

August 23, 2004 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF AUGUST 23, 2004

Present: Messrs. Almeida, Batty, Cunha, O'Brien, Robinson, Sullivan, Jeanne Boyle (staff), Diane Feather (staff), Patrick Hanner (staff), and William Conley, Solicitor.

I. SEATING OF ALTERNATE MEMBER

II. APPROVAL OF PLANNING BOARD MINUTES

It was noted that the Minutes of July 19, 2004 would be forthcoming.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Batty, seconded by Mr. Sullivan, the correspondence below were made part of the Board's official record.

A. Memo dated August 3, 2004 to the City Council Re: Disposition of City-owned property, Crescent View Avenue, Map 513, Block 16, Parcel 1

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the correspondence below were made part of the Board's official record.

B. Memo dated July 30, 2004 to the City Council Re: Recommendation on Requested Zoning Map Amendment, 27 Newman Avenue (former Rumford Fire Station) from Open Space to Residential-3

On a motion by Mr. Almeida, seconded by Mr. O'Brien, the correspondence below were made part of the Board's official record.

C. Memo dated August 3, 2004 to the City Council, Re: Recommendation on Proposed Comprehensive Plan Amendment (former Rumford Fire Station) Current Land Use Designation Open Space to Low Density Residential

IV. NEW BUSINESS

A. **Appl. #2004-13, Rutland Avenue and Mason Street, Applicant: Richard Santis**

Ms. Boyle asks to defer the staff memorandum, but that it be entered into the Board's record

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted unanimously to accept the staff memorandum into the Board's official records.

Mr. Richard Santis, 124 Reservoir Avenue, Pawtucket, RI was sworn in by City Solicitor Conley. He described the subdivision and said he is proposing three homes on Rutland Avenue; two single-family homes and one two-family home. He said he is not requesting any waivers of lot sizes because the single-family homes have more than adequate space and so does the two-family. He said that the recommendations of staff are reflected on the plan, but that he is asking for waivers of curbing and sidewalks. Mr. Santis explained that the homes will be raised ranches with three bedrooms. The one-family homes have 60 feet of frontage each. The two-family has 20 feet on Rutland Street and 90 feet on Mason Street at the corner.

At this time, Ms. Boyle asked that Patrick Hanner of the Planning Department give the staff recommendation.

He said the applicant is proposing a minor subdivision. He explained to the Board that there are two stages of a minor subdivision; preliminary and final. The applicant is requesting preliminary plan approval. Staff recommends that the Planning Board grant final plan approval through the Administrative Officer.

Mr. Hanner said the applicant is proposing three lots for the purpose of constructing two single-family lots A and B and a two-family dwelling for Lot C. Mr. Hanner noted that on the Assessor's map there are three lots that current exist at the site, but only two of those lots have frontage on Mason Street. The applicant is proposing three lots all with frontage on Mason Street and Rutland Avenue. The area is zoned R-6 and the Zoning Officer has reviewed this application and stated that it fully conforms to Zoning. He explained that two-family dwellings are an allowed use in an R-6 District provided that there are 7,500 square feet. The two-family dwelling proposed for Lot C is proposed with an area of 21,397 which far exceeds the 7,500 minimum for a two-family.

Mr. Hanner explained that dry wells are proposed to connect from the gutter for the purpose of drainage and entire site is relatively flat, averaging 63 feet above sea level. The applicant is requesting two waivers; one for sidewalks and curbing. Staff is recommending that the Board grant the applicant's request for waiver of sidewalks since there are no sidewalks present in this area. The Planning staff as well as the Department of Public Works recommend that the Board deny the applicant's request for waiver of curbing. He said that curbing should be there to delineate the right-of-way from private property as well as aid in drainage and safety of vehicles coming in and out of the street.

Mr. Hanner said that Section 1-2 General Purposes have been addressed as well as Positive Findings were made of the Required Findings of Section 5-4.

Recommendation by Staff

The staff recommendation is noted below:

- A. That the Board delegate Final Plan Approval to the Administrative Officer,
- B. That the Board waive the requirement for the installation of sidewalks along frontage of all three parcels,
- C. That the Board require the installation of granite curbing along the frontage of all three parcels,
- D. That the Planning Board grant Condition Approval of the subdivision, as proposed, subject to the following conditions:
 1. That the residential use of the proposed lots A and B be restricted to single-family use and accessory uses in perpetuity,
 2. That roadway restoration must consist of curb-to-curb pavement overlay,
 3. That the Final Plan depict all roof drain downspouts connected to drywells/infiltrators at the front and rear of each proposed dwelling,
 4. That the applicant submit an estimated amount for all improvements within the City's right-of-way. The amount will be verified by the Department of Public Works and posted by the applicant as an improvement guarantee before a final plan approval is granted,
 5. That the title block of the Final Plan be revised to indicate Final Plan status,
 6. 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,
 7. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements, and
 8. That upon project completion, final "as-built" plans be submitted on Mylar, and electronic format in AutoCad version 14, that include all roadway and utility information including final invert elevations.

