

July 19, 2004 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JULY 19, 2004

Present were: Messrs. Almeida, Batty, Gerstein, O'Brien, Robinson, Sullivan, Jeanne Boyle (staff), Zac Gordon (staff), Bill Conley, City Solicitor.

I. SEATING OF ALTERNATE MEMBER

II. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Sullivan, seconded by Mr. Batty, the Board unanimously approved the minutes listed below.

- A. April 19, 2004 Minutes
- B. May 10, 2004 Minutes

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

IV. NEW BUSINESS

A. Public Hearing - Appl. #2004-7 Minor – Standish Avenue, Applicant: Michael West Builders, Inc., Map 305, Block 5, Parcel 1 corner of Standish Avenue and Liberty Street

Mr. Martin P. Sleprow states he is the attorney for Michael West, the applicant and that this is a minor subdivision. The applicant proposes to extend Standish Avenue approximately 190 feet to provide frontage to a single parcel. The lot is already existing and the proposal is for a two-family dwelling with asphalt driveways. No new lots are proposed.

At this time, Zac Gordon presented the staff recommendation.

Mr. Gordon states that this is a minor subdivision which involves no additional lots, but it is an extension of a City street thereby qualifying it as a minor subdivision. There are two stages of review; preliminary and final. This is a preliminary plan and approval will have to be followed up by a final approval which the Board may delegate to the Administrative Officer who is the Planning Director. He notes that this is a public hearing and notices were sent out on July 6 registered receipt to the abutters within 200 feet of the subject property. A public Notice was also advertised in the Providence Journal on July 12.

Mr. Gordon states that the proposed is an extension of a paper street that is platted but not built. The proposed minor subdivision would extend Standish Avenue from the corner of Merrill Street towards Liberty Street. The site is currently vacant and is wooded. The elevation ranges from 30 to 34 feet and runs in a west/east orientation. There is a drainage ditch across the center of the lot. The subdivision would house a duplex. Mr. Gordon explained that, while Planning staff is proposing a stop sign, given the four corner intersection that will be created by the street extension. The drainage has also been reviewed by Public Works. The drainage plan involves two sloughways which essentially are drainage channels which go into a crushed stone channel that is two feet deep and four feet wide. These channels will direct site drainage down Liberty Street which is a paper street into an opening of a cast iron pipe which will carry the drainage to Austin Street which is the next street over from Liberty Street.

Mr. Gordon states that the note on the plan indicates the filling of a trench in the center of the lot. Staff has reviewed this and recommends that this trench not be filled at this time pending a determination as to whether there is any RIDEM jurisdiction of wetlands on the site, as Planning staff does not want to condone the filling of any wetlands.

Mr. Gordon noted that the issue of any approval will have to be granted by the Board

Planning staff recommends that the note on the plan be removed until a determination has been made as to any wetlands in the area and a grading plan, if needed, has been submitted.

In answer to a question, Mr. Gordon noted that the trench serves no drainage purpose whatsoever. He also states there is a pipe that goes under an adjoining property and asks if that pipe is still there?

Mr. Conley swears in Wilfrid H. Atkinson, 27 Austin Avenue

Mr. Gordon asks if Mr. Atkinson's property fronts on Austin? Mr. Gordon states he is referring to Merrill Street which has a pipe underneath 64 Merrill which was abandoned, but did flow over that trench. The purpose was to have that water flow across and on to Liberty Street to the pipe which does go under Mr. Atkinson's property and outlets onto Austin Avenue. He states that on the Merrill Street side it has been abandoned so there is no flow from the City pipe at this point. Mr. Sullivan asked where does it flow? It was stated that it goes underground to Massasoit Avenue.

Mr. Gordon said that the issue of zoning has been addressed in the staff memorandum, which states that this subdivision does comply with the R-4 requirements of 5,000 sq. ft. lot minimum and 50 foot width, 100 ft. lot depth and side rear yard is 15 and 8 respectively, and 20 feet for the rear yard. The various departments have reviewed this proposal and have been satisfied with the concerns that have been raised and the plan has been modified accordingly. Most of the issues raised were related to Public Works regarding the road construction. Public Works requested that several items be

incorporated in the final plan which are covered in the Planning Department's staff recommendation.

