

January 12, 2004 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JANUARY 12, 2004

Present were: Messrs. Batty, Cunha, O'Brien, Robinson, Patrick Hanner (staff), and Tim Chapman, Assistant City Solicitor.

The meeting came to order at 7:35 p.m.

I. SEATING OF ALTERNATE MEMBER

Acting Chair, Robinson noted that Mr. Cunha would be seated as the alternate member in place of Mr. Almeida who was absent.

II. APPROVAL OF PLANNING BOARD MINUTES

It was noted the minutes below would be forthcoming.

- A. Minutes of October 14, 2003
- B. Minutes of November 12, 2003
- C. Minutes of December 8, 2003

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Batty, seconded by Mr. Cunha, the correspondence were approved by the Board and made part of the Board's official records.

A. Memo dated 12/12/03 to the City Council, Re: Easement Abandonment/Relocation, Jordan Street, Map 508, Block 2, Parcel 7

On a motion by Mr. Batty, seconded by Mr. Cunha, the correspondence were approved by the Board and made part of the official records.

- B. Letter dated 1/9/04 to Douglas Hartley, Energy Facility Siting Board, Re: Docket No. SB-203-01, Notice of Intent Application, The Narragansett Electric Company - E-183 115 kV Transmission Line Relocation Project

IV. NEW BUSINESS

A. Election of Officers

There will be a reversal of order to hear application 2003-14 Minor under “Continued Business” first.

On a motion by Mr. Batty, seconded by Mr. O’Brien, the Board voted unanimously to move Item A. Appl. #2003-14 “Continued Business” to A. under New Business.

Mr. Hanner stated that the applicant has requested a continuance of one month. The Planning Department received the written request on January 11, 2003. Mr. Hanner distributed the written request.

On a motion by Mr. Cunha, seconded by Mr. Batty, the Board voted unanimously to make the written request from Attorney Martin P. Slepko to Patrick Hanner (regarding Application #2003-14 part of the Board’s official records.

On a motion by Mr. Cunha, seconded by Mr. O’Brien, the Board voted unanimously to grant the continuance of this subdivision #2003-14

Mr. Solomon stated he was here two meetings ago when the application was originally heard. He said at that time, there was a request that title reports be submitted to the City Solicitor thirty days ago. Our attorney had submitted that Title of opinion and report reflecting that the deed restriction was of record. I was under the impression that the applicant needed to comply with that same time line that we did and it seems he has failed to do so.

Mr. Robinson answered that the applicant is here tonight to ask for a continuance for one month from today to produce that.

Mr. Solomon asks if 30 days is ample time to provide the title that may reflect something different?

Mr. Slepko stated that he would not ask for any more continuances beyond one month. He said that we are trying to put this together for Mr. Chapman. It involves more than a title report and involves the analysis of the recently passed legislation by the General Assembly as to the route of title issues. Mr. Slepko states he will have it ready for next time.

Mr. Solomon then asked the Board if it was appropriate for them to make their title information that they have tonight part of the record for this meeting which is the information that was submitted to the City Solicitor? Mr. Robinson states it is not required at this point.

He said to submit it to the Department of Planning and they will make part of the Board’s next package for the February meeting.

Mr. Robinson states that Item A. Election of Officers will be tabled to next meeting.

Motion

On a motion by Mr. O'Brien, seconded by Mr. Cunha, the Board voted unanimously to defer this matter until the February 9th meeting.

***B. Appl. #2002-21, Minor, 56 & 60 Reynolds Street and 107 North Hull Street,
Applicant: David DiPalma, Map 206, Block 21, Parcels 11, 12, and 13***

Mr. David DiPalma states he is the executor of the Cabral Estate. He noted the owners passed away 30 years ago and the estate was never settled. He said he is trying to get the three pieces of property (Parcels 11, 12, and 13) documented so they can be sold and maximize the money for the estate. He noted that he is open for any comments that the Board may have on the proposal tonight.