At this time, Mr. Hanner distributes additional conditions that were received today from the Department of Public Works and stated staff would like to make these conditions as

listed below part of the Board's record. Mr. Robinson asks if the applicant has received copies of these additional conditions? Mr. Hanner said the applicant had received one of them and distributed the memorandum dated August 3 from Kenneth Booth to Steve Coutu, Director of Public Works. Below are the additional conditions:

1. that the water serve from the main house to the dwelling. According to the Water Superintendent appears to conflict with the proposed water service line elevations and the storm drain. The problem might be freezing and future maintenance the way the elevations are proposed now.
2. that the sewer laterals be shown on the plan. He noted the Board can make these also part of the conditions before final approval of the plan.

Mr. Hanner said the second memorandum dated August 20 from Kenneth Booth states that the plan should show the water service lines and all sewer laterals into each house. Also he noted Mr. Booth's concern with Lot C regarding the service line distance where it connects to the house.

Mr. Robinson asks if there is a problem as to whether the right abutter was given notice to tonight's meeting? Mr. Hanner stated no, the list was verified with the Tax Assessor's records and staff gave proper notice to the correct abutters. Also, Mr. Booth would like to see the sewer profile on sheet 2 of the plan be revised to show the entire length of the water main along the sewer.

Mr. Robinson asks the applicant if he has reviewed the staff's recommendation? He stated yes, he has read the recommendation and understands that staff is denying his request regarding waiver of curbing.

At this time, Mr. Robinson asks Mr. Santis if he would like to be heard on that issue? Mr. Santis said he will abide by the recommendation of staff and will install the curbing. He states his only concern was that he didn't know how curbing would look aesthetically since curbing is only found on one side of the street.

Mr. Robinson asked if the applicant had any problems with respect to the water line issues. Mr. Santis said that he will do whatever the Water Superintendent asks regarding showing of the service lines.

Mr. Sullivan states he would like the applicant to install the curbing and also asked what kind of driveway will be installed on Mason Street and Rutland Avenue? Mr. Sullivan says that since there will be four parking spaces that is a good enough reason to install the curbing. Mr. Santis agreed and also states he will put up a fence. Mr. Sullivan asks the applicant if he plans on selling the house? Mr. Santis answered that he plans on having a relative occupy the house. Mr. Sullivan states that because of the shape of this property, are there plans to put more buildings on this property? Mr. Santis answered no and if the Board wants to they can put a restriction in the conditions that there will not be any further development.

Mr. Almeida states he feels it is discriminatory to the applicant to make him put in curbing when other houses on that street do not have it. He refers to the Rutland and Mason Streets subdivision that was brought to the Board two years ago and inquires why that applicant was not told to install curbing? Ms. Boyle said she would research this, but does not recall if the Board at that time granted a waiver to curbing in that particular subdivision. She states it is the City's requirement that there be curbing and it is the prerogative of the Board whether or not to waive it, however, generally we recommend in favor of curbing because of drainage considerations as well as the fact that it is a City standard.

Mr. Sullivan asks if the applicant was required to put in curbing? Ms. Boyle again stated she would research this, but stated that if there are any public improvements, staff requires that the applicant post an improvement bond. If they do not do the improvements that are required by the Planning Board, the City has the prerogative to use those funds of the performance bond to make the necessary improvements.

Mr. Robinson states he supports the installation of curbing on this development and said it makes for good City planning.

Mr. Batty asks about the access to Lot C. 20 feet on Rutland and 90 feet on Mason and if they plan to enter on Mason Street. Mr. Santis states they will enter at the corner of the streets that way you can go in either direction. Ms. Boyle informed the Board that the City Engineer has reviewed the plan and staff has incorporated all of the comments.

Mr. Robinson asked if there were any further comments from the Board. There were none.

Motion – Approval of the Subdivision

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 the proposed subdivision is consistent with the East Providence Comprehensive Plan.

On a motion by Mr. Batty, seconded by Sullivan, the Board voted to grant conditional approval of the subdivision based upon the submitted application and testimony presented to the Board and the staff memorandum including the conditions presented to include the waiver of sidewalks, but not curbing, and to include the memoranda dated August 3 from the Water Superintendent, Kenneth Booth to the Director of Public Works and the June 25, 2004 memorandum from the Water Superintendent, Kenneth Booth to the Director of Public Works.