Mr. Gordon noted the applicant is requesting two waivers; one for the provision of sidewalks and the other one is for waiver of granite curbing. A COC was issued on June 30, 2004 by the Administrative Officer. Mr. Gordon states that the Comprehensive Plan consistency review was done by the Planning Department was found to be consistent with the plan and the General Purposes and Required Findings Article 1 Section 12 and Section 5-4 Required Findings Under 5-4B. There was an unnecessary addition because it states that all proposed lots except as noted in the memorandum from the Zoning Officer to Stephen Coutu and Jeanne Boyle dated April 30, 2004 conform. That statement should be removed. The statement should read "that all proposed lots, conform to the minimum dimensional and use requirements for the R-4 Zoning District. We are satisfied that this subdivision is consistent with the Comprehensive Plan and all the findings need to be made.

Staff and Public Works concurs with the request to waive the requirement for sidewalks and street trees, but are opposing the request for the omission of granting curbing.

Subdivision Recommendation

Based upon the analysis provided, the Planning Department staff has concluded that the proposed subdivision is consistent with the General Purposes found in Article 1 and the applicable standards of Section 5-4 of the Land Development and Subdivision Review Regulations. Therefore staff recommends Preliminary Approval of the proposed minor subdivision application subject to the following conditions:

1. that the title block be revised to indicate Final Plan status;
2. that the applicant submit a Final Plan Application for minor subdivision;
3. 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;
4. that the plans be revised to clearly state that granite curbing will be installed along the frontage of the proposed extension of Standish Avenue;
5. that the Final Plans show the proposed utility pole in the City right-of-way; that the Final Plans delete the note calling for the filling of the trench on the subject lot, and that the following note state that "No filling of existing trench to occur without the prior approval of the East Providence Planning Board".
6. that a notation be removed on the original number 6 condition that states "that no filling of existing trench to occur without the prior approval of the East Providence Planning Board. Such approval shall be contingent upon the submission of a drainage

report and a plan which verifies the absence or presence of RIDEM jurisdictional wetlands, along with the granting of a wetlands fill permit, if required, by RIDEM” to be changed to: *“that the trench be filled in to the property line, that the filling of that trench be subject to a determination that there is no wetlands present in that trench, and that the applicant would prepare a grading plan for submission to the Building Division in conjunction with a plan to build the structure”*.

Mr. Gordon said that this way there would not be a need for another hearing before the Board, and that the extension would be a conditional approval based upon a determination that if there are wetlands, they would need to get RIDEM approval.

7. that the proposed sewer main be pressure tested by the applicant with testing conducted under the supervision of the Department of Public Works Engineering Division inspectors;

8. that as-built plans on mylar (depicting the roadway profile and all utilities) be submitted to the Engineering Division at the completion of the project;

9. that the applicant submit a performance guarantee in the amount of \$34,000 to cover the cost of all proposed public improvements (as detailed in a memorandum from Alan Corvi, City Engineer, to Stephen Coutu, Public Works Director dated June 21, 2004 in a form acceptable to the City Finance Director, prior to recording of the Final Plan.

10. that a stop sign be installed on Standish Avenue and Merrill Street facing in a westerly direction.

Mr. Sullivan asked about the stop sign and who initiates the process?

Ms. Boyle explained that the Public Works Department petitions the Council through an ordinance. It is the staff’s duty to recommend to the developer that he follow-up with Public Works to have the stop sign placed in ordinance form for the Council Docket. The stop sign is being generated as a result of the development and this is something that would not have been initiated had this development not proceeded. She said it is different from a neighbors' request to ask for a stop sign installation.

Mr. Almeida asked if the road is 24 feet wide? Ms. Boyle answered yes. She explained that the sidewalk is the standard width of 5 feet. Mr. Almeida states he is not in favor of the 24-foot street and prefers a 26-foot width. He states the fire trucks will not be able to turn around if cars are parked on the street.

Ms. Boyle replies that this application was reviewed by the Fire Department and the 24-foot width is acceptable to them. She noted that one of the considerations of the Board in allowing the reduced pavement width is how much development is actually taking place? If this is a dead-end street servicing one development, usually that allows you to consider going to the minimum requirement of 24 feet. If it were a thru-street or a street where there is more development than just one property, then a greater width is warranted.

She said if there is a block on one side with cars, that still provides the Fire Department to pass with cars in place. Staff has allowed a 24-foot width before with much more heavily traveled streets than this one. Also, the more you increase the paved area, the more drainage is created.