Mr. Robinson asked him if he is aware that the City Solicitor recommended that because he is the executor of the estate he should not do the title work. Mr. DiPalma notes that it is a clean title, there are no liens and it has been in the Cabral family for the past 30 years. Mr. Chapman states there still needs to be a title report and that it would be self-serving for Mr. DiPalma to be the executor plus do the title report. He said a title attorney would be appropriate. Mr. DiPalma agreed.

Mr. Hanner briefly presented the staff recommendation.

He said the applicant is before the Board to submit a minor subdivision on existing frontage. Mr. Hanner noted that this is more or less an adjustment of existing boundaries, but there is Section 19-133 of the Ordinance that states: "whenever you have two contiguous lots that share common frontage, and if one of those lots is not conforming by dimension, the lots are in fact merged". For purposes of zoning, this is actually one parcel with three individual dwellings on it. The minor adjustments to these lot lines is actually the creation of three lots, which falls within the minor subdivision classification. The application was determined to be complete and a Certificate of Completeness (COC) was issued on December 23. The Board has 65 days to make a decision. The immediate abutters were notified by certified mail.

Mr. Hanner noted that all the existing structures are currently there. There are no new proposed construction or alteration of any of the structures. Parcel 11 is proposed at 3,837 square feet, Parcel 12 is 5,384 square feet, and Parcel 13 is proposed at 8,750 square feet. Parcel 11 has frontage on Reynolds Street, Parcel 13 has frontage on North Hull Street, and Parcel 12 is a corner lot fronting on Reynolds and North Hull Street.

Mr. Hanner said the applicant is proposing the installation of granite curbing and concrete sidewalks along Reynolds Street and North Hull Street as well as a handicapped ramp at the intersection. Sidewalks and granite curbing are present throughout the neighborhood.

Regarding zoning, Mr. Hanner states that the property is zoned R-4 and the Zoning Officer did determine that Parcel 11 requires relief from failing to meet the minimum lot

width and lot area requirement. Parcel 12 requires relief for failing to meeting the minimum rear yard setback. For an R-4 District the requirements are for minimum lot width of 50 feet, minimum lot area 5,000 square feet, and a minimum rear yard setback at 20 feet. Parcel 11 is proposed with a lot width of 43 feet and a lot area of 3,837 square feet. Parcel 12 is proposed at a rear yard setback of nine feet where twenty feet is the requirement.

Mr. Hanner stated that since no new construction is proposed, it is the opinion of the Planning Department that approval of the variances by the Zoning Board of Review will not decrease privacy to the abutting property owners or negatively affect the character of the neighborhood. Also during the staff review, it was noted that the title report was prepared by David DiPalma who is the applicant and the executor of the estate. It was determined by the Law Department that the executor of the estate cannot be the person to provide the title report and as a condition of approval staff make it a condition that the Board require a second title report be submitted by the applicant, but prepared by someone other than David DiPalma. No written waivers were submitted for this application, and staff did find that this subdivision is consistent with the Comprehensive Plan, including the Land Use 2010 Plan.

Staff did address each of the General Purposes of Section 1-2 and made positive findings of the Required Findings being Section 5-4. Based upon the staff recommendation, the first being that the staff recommends that the Board delegate Final Plan Approval to the Administrative Officer and second, that the Board grant conditional approval of the subdivision as proposed subject to the following eight conditions:

1. that residential use of the property be restricted to single-family use and accessory uses in perpetuity;
2. that the applicant post an Improvement Guarantee in the amount determined by the Public Works Department for any required improvements to the City's right-of-way;
3. that the outstanding property taxes be paid to date before Final Plan Approval as granted;
4. that a Title Report be submitted for the three individual properties that has been prepared by the Title Attorney other than David DiPalma;
5. that the Title Block of the Final Plan be revised to indicate Final Plan status;
6. that the Final Plan be based upon the approved preliminary plans and that the Final Plan and supporting documentation meet the requirement of the East Providence Land Development and Subdivision Review Regulations.
7. that the proposal shall meet all applicable City, State, and Federal Regulations and Requirements, and

8 that upon project completion, final as built drawings must be submitted on mylar in an electronic format in auto CAD Version 14. The as built drawings must include all roadway and utility information including final inverts, rims, sewer lateral depths and locations of swing ties to all permanent structures.

