

# **April 19, 2004 - Regular Planning Board Meeting**

## **CITY OF EAST PROVIDENCE**

### **PLANNING BOARD**

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#### **Minutes of April 19, 2004**

Present were: Messrs., Batty, Cunha, Gerstein, O'Brien, Robinson, Sullivan, James Moran (staff), Zachary Gordon, (staff), and Assistant City Solicitor Timothy Chapman

#### **I. SEATING OF ALTERNATE MEMBER**

#### **II. APPROVAL OF PLANNING BOARD MINUTES**

##### **A. Minutes of October 14, 2003**

On a Motion by Mr. Batty, Seconded by Mr. O'Brien, the minutes of October 14, 2003 were approved by the Board and made part of the official record.

##### **B. Minutes of November 12, 2003**

On a Motion by Mr. Batty, Seconded by Mr. O'Brien, the minutes of November 12, 2003 were approved by the Board and made part of the official record.

##### **C. Minutes of February 19, 2004**

On a Motion by Mr. Batty, Seconded by Mr. O'Brien, the minutes of February 19, 2004 were approved by the Board and made part of the official record

#### **III. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

A. Memorandum dated 3/19/04 to the City Council, Re: Comprehensive Plan Draft Update

On Motion by Mr. Batty, Seconded by Mr. O'Brien, the Board approved the Planning Board Correspondence.

#### **IV. NEW BUSINESS**

A. Application #2004-06 Administrative Subdivision - 95-105 Newman Avenue, Applicant: Marshall Newman LLC

Mr. Moran provided the staff report on the subdivision recommendation. He stated that the necessity for a zoning variance for percent impervious coverage was the reason why this subdivision was before the Board. Mr. Moran indicated that the proposed subdivision does not create any new parcels and is being requested, according to the applicant, to "own, instead of lease, the land currently used for parking". And that the subdivision would move the lot lines to bring all of the leased spaces on parcel 5 into parcel 6. No changes to the configuration of this property were being proposed and the purpose for this subdivision is solely associated with the desire by the petitioner to bring a leased portion of the parking area into single ownership.

Mr. Moran stated that the City Engineer had indicated in his review memoranda that a portion of the existing sewer line for the new lot 5 would encroach onto the new lot 6. He recommended that the applicant submit a metes and bounds description for the new utility easement on new lot 6. Mr. Moran said that a subsequent conversation with Ms. Christine Engustian, Marshall's attorney, showed that in addition to the public sewer easement, there were numerous private easements associated with the development. She requested that in place of a metes and bounds description, that they be allowed to record and updated easement combining all public and private easements into a single easement to be recorded in conjunction with the recording of the subdivision. The Department of Planning indicated that it had no objection to this arrangement, provided it was acceptable to the Department of Public Works. Mr. Corvi stated that he discussed this arrangement with Attorney Engustian, and had no objection to taking this approach as an alternative to recording the metes and bounds description.

Mr. Moran read the recommendation into the record: 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 Approval of the requested Administrative Subdivision submission subject to the following:

1. That all comments in the technical staff memoranda to the Planning Department (as attached) be incorporated into the plans as submitted;
2. That the petitioner obtain the necessary zoning variance for total impervious coverage prior to the submission of Final Plans to the Administrative officer;
3. That all existing utility easements and any other applicable easements within the area of parcel five being conveyed to parcel six, including the existing City sewer line, be combined into a single easement to be recorded in conjunction with the recording of the subdivision. The easement will be subject to the review and approval of the City Legal Department.

On a Motion by Mr. Batty, Seconded by Mr. Sullivan, the Board voted to admit the staff report and recommendations and attachments into the Board's official record.

On Motion by Mr. Batty, Seconded by Mr. Sullivan, the Board voted to grant approval of the Administrative Subdivision subject to the conditions set forth in the staff recommendation.

B. Application #2004-02 Minor Subdivision - Leonard Avenue, Applicant Luis Mateus, Map 306, Block 17, Parcels 1 and 2

Chairman Robinson introduced the case and requested that the Planning Department staff present its analysis and recommendation.

Mr. Zac Gordon provided the Board with an overview of this proposal. Mr. Gordon began by noting that there were several revisions to the plans, which are not reflected in the staff memorandum. One such change was the withdrawal of the applicant's request for a waiver from the requirements for the installation of sidewalks and granite curbing along the subdivision's frontage. A second revision was the addition of a 12' x 12' dry well on each lot, to handle runoff from the sites (roof drains would be directed to these areas). Mr. Gordon explained that his presentation would incorporate these comments.

Mr. Gordon noted that this was an application for a four (4) lot minor subdivision, involving two (2) existing lots. Parcel 1 was approximately 20,780 square feet in area and Parcel 2 was approximately 7,200 square feet in area. Mr. Gordon explained that the proposed subdivision would create four (4) lots, each approximately 7,000 square feet in area. Mr. Gordon explained that, in terms of environmental conditions, the site is the location for a significant amount of coal fly ash. A Phase I and limited Phase II environmental assessment by Hoffran Engineering has confirmed the presence of this material and includes a remediation plan to insure compliance with RIDEM regulations. Mr. Gordon explained three (3) options for site remediation as follows:

- Option 1- Removal of all contaminated material offsite to the Johnston Landfill
- Option 2 - Removal of the soil to be impacted by the proposed site development and capping the remainder of the site with a geotextile fabric and 12" of clean fill. This option would also include the imposition of an "Environmental Land Use Restriction (ELUR)" on the property, which would prohibit certain activities on the site (i.e excavation)
- Option 3 - Dilution of the contaminated soils with clean fill, to reduce the concentration of lead, arsenic and other contaminants to a level that was considered safe for residential use.