Chairman Robinson asks that the Board vote at this time on the staff memorandum and attached exhibits and put them into the Board's official records.

Motion

On a motion by Mr. O'Brien, seconded by Mr. Sullivan, the Board voted to unanimously to include the staff memorandum with attachments into the Board's official record.

Regarding the trench issue, Attorney Sleprow states that he agrees with Mr. Gordon of the Planning Department and it would not have to come back to the Planning Board, but that we would have to get a letter from the biologist stating there is no jurisdiction with DEM or we would have to go to DEM provided they have the jurisdiction to get permission. Regarding the stop sign Mr. Sleprow states he will write a letter to the City Council through the City Engineer requesting it. Ms. Boyle suggests that the condition should be that that letter be submitted prior to the Council meeting.

Regarding the utility pole, Mr. Sleprow states Verizon told him that it might be necessary to change the location of the utility pole slightly from the Final Plan. He said there is a note in the plans that denotes the location of the house, driveway and drywell area which might be changed by the builder if necessary, and they will not request a variance, dimensional or otherwise. He asks if at a later time, Liberty Street becomes an actual street, could he subdivide the property?

Mr. Michael West, Barrington RI was sworn in. Mr. Batty asked Mr. West about the drainage system and where the runoff would go. Mr. West stated that it is stone-filled and the runoff from the extension of Standard Avenue will go into the trench. Mr. Batty asks if the back trench, which is filled, would create a water problem at another piece of property? He stated no.

Mr. Sleprow states that he does not endorse Mr. Almeida's suggestion that the street be wider than the 24 feet stated.

Public comments

Gloria Atkinson, 27 Austin Avenue, East Providence was sworn in. She states that she does not understand why the City is going to put all that money to build a road for one house and asks if the City will pay for the Standish Avenue sidewalks and curbing? It was noted that the developer would pay for them. She asks if the applicant plans on putting in more than one house? Mr. West answered no, that Liberty Street would have to be paved as well in order to build more houses. Also the abutters of the property will

have to be notified. At this time, the only lot that can be developed is the lot that is on this plan for the duplex.

Norberto DaCosta, 50 Merrill Street questioned the drainage. Mr. Gordon answered that the plans show along the lot line that the elevation and grade of the land is very consistent. The proposed lot pitches away from the DaCosta lot and the drainage will continue in that manner. The grades that the applicant is proposing is pitched in that manner so you should not have any water coming on to your lot. Mr. Gordon also said there is no proposal to raise the elevation, but to keep the grade going in that direction. The additional drainage from the street will be carried through Liberty Street. The drainage from the new house lot will be drained the other way and if there is a problem in the future you would have to contact the homeowner. It was asked if this is considered a public street? Mr. Gordon answered yes.

Mr. Fox, 9 Austin Street asked where the drainage would flow? Mr. Gordon stated west towards east and onto Liberty Street.

Mr. Batty made a motion to approve the proposed minor subdivision, based on the staff recommendations and following conditions:

that the title block be revised to indicate Final Plan status;
that the applicant submit a Final Plan Application for Minor Subdivision;
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;
that the plans be revised to clearly state that granite curbing will be installed along the frontage of the proposed extension of Standish Avenue;
that the Final Plans delete the note calling for the filling of the trench on the subject lot, and that the following note be added: *“No filling of existing trench to occur without a wetlands determination by a qualified biologist, or wetlands scientist. Should wetlands be present, approval shall be obtained from RIDEM prior to any filling.*
that the Final Plans show the utility pole in the right-of-way;
that the proposed sewer main be pressure tested by the Applicant, with the testing to be conducted under the supervision of the Department of Public Works Engineering Division inspectors;
that as-built plans on mylar (depicting the roadway profile and all utilities) be submitted to the Engineering Division at the completion of the project;
that the Applicant submit a performance guarantee in the amount of \$34,000 to cover the cost of all proposed public improvements (as detailed in a memo from Alan Corvi, City Engineer, to Stephen Coutu, Public Works Director, dated June 21, 2004, in a form acceptable to the City Finance Director, prior to the recording of the Final Plan.
that the applicant submit a letter to the Director of Public Works, requesting that he petition the City Council for the placement of a stop sign at the northeast corner of Standish Avenue and Merrill Street.