Mr. Hanner also requests that the Board enter into the official record the staff memorandum dated December 30, 2003 as well as the various memoranda from City staff that are listed in the staff memorandum.

Motion

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board unanimously to approve the staff report and attached memoranda.

At this time, Mr. Robinson asks if anyone wishes to be heard on this subdivision. There were none.

Motion – Conditional Approval

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted to grant conditional approval based upon the application testimony presented to the Board by the staff report and memoranda from various City departments, and that 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 it is also apparent the proposed subdivision is consistent with the East Providence Comprehensive Plan. Conditional approval is subject to the eight conditions stated in the Planning Department's staff report dated December 30, 2003.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Delegation for Final Plan Approval

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

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye

Mr. O'Brien Aye
Chair Robinson Aye

C. Appl. #2003-29, 288 Mauran Avenue, Applicant: Cary White, Map 206, Block 28, Parcel 6

Attorney Martin Sleprow representing the applicant, Cary White, said that the owners are also present tonight. He said the property is 10,000 square feet on Mauran Avenue with existing curbing and existing concrete sidewalks on Mauran Avenue. There is a single-family house presently located on the site. The proposal is to subdivide Parcel #6 which contains 10,000 square feet. The lots would be divided into two 5,000 square foot lots. It is in an R-6 zone and 5,000 square foot lots are permitted. The applicant wants to build a single-family dwelling. The only issue has to do with the house at 288 Mauran Avenue. He asks that the Board grant preliminary approval and said they will go before the Zoning Board for the two variances which are listed in the staff report. One is that the house is 6.12 feet off the side line and that it would need to be eight feet. He asks for a 1.8 foot variance. Mr. Sleprow said the existing garage in the back is being retained, but not as a garage but as a storage area. That has 2.4 feet rather than the accessory requirement of five feet.

Mr. Sleprow states the proposal is consistent with the Comprehensive Plan and that these variances are regarded by the Planning staff as minor deviations. He said he and his client have reviewed the recommendations by staff and agree with all of them. He asks that the Board grant approval subject to our agreeing to those staff conditions.

Mr. Robinson asked if the existing sheds are connected. It was noted that It is a one car garage on 288 Mauran Avenue. There is a three foot door between the two-car and the one-car garages.

Mr. Cary L. White, P.O. Box 15492, Riverside, RI is sworn in and testifies that the garages are attached, but are two separate structures. He said he believes there is a wall in-between both the existing garage and existing shed. It was noted the garage is a wood structure. It has two doors on the right and a door in the center. The existing shed will be removed. Mr. Batty asked where the three foot door is coming out, and will you be left with a single, one-car garage at 288 Mauran Avenue? Mr. White stated yes. Mr. Batty asked if there will be a new home on Parcel B? Mr. White answered yes. Mr. Batty asked him if he was going to own both properties for a little while. He answered yes.

Mr. Hanner presented the staff report and stated that the applicant is presenting a minor subdivision proposing the creation of two lots. It is a 10,000 square foot parcel. The applicant is proposing that 6A and 6B. With the existing garage that will remain to the rear of proposed Parcel 6A, the structure will remain, but the applicant is proposing to change the use from a garage to storage. This is important to know. A single-family dwelling is proposed for Parcel 6B. The driveway on the east side of Parcel 6A will be relocated to the west side of the existing structure. There is concrete sidewalk and granite

curbing. The sidewalks are average to poor condition. There is curbing and sidewalks scattered throughout the neighborhood.

The application is complete and a COC was issued on December 16, 2003. The Board has 65 days to make a decision.

The property is zoned R-6 and the Zoning Officer has determined that two variances are required. The existing dwelling on proposed Parcel 6A will require a variance for failing to meet the minimum side yard set back and the existing garage which is proposed to be used for storage requires a variance for not meeting the minimum accessory setback requirement. All accessory structures require a minimum setback of five feet. The proposal is for 2.4 feet for the garage. For an R-6 District it requires an 8 foot minimum side yard setback and the applicant is proposing for the structure currently located on Parcel 6A a side yard setback of approximately 6.12 feet.