Roll Call Vote

Mr. Almeida Aye

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

Mr. Sullivan asks if all the recommendations regarding the waivers have been included in this motion?

Mr. Robinson states he would like to move separately on the requested waivers and treat them as separate matters. Mr. Batty states that the conditions are already within his motion which include the staff recommendation which includes the waiver of sidewalks, but not waive the curbing. The vote is decided to include the waiver of sidewalks, but not to waive curbing.

Motion – Approval to Administrative Officer for Final Plan Approval

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board unanimously voted to grant Final Plan Approval of this subdivision to the Administrative Officer.

B. Roma Street Disposition

Ms. Boyle explained that this is a City-owned parcel, which is 1,597 square feet and is currently vacant. It has a separate Assessor's parcel, but is not a buildable lot. The dimension requirements for that district are 5,000 square feet and this parcel is significantly short of that. It is valued at \$2,600 per the Tax Assessor. She said the City Council received a request from the abutting property owner, Ms. Elaine Briggs about acquisition of this property. The City Council referred it to the Planning Board for their recommendation. The Planning Department sent a memorandum out on July 8 to all the City department heads asking for their comments and if they had any interest in this property. No expressions of interest were received. Ms Boyle said that in August of 2000 City Manager Lemont put together a committee that reviewed all the City-owned parcels.

Ms. Boyle explained that the City owns about 236 separate parcels. This parcel was one of the ones staff reviewed and at the time we recommended the future use of it be sold to an abutter. It has no future value to the City and, the Department asks the Board that they recommend to the City Council disposition of this parcel at fair market value. It should go to one of the two abutting property owners. M. Boyle said that one of the things that we talked about is that is splitting the lot between the two abutting property owners, but the problem with that is that it would require an administrative subdivision and there is a certain cost associated with that. It would have to go before the Planning Board because it does not meet Zoning requirements. In order to reduce the complexity of that, staff recommends that it be offered to the abutter who has the highest bid. She said the Tax Assessor is not as particular in assigning values to City-owned land because it does not have much meaning from a tax standpoint, but he will review the \$2,600 dollar figure in real world value.

Mr. Robinson asked the Board if there were any questions? There were none.

Motion – Disposition of Roma Street

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to recommend to the City Council that the City dispose of Roma Street and that it be offered to the highest bidder of the two abutting property owners.

Roll Call Vote

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

C. Seeking an Advisory Recommendation from the Planning Board to the Design Review Committee of the East Providence Waterfront Special Development District Commission; Applicant: Rosscommons LLC, Assessors Map 303, Block 1, Parcel 9 and Parcel 1; 54-Unit Residential Condominium – Roger Williams Avenue, and Office Expansion – 293 Bourne Avenue; Zoning: Phillipsdale Waterfront District (PD)

Ms. Boyle explained that this is the first waterfront proposal before the Planning Board for an advisory opinion to the Design Review Commission of the Waterfront Special Development District Commission. Ms. Boyle asked the developer, Mr. Colin Kane, to provide an overview of the Rosscommons proposed development.

Mr. Colin Kane was present to provide an overview of the project. Also present to answer any questions the Board might have were Mr. Gregory Richard and Mr. Jordan Stone.

Mr. Kane noted that they are proposing an expansion of the existing office use at 293 Bourne Avenue and the development of a 54-unit residential condominium on the adjoining property fronting on Roger Williams Avenue. He noted that an administrative subdivision is being proposed to create a larger parcel for the office use. Mr. Kane noted that the residential condominium project will have 54 units with a mix of 1, and 2 bedroom units with square footage ranging from 1,115 per unit to 1,350 per unit and ranging in price from approximately \$220,000 for the 1-bedroom units to upwards of \$300,000 for the largest 2-bedroom units. He noted that he would like to have the first units available for occupancy in Spring 2005 (April or May). A community center for the condominium would be located at the entrance to the development, roughly opposite Miriam Street. He noted that the project involves the clean-up and capping of a brownfields site and that they would be providing six affordable housing units within the development in conformance with City requirements. He complimented the City in

taking a leadership role in making housing affordable for working people, and noted that a salary of approximately \$32,000 would be needed to qualify for purchase of the affordable units.

Mr. Kane noted that they had met one-on-one with the neighbors and the neighbors had made valuable comments about the exterior facade of the building fronting on Roger Williams Avenue that they had incorporated into the plan, and that they had also increased the amount of off-street parking based upon input of the neighbors. He noted that he is trying to strike a balance between pavement and green space and feels that the number of parking spaces now proposed exceeds the waterfront regulations and will provide an ample amount to meet actual demand. He noted that the height and scale of development were in keeping with the surrounding neighborhood.