Motion seconded by Mr. Sullivan.

Discussion followed with Mr. Almeida expressing concern that the 24' road width was not sufficient for fire department access. Ms. Boyle responded that a 24' wide road was adequate, given the small size of this development proposal. At the conclusion of this discussion, Mr. Batty offered to amend his motion to increase the roadway width from 24' to 26'. With this amendment and subject to the conditions stated, the Board unanimously approved the proposed minor subdivision.

Roll Call Vote:

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

Motion

Roll Call vote

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

Motion to Amend – to require a 26 foot wide street

On a motion by Mr. Batty, seconded by Mr. Almeida to amend the prior decision to include a requirement that the street be extended from 24 feet to 26 feet subject to sign off by the City Engineer with respect to runoff issues

Roll Call Vote

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

Motion – Waiver of Sidewalks and Street Trees

On a motion by Mr. Batty, seconded by Mr. Sullivan the Board voted to approve the requested waiver of installation of sidewalks and street trees.

Roll Call Vote

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

Motion – Delegation of Final Plan approval to the Administrative Officer

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted unanimously to approve delegation of Final Plan approval to the Administrative Officer.

B. Public Workshop – Natural Hazard Mitigation Plan

Patrick Hanner stated that the East Providence Hazard Mitigation Plan is a draft document and it is before the board this evening for comment and an advisory recommendation from the Planning Board as well as comments from the public. This evening was advertised as a public workshop in the East Providence Post and Pawtucket Times. Copies of the plan were made available for the public's review in the Planning Department and Weaver Library.

Mr. Hanner explained that the purpose of this plan is to recommend actions and policies that can decrease the devastating effects of a natural disaster. Natural disasters being hurricanes, tornadoes, earthquakes, snow storms, ice storms, and severe flooding. The plan was prepared following the guidelines established by the Federal Emergency Management Agency and the Rhode Island Emergency Management Agency. The first step in the formation of this plan was to form the East Providence Hazard Mitigation Committee. The Committee consists of the City Manager, East Providence Emergency Director, Planning Director, Chief Planner, Fire Chief, Police Chief, City Engineer, and Public Works Director. The Committee began by identifying areas throughout the City that are vulnerable to natural disasters. Based upon those identified vulnerable areas, the committee created actions and policies that are intended to reduce the impacts of a natural disaster.

Mr. Hanner said that the plan has two main components, the first being the risk assessment matrix on page 15 and the recommended actions starting on page 17. The risk assessment matrix identifies the vulnerable areas, associated natural disaster, impacts that will most likely occur from the natural disaster, and indicates whether the disaster has actually occurred in the past or has a potential to occur at some time in the future. The recommended actions are categorized into three sections: Protection of life and property, protection of roads, bridges, and dams, and protection of industries, commercial establishments, and small businesses. A time frame for implementation for individual actions was assigned and each of the actions has been prioritized based upon criteria such as availability of funding, maintenance and operational costs, and consistency to environmental goals.

Mr. Hanner said that the approval of the plan has several stages. First, the Planning Board must recommend the plan for adoption by the City Council. Second, the City Council must adopt the plan. Finally, the plan must be submitted to the Rhode Island Emergency Management Agency and the Federal Emergency Management Agency for final approval.

C. Disposition of City-owned land, Crescent View Avenue, Map 513, Block 16, Parcel 1

Mr. Gordon presented the staff recommendation. He stated that the City of east Providence owns a parcel of land at the corner of Crescent View Avenue and Glen Street. This parcel measures 5,336 square feet and is currently vacant. It is on Map 513, Block 16, Parcel 1 and is zoned R-4. The minimum dimensional requirements for this district are: 5,000 square feet of area; 50 feet of lot frontage and 100 feet of lot depth. Based upon the Assessor's map information, the property does not meet the minimum lot depth requirement of 100 feet.

Mr. Gordon states that the most recent assessed value of this property was \$46,000 as of December 31, 2003.

Mr. Gordon reported that no interest was received from any City department regarding this property. The Capital Facilities Committee in August of 2000 completed an assessment of City-owned properties, which included a recommendation on future use. This Committee recommended that this parcel be disposed of.