Mr. Hanner noted that it is the opinion of staff that if the Zoning Board grants these approvals, it will not negatively affect the character of the neighborhood. These are more or less just minor deviations from the required dimensions for an R-6 District. No waivers were submitted by the applicant.

It is the opinion of staff that this subdivision as proposed is consistent with the Comprehensive Plan, specifically the Land Use 2010 Plan and through the City staff review all of the General Purposes stated in Section 1-2 were addressed and positive findings were found on all the required findings of Section 5-4

Recommendation

A. Staff recommendation is that the Board delegate Final Plan Approval to the Administrative Officer;

B. That the Planning Board grant Conditional Approval of the subdivision, as proposed, subject to the following seven conditions:

1. That the residential use of the property be restricted to single-family use and accessory uses in perpetuity;
2. 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;
3. That the title block of the Final Plan be revised to indicate Final Plan status;
4. 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

5. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;

6. 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.

Mr. Hanner noted that in addition to these requirements:

7. That any and all required variances that are required for this subdivision be obtained through the Zoning Board of Review and that a note be placed on the plans indicating which variances were granted, the date of the Zoning Board meeting, and the recorded book and page in the Land Evidence Record Book.

Mr. Hanner asks that the Board enter into the record the Department of Planning staff report dated January 2, 2004 as well as the memoranda listed in the staff report.

Motion

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

Public Comments

Marie Pacheco, 29 Berkley Street, was sworn in. She is concerned that the new house will be too close to her backyard. Mr. Batty asked her if she had seen the plan and where the single-family house is going to be on the plan? She said yes.

Attorney Sleprow stated they can remove the whole garage and shed if that's what the neighbors want. It is shown as 50 feet from the rear of the new house and Ms. Pacheco's property. Mr. Robinson told Ms. Pacheco that 308 Warren Avenue house is closer to her house than the new house. With the aid of the map, Mr. Batty showed Ms. Pacheco exactly what was going to be removed.

Richard Guisti, 308 Mauran Avenue, was sworn in. He said he and his father are concerned that the lot is too small for a house. The property will clutter the neighborhood and is very concerned about the privacy and value of his home since the new house is too close. He does not feel this subdivision should be approved. Mr. Robinson states that the lot being proposed is the exact same size as his lot. Mr. Guisti asked if this has to go before zoning? Mr. Robinson answered yes, it will go before the Zoning Board for the two variances. It will not come back to the Board, because Final Plan approval will be delegated to the Administrative Officer.

Mr. Raymond Altomari, 34 Arlington Street, is sworn in and states he is against the development, because it will make the neighborhood more congested. Mr. Robinson states that it is the same size lot as his and he has the right to build it.

To clarify the proposal, Mr. Batty asks if they are going to take down the existing shed as it shows the plan and change the existing garage into a shed? It was answered yes. The house will have a 50 foot rear yard

Motion

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted to approve the subdivision based upon the submitted application testimony presented to the Board by the Planning Staff report and attached memoranda from various City Departments. All the General Purposes of Section 1-2 of the East Providence Land Development and Subdivision Review Regulations have been addressed. Positive findings were found for all the standards of Section 5-4 Required Findings. It is also apparent that the proposed subdivision is consistent with the East Providence Comprehensive Plan. The condition of approval is subject to the seven conditions stated in the Planning Department staff report dated January 2, 2004.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Delegation of Final Plan Approval

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

D. Appl. #2003-20 Minor, Bullocks Point Avenue, Map 313, Block 10, Parcel 6, Applicant: David Tanury

David Tanury, 65 White Avenue, Riverside and Samuel George Jr., 6 Tanglewood Drive, Riverside were sworn in.