Mr. Gordon noted that options 1 & 3 appear to be cost prohibitive, but that whatever option is chosen, the site remediation plan would need to be approved by RIDEM and be a condition of any approval granted by the Planning Board.

Mr. Gordon advised the Board that traffic and drainage impacts from the proposed subdivision were minor. With respect to zoning, Mr. Gordon noted that each of the four (4) proposed lots were in conformance with all applicable zoning regulations.

Mr. Gordon noted that City staff had reviewed the proposed subdivision and these comments were attached to the Planning Department's staff memo to the Board. Mr. Gordon reiterated that the applicant had withdrawn his request for waivers from the requirement for the installation of concrete sidewalks and curbing.

Mr. Gordon noted that the plan was consistent with the City's Comprehensive Plan and also met the "General Purposes (Article 1) and Required Findings (Section 5-4) of the City's "Land Development and Subdivision Review Regulations".

Mr. Gordon concluded his presentation by stating that the Planning Department was recommending "Preliminary Approval" of the proposed, subject to the following conditions:

1. that the title block be revised to indicate Final Plan status;
2. 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;
3. that the applicant meet all applicable RIDEM regulations for the full remediation of the site, including, but not limited to preparation of a "Site Investigation (SI)" and "Remedial Action Work Plan (RAWP)", prior to the granting of Final Plan Approval and that the final plan include a reference to any Environmental Land Use Restriction (ELUR) imposed by RIDEM.

Mr. Gordon also noted that the Planning Department was recommending that Final Plan Approval be delegated to the Administrative Officer, subject to compliance with all required conditions of this approval.

Mr. Robinson thanked Mr. Gordon for his presentation and asked if there were any questions from the Board. Mr. Batty asked the applicant, Mr. Luis Mateus, what remediation plan the applicant was going to select?

Mr. Mateus indicated that his consultant would be performing additional analysis regarding the best alternative for remediation and work in consultation with RIDEM to produce a final remediation plan.

Mr. Mateus noted that historically this site was the location of a wood burning stove and that the ash from this stove was discarded on the property.

Mr. Cunha asked for clarification that the existing house on parcel I would be demolished. Mr. Marcus confirmed that this was so and that four (4) new homes would be constructed on these lots.

**On a motion by Mr. Sullivan, seconded by Mr. Batty, the Board voted unanimously to accept and enter the Planning Department staff memorandum into the record.**

Chairman Robinson called for a motion on the request for minor subdivision approval. On a motion by Mr. Batty, seconded by Mr. Sullivan, based upon a finding that the proposed minor subdivision is consistent with the East Providence Comprehensive Plan, that the proposal meets the General Purposes of the East Providence Land Development and Subdivision Review Regulations (Article 1) and that positive findings can be met for the standards set forth in Section 5.4 of the regulations, the Board votes to grant Preliminary Approval to the proposed minor subdivision, subject to the following conditions:

1. that the title block be revised to indicate Final Plan status;
2. 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;
3. that the applicant meet all applicable RIDEM regulations for the full remediation of the site, including, but not limited to preparation of a "Site Investigation (SI)" and "Remedial Action Work Plan (RAWP)", prior to the granting of Final Plan Approval and that the final plan include a reference to any Environmental Land Use Restriction (ELUR) imposed by RIDEM.

**On a roll call vote:**

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

**Motion approved 5-0.**

On a motion by Mr. Batty, seconded by Mr. Sullivan, the Board voted to delegate Final Plan Approval to the Administrative Officer, subject to compliance with the terms of the preliminary approval granted by the Board.

**On a roll call vote:**

Mr. Cunha - Aye  
Mr. O'Brien - Aye

Mr. Sullivan - Aye  
Mr. Batty - Aye  
Mr. Robinson - Aye

Motion approved 5-0.

C. Lien release Request by Scott Smith - Park Drive, Map 513, Block 17, Parcel

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Mr. Moran reviewed the memorandum to the Board and referred the details to City Engineer Alan Corvi who stated that due to the installation of new drainage facilities in the street, Public Works no longer required a drainage easement through the subject property and as such did not object to the release of the easement. After additional discussion the Board determined that the recommendation should provide a stipulation that Mr. Smith physically remove the drainage facilities from the easement as a condition of the approval. Mr. Smith stated that it was his intention to remove the drainage lines in order to facilitate future development on the parcel.

On Motion by Mr. O'Brien, Seconded by Mr. Cunha, the Board voted to admit the staff report and recommendations and attachments into the Board's official record.

On a Motion by Mr. Sullivan, Seconded by Mr. Batty, the Board voted to approve the release of the easement subject to the stipulation that the petitioner remove the drainage facilities from the easement.

## **V. CONTINUED BUSINESS**

### **A. Staff Report**

There was no discussion under the staff report

## **VI. COMMUNICATIONS**

The Board approved the following communications and made them part of the official record:

- A. Appeal to the Zoning Board of Review - Filed by Gianlorenzo & Sons Construction regarding the subdivision proposed at Dover Avenue and Cushman Avenue;
- B. Memo dated March 26, 2004 to the Zoning Board of Review from the Department of Planning Re: "Requests for Variance or Special Use Permit to be held on March 31, 2004.

## **VII. ANNOUNCEMENTS**

Mr. Robinson announced that the next meeting of the Planning Board will be held on Monday May 10, 2004, 7:30 p.m. Room 306.

## **VIII. ADJOURNMENT**

On a Motion by Mr. Batty, Seconded by Mr. Sullivan, the Board unanimously voted to adjourn the meeting.

The meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Michael Robinson  
Chairman

MR/JMB/sac