After assessment of this property and its future value to the City, the Planning department believes that the property serves no productive future use to the City. Based upon its current zoning classification, this property could be developed for use as a single-family dwelling. The Planning Department would also note that because of the topography of this lot, it appears that some filling would be required to develop the lot, which may entail permitting approval from the RI Department of Environmental Management.

Mr. Gordon states that City ordinances require that the City Council refer all requests for the purchase of City-owned property to the planning Board for review and recommendation.

Based upon its current zoning classification the property could be developed for use as a single-family dwelling. Staff has noted that because of the lot's topography, it appears that some filling would be required to develop the lot, which may entail permitting approval from the RIDEM. This property was at one time used as a drainage lot.

Recommendation

The Planning Department recommends that the Planning Board advise the City Council that since no City Department has expressed any interest in the future use of this property

and that it has not future value to the City, that it be sold on the open market to the highest bidder for single-family use.

D. Comprehensive Plan Amendment – Former Rumford Fire Station

Mr. Gordon explained that the City of East Providence is proposed a change in the Comprehensive Plan land use designation for the former Rumford Fire Station property, from “Open Space” to “Low-Density” residential, to permit the single-family use of this property, in accordance with a purchase and sale agreement between the City and Mr. Jerry Mischak and Ms. Wendy Edwards. Mr. Gordon noted that this amendment to the Comprehensive Plan was required as single-family use of this property is not currently allowed. Mr. Gordon indicated that the Planning Board and Planning Department were required to review all proposed amendments to the Comprehensive Plan and provide the City Council with a written report, containing a recommendation on the proposed amendment. Mr. Gordon noted that the Planning Department had completed its review of the proposed Comprehensive Plan amendment and determined that this amendment met the required “Findings of Fact”, set forth in Section C.1.5.g. of the City’s Comprehensive Plan, as follows:

Findings of Fact for proposed Comprehensive Plan Amendment:

- 1. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment.*

The former Rumford Fire Station property is proposed to be used for a combination single-family residence and art studio. The future owners of this property, art professors at Brown University and the Rhode Island School of Design, intend to use the lower level of this structure for studio space, along with dining and kitchen use, while the upper level would house bedrooms, a library and a living room. In terms of other sites which could accommodate the proposed use of this property, there does not appear to be any comparable spaces available in the City, and therefore the proposed amendment to the Comprehensive Plan would serve to provide an appropriate location for this use.

The proposed amendment to the Land Use Plan 2010 is necessary to permit the productive use of a parcel of City-owned land which was formerly used as a fire station. The current Open Space designation is no longer appropriate, given the proposed sale of this parcel for single-family residential use.

- 2. The amendment constitutes an overall improvement to the Comprehensive Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.*

The proposed amendment to the Comprehensive Plan to change the land use designation of the former Rumford Fire Station property from “Open Space” to “Low Density Residential” is being made in recognition of the change in the use of this property, and would permit the highest and best use for this property. It is the position of the Planning

Department that none of the uses permitted under the current Open Space land use designation (*i.e. parks, schools, cemeteries, golf courses and conservation areas*) are appropriate uses for this site because of the land use impacts (e.g. traffic & safety) associated with the majority of these uses. In addition, the adaptive re-use of this property does not lend itself to any of these specific uses. Amendments to the Comprehensive Plan must recognize changes in land uses and land use patterns. After the City discontinued use of the former Rumford Fire Station, “Request for Proposals” was issued for the purchase and re-use of this site. Of the four (4) responses received by the City, three (3) proposed residential use of this property. After a careful review of the nature and land use impacts of each proposal, as well as benefit to the public, the City decided to sell the property for single-family use. Such a use would have minimal impact on the surrounding area and also be compatible with the adjoining land uses. For these reasons, the Planning Department believes that the change in land use designation for the subject property from Open Space to Low Density Residential, represents an overall improvement to the Comprehensive Plan as it will permit the productive re-use of this property, which can no longer be used in accordance with its current land use designation.

3. The amendment will not adversely impact the community as a whole or a portion of the community by:

- *Significantly altering acceptable existing land use patterns*
- *Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,*
- *Adversely impacting existing uses because of increased traffic on existing systems, or*
- *Effect on the livability of the area or the health and safety of the residents.*

As previously noted, the proposed change in the land use designation of this property will have minimal land use impacts on the surrounding neighborhood. To the contrary, the proposed amendment will reduce historical land use impacts and the need for city services. This amendment will also be compatible with existing land use patterns adjoining this property.