Chairman Robinson inquired about the type of units and the building height. Mr. Kane noted that these were garden walk-up type units and noted that the building fronting on Roger Williams Avenue was equivalent to the height allowed for a single-family house, and that walking inside from the front of that building you will actually walk down a floor.

Mr. Kane noted that there is decorative fencing proposed along the frontage of Roger Williams Avenue, but that it is more to keep dogs off the grass rather than for any security purpose. He noted that at the DRC public hearing the neighbors noted that this was a very secure and safe neighborhood.

Mr. Kane closed by saying that they were pleased that their development was the first to go through review under the new waterfront regulations and noted that the Planning staff was a pleasure to work with and second to none.

Ms Feather noted that the board's role this evening was to offer an advisory opinion to the DRC as to whether the proposed development is consistent with the purposes and intent of the City's Comprehensive Plan and the Land Development and Subdivision Regulations. She reminded the Board that the Waterfront Plan was adopted by the City Council on December 2, 2003 following an advisory recommendation from the Planning Board and that the plan then became an official plan of the City and part of the City's Comprehensive Plan. She noted that staff has had many meetings with the developer and that the Design Review Committee has also had a public workshop and a public hearing. She noted that the public hearing was very well-attended by neighbors who had well-thought out questions which were answered by the developer.

Mr. Batty asked whether the neighbors comments were positive. Ms. Feather noted that they were positive, and that they had some minor concerns that were addressed by the applicant.

Ms. Feather noted that Mr. Kane's presentation to the Board and the packet of material he provided for the Board's packet show the quality of development and how the development is exactly the type of the land use and architectural and site design that the

Plan envisions. Ms. Feather noted that pages 6 through 9 of the staff memorandum detail how the proposal is consistent with the Comprehensive Plan and meets several objectives of the plan, and how it meets the purposes of Section 1 – 2 of the Subdivision Regulations. Ms. Feather noted that the proposal also involves clean-up of a brownfield site and will provide six affordable units. She stated that Mr. Kane and his team were excellent to work with and staff was pleased that this was the first proposal under the new waterfront review process.

Upon a motion made by Mr. Sullivan, seconded by Mr. Almeida, the Board voted 5- 0 to enter the staff memorandum of August 18, 2004 with its attachments into the record of this meeting.

Upon a motion made by Mr. Batty, seconded by Mr. Sullivan, the Board voted 5 – 0 to offer their advisory opinion that the proposed development is consistent with the purposes and intent of the City’s Comprehensive Plan and the Land Development and Subdivision Review Regulations.

Chairman Robinson complimented the developers on the high quality of the Rossccommons development and wished them luck.

D. 2004-2005 Capital Budget and Six Year 2004-2010 Capital Improvement Program

At this time, City Manager William Fazioli made the presentation on the 2004-2010 Capital Budget.

Motion

On a motion by Mr. Sullivan, seconded by Mr. O’Brien the Board voted 5-0 to recommend to the City Council the 2004-2005 Capital Budget.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted 5-0 to recommend the Six-Year Capital Improvement Program 2004-2010 to the City Council.

V. CONTINUED BUSINESS

Staff Report

There was no staff report.

At this point, Mr. Almeida expressed concern regarding minimum street widths and noted that he had met with the Public Works Director, Fire Chief, and a City Councilman regarding an ordinance mandating 30-foot street widths. Mr. Conley noted that the minimum street requirements was contained within the Subdivision Regulations which

under State Law were under the purview of the Planning Board. Ms. Boyle noted that the current minimum requirement for street width is 30 feet and that there are specific criteria which the Planning Board may refer to in deciding whether to permit narrower street widths.

VI. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted 5-0 to make the communications below part of the Board's official record.

A. Copy of Memorandum dated 8/21/04 to the Zoning Board of Review from the Department of Planning Re: "Requests for Variance or Special Use Permit to be heard on 8/25/04".

B. Copy of Appeal Testimony to Superior Court Re: Dover and Cushman Subdivision,

C. Copy of "Order Granting Stay" – Dover and Cushman Avenue Subdivision, Applicant: S. Gianlorenzo and Sons Construction

VII. ANNOUNCEMENT

A. The next meeting of the Planning Board will be held on September 13, 2004, 7:30 p.m., Room 306, City Hall.

VIII. ADJOURNMENT

The meeting adjourned at 9:20 p.m..

Respectfully submitted,

Michael Robinson, Chair

MR/JMB/sac