Mr. Sleprow stated that Parcel 6 which has frontage on Bullocks Point Avenue, Park Avenue and White Avenue contains 23,370 square feet. We are proposing to subdivide that into four single-family lots which will each front on Bullocks Point Avenue. The Zoning requires a minimum of 5,000 square feet. The four lots exceed that. There is a variance issue in this also and that is that the R-4 zone requires a 100 foot depth. At the mid point Lot 1 and Lot 2 will not have the 100 feet. Even though it does not have the 100 feet, it can be made to meet the zoning criteria. The applicant will install curbing and sidewalks on Bullocks Point Avenue, has asked for a waiver on the same for Clark and White Avenues. The staff is supporting the requested waiver for the sidewalks and curbing along Clark and White Avenues. All the access is through Bullocks Point Avenue. The corner of White and Clark Avenue will be deeded to the City. The staff

reported that the proposal is in line with the Comprehensive Plan and indicated that the Board delegate Final Plan Approval to the Administrative Officer. The variances are minor. It is a hardship on the land and not created by the applicant. He asks that the Board approve it. After the approval, they will go before the Zoning Board of Review to obtain that variance of depth for Lots 1 and 2. After Zoning Board approval, we will submit the revised plan to the staff for approval.

Mr. Hanner said staff reviewed the plan and said staff was concerned with pedestrian movement on Clark and White Avenues because there is only a 20 foot right-of-way for both of those streets. The applicant is proposing the installation of curbing and sidewalks on Bullocks Point Avenue, but the applicant submitted a waiver for curbing and sidewalks on Clark and White Avenues. Staff felt the pedestrian movement was an issue even when we were writing this opinion. In tonight's opinion, staff is asking that the Board deny the applicant's request for the installation of sidewalks along White and Clark, but install curbing on White Avenue and Clark Avenue. The reasoning behind this is that the curbing alone could provide some sort of buffer between the vehicles and pedestrians.

Mr. Hanner stated he spoke with City Engineer, Alan Corvi and Mr. Corvi was concerned with curbing on White and Clark Avenues because it would require the applicant to install curbing when there is only a 20 foot right-of-way which would require curbing to be almost exactly on that property line which would not provide a buffer for any pedestrian walking. It would force the pedestrians to walk on the private property of these parcels. Mr. Hanner states that he also spoke to Fire Chief, Castro today and Mr. Castro stated he would prefer not to see curbing or sidewalks on Clark and White Avenues because whenever there is a 20 foot right-of-way, the fire trucks would have to ride over these curbs which can cause damage to the fire apparatus.

Mr. Hanner states that this afternoon, staff decided that they would come before the Planning Board and ask that the Board ignore the written staff recommendation where we are stating to deny the applicant's request for the installation curbing along White and Clark Avenues. Instead we are requesting approval of the applicants request that a waiver be granted for curbing and sidewalks along Clark and White Avenues.

Mr. Hanner went through the staff recommendation

He said this is a creation of four lots, it is a minor subdivision. The property is 23,370 square foot vacant parcel. Technically, Parcels 1, 2 and 3 are classified as through-lots and have frontage on Bullocks Point and White Avenue. Parcel 4 is a corner lot which has frontage on Clark, White, and Bullocks Point Avenues.

The application was deemed complete on December 5, 2003 and a COC was issued. The proposed lots range from 5,351 square feet, the smallest being parcel 2 to the largest being Parcel 1 at 6,760 square feet. Drywells are proposed in an R-4 dwelling. The applicant is proposing the installation of granite curbing and concrete sidewalks. Currently existing at this site is granite curbing, but the granite curbing ranges anywhere

from 3 inches above the street to at street grade. There are asphalt sidewalks present in very poor condition. The applicant is proposing to donate a small parcel (20 square feet) at the intersection of Clark and White Avenue. This must go before the City Council and staff is recommending that that piece of property is donated and accepted by the City Council before Final Plan approval is granted. A surveyor will prepare a legal description to be submitted to the City to identify the area. Mr. Batty asked if the City will asphalt that corner because the owner of the property might think that someone is going over his land when they go over that corner. Mr. Hanner stated he was not sure. He said there is an informal boundary and no clear distinction as to where the property is and where the street right-of-way is. Granite bounds are being proposed for the two frontages. When the City paves that street, it will hopefully be repaved as it is proposed.