4. The amendment is consistent with the overall intent of this Comprehensive Plan

The intent of the East Providence Comprehensive Plan is to “promote high quality housing and neighborhood redevelopment (Executive Summary, P. A-1)”. The proposed amendment to the Comprehensive Plan is also consistent with Objective 1.5 of the Land Use Element of the Comprehensive Plan, which states as follows: “Rezone vacant parcels, where appropriate, to provide opportunities for development that is compatible with surrounding land uses.” Based upon these and other sections of the Comprehensive

Plan, it is clear that the proposed amendment is consistent with the overall intent of the Comprehensive Plan and will have a positive impact on the City's future land development patterns.

Recommendation

Based upon the "Findings of Fact" outlined above, Mr. Gordon advised that Planning Board that the Planning Department recommends approval of the proposed amendment to the Comprehensive Plan Land Use Plan 2010, to change the land use designation for the former Rumford Fire Station property from "Open Space" to "Low Density" residential. This recommendation is made subject to the co-incident re-zoning of this property from O-1 to R-3. Mr. Gordon also noted that the Planning Department was recommending that the Planning Board forward this same recommendation to the City Council for their consideration.

E. Rezoning – Former Rumford Fire Station, 27 Newman Avenue

Mr. Gordon explained that the City of East Providence is proposing to rezone the former Rumford Fire Station property, at 27 Newman Avenue, from "Open Space" to "Residential 3", to permit the single family use of this property. Mr. Gordon noted that according to City Ordinance, the Planning Board and Planning Department shall provide input to the City Council as part of their consideration of requests for rezoning. Mr. Gordon provided the Planning Board with an overview of the proposed rezoning, noting that the property is being sold to Mr. Jerry Mischak and Ms. Wendy Edwards, who intend to use this fire station building for a single family residence and art studio space. Mr. Gordon noted that the R-3 zoning designation would be consistent with the zoning for the adjoining residential neighborhood. Mr. Gordon noted that, as part of its review, the Planning Department was required to determine whether the proposed re-zoning was consistent with the City's Comprehensive Plan. Based upon its review, the Planning Department had concluded that an amendment to the Comprehensive Plan would be required, as the proposed land use designation for this parcel was "Open Space", which would not permit the proposed single-family use of this property.

Recommendation

Mr. Gordon advised the Board that, subject to the Comprehensive Plan being amended to change the land use designation of the former Rumford Fire Station property from "Open Space" to "Low Density Residential" and based upon a finding that the proposed re-zoning of this property is compatible with existing abutting land uses and Section 19-2 of the Zoning Ordinance, the Planning Department recommends that this property, designated as Assessor's Map 403, Block 18, Parcel 29, be re-zoned from "O-1, Open Space" to "R-3, Residential", and that the Official Zoning Map for the City be amended accordingly. Mr. Gordon also noted that the Planning Department was recommending that the Planning Board forward this same recommendation to the City Council for their consideration.

Motion

On a motion by Mr. Batty, seconded by Mr. O'Brien, the Board voted 4-1 to endorse the recommendation of the Planning Department and recommend to the City Council that the City's request for re-zoning be granted, subject to a change to the Comprehensive Plan to permit single family use.

Roll Call Vote

Mr. Batty	-	Aye
Mr. O'Brien	-	Aye
Mr. Almeida	-	Aye
Mr. Sullivan	-	Nay
Mr. Robinson	-	Aye

F. Change in August 9th meeting because of holiday (Planning Board to choose another date Aug. 16 or 23rd)

The Board agreed to change there next meeting from August 9 (because of the holiday) to **August 23, 2004, 7:30 p.m.**, Room 306.

V. CONTINUED BUSINESS

A. Staff Report

VI. COMMUNICATIONS

A. Copy of Appeal Decision by the Zoning Board regarding Appl. #2003-14 Minor Subdivision (copy enclosed);

B. Copy of memorandum dated 6/25/04 to the Zoning Board of Review from the Department of Planning Re: "Requests for Variance or Special Use Permit to be heard on June 30, 2004" (copy previously submitted)

VII. ANNOUNCEMENT

Next Meeting – Because of the August 9th holiday, the Board voted to have their next meeting on Monday, August 23, 2004

VIII. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Michael Robinson, Chair

MR/JMB/sac