upon this Preliminary Plan approval;
3. That the applicant obtain the necessary Zoning Variances as identified by the City Zoning Officer in his technical review memorandum of October 24, 2005;
4. That a performance guarantee be submitted to the City under Final Plan approval for the costs associated with the installation of sidewalks and granite curbing along the frontage of Sidney Street. The amount shall be calculated by the applicant's engineer and submitted to the Department of Public Works for review and approval;
5. That the Title Block of the Final Plan be revised to indicate Final Plan status;
6. That the proposal meets all applicable City, State and Federal regulations and requirements;
7. 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; and

8. That in the event of commercial development on the site, physical access to the development shall be restricted to Grosvenor Avenue only and;

9. In the event of a commercial use, access should be limited to Grosvenor Avenue with no curb cuts on Sidney street.

Mr. Moran states that if someone comes in with a potential residential building, then that would require that they approach the Zoning Board for a use variance or rezoning for any residential development in that location. However, the Planning Department has reviewed this for an office development, not a residential and that is how staff has approached it. He noted that staff felt because of the low proximity of this particular corner to retail development that it is best suited to have sidewalk and curbing along the entire frontage of that development. Staff recommends that the Board deny the requested waivers.

Consistency with the Comprehensive Plan

Mr. Moran states that this particular section of Pawtucket Avenue has a designation with the City's Comprehensive Plan for retail district including office as long as it is compatible with the surrounding uses.

IV. RECOMMENDATION

A. Waiver Request

The applicant is requesting a waiver from the sidewalk and granite curbing requirements of the Regulations. The staff recommendation on the requested waivers is denial and is summarized below for a separate vote of the Board:

<u>Requested Waiver</u>	<u>Required</u>	<u>Proposed</u>	<u>Recommendation</u>
1. Section 13-6 (a) Sidewalks	yes	Waive on Sidney Street	Deny
2. Section 13-3 (m) Curbs	granite	Waive on Sidney Street	Deny

C. Final Plan Review

The Department of Planning recommends that Final Plan review be delegated to the Administrative Officer as covered under Section 9-10 of the Land Development and Subdivision Review Regulations. Several key issues have been identified by staff under the application's substantive review process, however Planning is of the opinion that these items can be adequately reviewed under a ministerial Final Plan Review.

Tape C009

Ms. Boyle states that although staff requires that the commercial development shown on the conceptual plan and we recognize that when it comes time for development it may very well change. There is one critical aspect of that conceptual plan and that is that the access for commercial use needs to be on Grosvenor Avenue. The Board may want to consider an additional condition that there be no curb cut onto Sidney Street in the event that a commercial development takes place.

Chairman Robinson asks if there are any questions.

Joseph Lima and Maria Lima of 64 Sidney Street said they are concerned about the traffic and that Maria's business will be boxed in on one side and then Cumberland Farms on the other side. They asked about how high the building would be. Ms. Boyle states that any type of commercial development that takes place there, there are going to be zoning standards that will have to be followed. The zoning standards do have minimum requirements for rear setback and also for buffering between the commercial and residential uses. With those safeguards in place it will minimum the impact on the residential property next door.

Mr. Sullivan states that they are requesting to subdivide this property, but will not have to put in any of the sidewalks, curbing etc. It will just be a piece of property that is dormant. Will the new owner have to do all that. Ms. Boyle states that is correct, but before the new owner comes along, they will be required to post a performance guarantee for any public improvements. Those are in place regardless of whoever the successor owner is. The property owner either has the opportunity to put those improvements in place themselves and put that performance guarantee in place and wait for the next person to actually construct those improvements. The public improvements relate to whether or not this Board grants the waiver to the sidewalk and curbing.

Mr. Robinson feels that that area calls for sidewalks and curbing and does not feel that the waivers should be granted.

Motion to admit the staff memorandum and supporting exhibits into the record.

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

Motion – Requested Waivers on Sidewalks and Curbing

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the Board voted to deny the request for waivers on sidewalks and curbing.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Waiver Request along Sidney Street

On a motion by Mr. Sullivan, seconded by Mr. O'Brien the Board voted to deny the requested waiver of granite curbing along Sidney Street

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Conditional Approval

Based on the findings of the Planning Department who recommends conditional approval of the requested preliminary plan submission subject to the following nine items, which includes no curb cuts on Sidney Street, the Board accepts the staff recommendation.

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to accept the staff recommendation and to include condition number 9 that there be no curb cuts on Sidney Street in the event of a commercial use, access should be limited to Grosvenor Avenue.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

Motion – Final Plan Approval

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the Board unanimously voted to approve the final plan.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Robinson	Aye

5. CONTINUED BUSINESS

A. None

6. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the communications below were accepted and made part of the Board's official record

A. Copy of a memorandum dated 11/10/05 to Planning Director from the City Solicitor Re: Petition for Removal of Planning Board Member

B. Copy of memo to the Zoning Board of Review from the Department of Planning, Re: Request for Special Use Permit or Variance to be held on October 26, 2005

C. Copy of Memo dated 10/6/05 to all commissions from Assistant Solicitor, Greg Dias Re: Prohibited Activities-Gifts.

D. Copy of letter from Chairman Robinson to Director of Planning and Vice Chair, Re: Response to the petition letter of 11/10/05 to remove a planning board member (distributed at the 11/14/05 meeting)

7. ANNOUNCEMENT

A. Next Meeting – *Monday, December 12, 2005, 7:30 p.m., Room 306*

8. ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Jeanne M. Boyle
Director

JMB/sac