Mr. Hanner states that the applicant is proposing a handicapped ramp at the intersection of Bullocks Point and Clark Avenues. The property is zoned R-4 and Parcels 3 and 4 conform to the dimensional requirements for an R-4 District, however, Parcels 1 and 2 will require a variance for the lot depth. An R-4 District requires a lot depth of 100 feet and Parcel 1 is proposed at approximately 84 1/2 feet and the lot depth of Parcel 2 is proposed at 95 1/2 feet.

Planning staff finds these are minor deviations from the Requirements and will not decrease the privacy to abutting property owners or residents on the other side of White Avenue. It will not negatively affect the character of the neighborhood.

Regarding the consistency with the Comprehensive Plan, staff finds that this subdivision is consistent with the East Providence Comprehensive Plan and Land Use 2010 Plan.

General Purposes

Mr. Hanner noted that staff addressed all the General Purposes in Section 1-2 of the Regulations as well as positive findings were made of Section 5-4 Required Findings.

Recommendation

Final Plan Approval

Mr. Hanner stated that based on the staff recommendation the first being that the Board delegate Final Plan Approval to the Administrative Officer

Applicant's Request for a Waiver for Installation of Sidewalks

Regarding the applicants request for a waiver, staff recommends that the Board approve the applicant's request for the waiver for the installation of sidewalks and curbing along Clark and White Avenues.

Staff recommends that the Board grant Conditional Approval of the subdivision as proposed subject to the following nine items:

1. that the portion of the property located in the northwest corner of the proposed Parcel 4, approximately 25 square feet, be donated to the City and recorded in the East Providence Land Evidence Records. Notation must be placed on the plan that states the area has been granted to the City that includes the recorded book and page of the East Providence Land Evidence Record;

2. that any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the plans indicating which variances were granted, date of the Zoning Board approval, and recorded book and page of the East Providence Land Evidence Record;

3. that the residential use of the property be restricted to single-family use and accessory uses in perpetuity;

4. 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;

5. that any outstanding property taxes be paid to date before a final plan approval is granted;

6. that the title block of the Final Plan be revised to indicate Final Plan status;

7. 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;

8. that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;

9. 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.

Finally, staff recommends that the Planning Board enter into tonight's record the staff report dated January 9, 2004 as well as the memoranda from the various City departments listed in the staff report .

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

Motion to accept the staff report

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to accept the staff report and all attached memoranda from City departments and make it part of the Board's official record.

Public Comments

Mr. Robinson asked if there was anyone that had any comments or questions. There were none.

Motion – Conditional Approval of the Subdivision

On a motion by Mr. Batty, seconded by Mr. Cunha, the Board voted to approve the conditional approval of the proposed subdivision, based upon the submitted application testimony presented to the Board in the staff report and memoranda from various City departments. All of the General Purposes of Section 1-2, the City of 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. It is also apparent that the proposed subdivision is consistent with the East Providence Comprehensive Plan. Conditional approval is subject to the nine conditions stated in the Planning Department staff report dated January 9, 2003.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Waiver for Installation of Sidewalks along White and Clark Avenues

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted to approve the applicant's request for waiver of the installation of sidewalks along White and Clark Avenues.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Waiver of Curbing along White and Clark Avenues

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted to approve the applicant's request for waiver of the installation of curbing along White and Clark Avenues.

Roll Call Vote

Mr. Batty	Aye
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Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

Motion – Delegation of Final Plan Approval

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

Motion – Acceptance of land donation

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted unanimously to recommend to the City Council acceptance of the proposed donation of land of the parcel.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

E. Request to purchase City-owned Land – Harding Avenue

Mr. Hanner presented the staff memorandum. He explained that staff received a letter from Scott and Sheila Cruikshank dated November 18, 2003 to purchase two parcels of land. The land is located off of Harding Avenue. He noted that this piece of property is currently used as an informal parking area for the residents in the neighborhood. The surrounding abutters do not have off street parking and use these two parcels of property to park on. It is also being used as a garden by Mr. & Mrs. Cruikshank and the residents. They are proposing to purchase only the land that is 30 feet wide that straddles the actual border – the common boundary of these two parcels. They are not requesting to purchase the two parcels in entirety.

Regarding the history of the parcel, Mr. Hanner explained that on March 18, 1997 this request went before the City Council. The Council denied the request to sell it because the neighbors were using it for off-street parking that was needed in the neighborhood. He said it is also a view corridor for the waterfront.

Mr. Robinson asked if it was the same applicant? Mr. Hanner stated he wasn't sure.

Mr. Hanner noted that if the request is granted, it will certainly restrict any future use of this property. These two pieces have the potential to be a City park or maybe some sort of development, possibly a high-scale development considering the waterfront property.

Mr. Batty asked if the City owns that whole section where the small gray house is. Mr. Robinson asked why it went before the City Council in 1997 and if it went to the Planning Board first? Mr. Hanner stated it probably did since all land donations have to go to the Board first. Mr. Chapman said that surplus property does go before the Council, but now surplus property might end at the Planning Board recommendation. He is not sure if this was so in 1997. Mr. Chapman said the gray house on Harding that Mr. Robinson has referred to was refurbished and the owner has it on the market for sale for \$489,000.

Mr. Hanner noted that in 2000 the City's Capital Facilities Commission, which is composed of City staff such as the Finance Director, Director of Planning and Director of Public Works reviewed all the City-owned property and did examine this piece of property. They decided it would be in the best interest of the City to hold on to the property for future use. Mr. Hanner noted that the Cruikshanks are offering \$18,000 for it, and that the City feels that price is way below the market rate for a portion of this

property and asks that the Board make a recommendation to the City Council to deny the request.

Mr. Robinson asked if the Board had any questions or comments?

There were none.

Public Comments

At this time, Ms. Sheila Cruikshank, 18 Harding Avenue was sworn in. She said that the lot is just 2,200 feet so the house takes up most of the lot and said there is no room to grow a garden or park the car. If we can purchase the property, it would beautify our area with the extra land and increase their property value. The only part that we want to purchase is what we currently use for parking.

Mr. Robinson explained to Ms. Cruikshank that he and the Board can appreciate her desire to beautify that area, but said that if the City ever wants to do something nice with that land, selling it to you would foreclose that possibility. He said It is a beautiful piece of land and if we recommended to the City Council to allow you to purchase it, I'm sure you would do a lot of good with it, but it is the Board's job to be obligated to the City and to preserve this valuable land for future use.

Mr. Cunha states that he agrees with the Chairman that he will not vote to approve this request.

Mr. Robinson states that he feels very sympathetic to the applicant's situation, but his obligation to the City takes precedent and he cannot vote to approve this request.

Motion

On a motion by Mr. Cunha, seconded by Mr. Batty, the Board unanimously voted 4-0 to deny the applicants' request to purchase a portion of land on Harding Avenue.

Roll Call Vote

Mr. Batty	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Chair Robinson	Aye

V. CONTINUED BUSINESS

B. Staff Report

Mr. Hanner reported that Jeanne Boyle could not make the meeting tonight because something unexpected came up.

Mr. Hanner noted that Ms. Boyle wanted him to mention to the Board about the acceptance of the Waterfront Development Special District Plan approved by the Council. Also, that the groundbreaking for East Pointe drew a lot of attention by the politicians to the City and it generated a lot of press.

Mr. Hanner also said Ms. Boyle told him to mention the development of standards that can be used for these subdivisions regarding when the Board should require the installation of sidewalks and curbing. He said we will be looking at other communities' standards on this and will be doing some research. Also researching different kinds of curbing the City could use.

VI. COMMUNICATIONS

The Board voted to approve the following communication and make it part of the official record.

A. Memo dated 12/22/03 to the Zoning Board of Review from the Planning Department
Re: Requests for Variance and Special Use Permit to be heard on 1/7/04.

VII. ANNOUNCEMENT

Next Meeting – Monday, February 9, 2004, 7:30 p.m., Room 306

VIII. ADJOURNMENT

On a motion by Mr. Cunha, seconded by Mr. Batty, the Board adjourned at 8:55 p.m.

Respectfully submitted,

Michael Robinson, Acting Chair

MR/JMB/sac