

October 4, 2004 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF OCTOBER 4, 2004

Because of Chairman Robinson's absence, Vice Chair Batty called the meeting to order at 7:35 p.m.

Present were:

1. **I. SEATING OF ALTERNATE MEMBER**
2. **II. APPROVAL OF PLANNING BOARD MINUTES**

A. Minutes of September 13, 2004

The Board voted and unanimously approved the minutes of September 13, 2004 and made them part of the official record.

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

A. Memorandum to the City Council, Re: Drainage Easement – Burnside Avenue, Map 411, Block 16, Parcels 006.00

B. Memorandum to the City Council, Re: Abandonment – Avenue D – Advisory Opinion to the City Council

4. **IV. NEW BUSINESS**

A. Public Hearing – Appl. #2004-24 Minor – Dunbar and Amber Avenues Subdivision

(Transcript of Public Hearing provided by Merandi Reporting attached)

B. Informational Meeting – Kimberly Ann Rock Recreation Complex and Thompson School Subdivision

Zac Gordon, Senior Planner, presented the Planning Department's staff report to the Planning Board. Mr. Gordon explained that the proposal before the Board was for a two (2) lot minor subdivision of the Thompson Elementary School/Kimberly Ann Rock Recreation Complex property. Mr. Gordon noted that the subject property was owned by the East Providence School Department and

that the applicant for this subdivision was the City of East Providence. Mr. Gordon noted the City's proposal was to create two (2) lots: Lot 1 would measure 2.7 acres and contain the Thompson School, while Lot 2 would measure approximately 13 acres and contain the Kimberly Ann Rock Complex. The intent of this subdivision was to facilitate the sale of Lot 1, with the City to retain ownership of Lot 2.

Mr. Gordon indicated that there were no proposed site improvements in conjunction with the proposed subdivision and that no changes were anticipated in traffic or drainage patterns. Mr. Gordon stated that the subject property was located in an "O-1, Open Space" Zoning District and that the proposed lots would comply with the use and dimensional requirements for this district, with the exception of the side and rear yard setback requirements for Lot 1. Mr. Gordon noted that any approval granted by the Board would need to be made subject to dimensional relief from the Zoning Board. Mr. Gordon referenced City staff comments and indicated that the comments were to be addressed in the final plans. Mr. Gordon asked Mr. Alan Corvi, City Engineer, to address the Public Works Department's comments. Mr. Corvi indicated that Engineering was requesting several changes to the plans, including the following:

1. Granite bounds be placed at all new property corners.
2. An aerial easement be added to the plans
3. Traverse layout be shown.
4. Additional bearings and distances be shown.
5. Abutters be added to the plans.

Mr. Corvi noted that the complete comments of the Engineering Department were contained in a memo dated October 1st, which would be provided to the Planning Department.

Mr. Gordon referenced a memo from Recreation Director Joseph Crook to Jeanne Boyle, dated September 29, 2004, in which Mr. Crook had recommended that the proposed Lot 1 be altered to exclude an area in the southeast corner of this lot, which would be retained as part of the Kimberly Ann Rock Recreation Complex. Mr. Crook indicated in his memo that this area was used by the Recreation Department as one of its recreational sites for the summer playground program. Mr. Crook's memo also indicated that this area would provide the City with more recreation options in the future. Mr. Gordon noted that the Planning Department was recommending that this area remain as part of Lot 1, as it contains an existing swing set that was formerly used by the Thompson School.

Mr. Gordon indicated that the Planning Department had determined that the proposed subdivision was consistent with the East Providence Comprehensive Plan and General Purposes set forth in Article I and the required findings of

Section 5-4 of the "East Providence Land Development and Subdivision Review Regulations".

Mr. Gordon concluded his presentation by stating that, based upon its analysis of this proposal, the Planning Department was recommending that the Planning Board grant "Preliminary Approval" to the proposed Minor Subdivision, subject to the following conditions:

5. 1. that the title block be revised to indicate Final Plan status;
6. 2. that all staff comments be addressed in the Final Plans;
7. 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;
8. 4. that the applicant, or successors, obtains Zoning Board approval for any required zoning variances.
9. 5. that all comments contained in a memorandum from Alan Corvi, City Engineer to Stephen Coutu, Public Works Director, dated October 1, 2004 be addressed in the Final Plans.

Planning Board Comments

Mr. Batty asked about the sale of Lot 1 by the City, noting that he understood that there was a school currently using this building. Mr. Gordon explained that the Wolf School was currently leasing this property, under a five (5) year lease arrangement with the School Department, but that the School Department had decided to sell the property to generate revenue for the School Departments current needs.

Mr. O'Brien asked why the Planning Department did not agree with the recommendation of the Recreation Department? Ms. Jeanne Boyle, Planning Director, responded that even without this area, there would still be plenty of area for any future expansion of the Kimberly Ann Rock Complex.

Public Comments

Dr. Raymond Frackleton, 175 Barney Street addressed the Board and noted that the existing playground equipment at the school was used by neighborhood children and expressed concern about whether that practice could continue in the future. Ms. Boyle noted that the school site was not a City playground (and did not meet the current codes for recreation equipment); but that the Kimberly Ann Rock Recreation Complex would be owned by the City and that there was a possibility that additional recreational equipment would be installed in the future. Dr. Frackleton also noted that there was an existing path from Barney Street to the subject property, which was used by residents of this neighborhood and

expressed concern that with the sale of this property that access across the school property would be denied. Ms. Boyle indicated that was a possibility. She also noted that this path crosses private property as well, since Barney Street does not directly abut the Thompson School site.

Mr. Batty also noted that this access was over private property and could be denied in the future.

Dr. Frackleton asked whether there could be a future building addition to the school building. Ms. Boyle noted that any future addition would require Zoning Board approval.

Mr. John Potter, 46 Wildwood Avenue, asked for clarification on the location of the rear lot line? Mr. Gordon explained the location of this lot line.

Mr. David Madsen, 174 Barney Street, indicated that he would like to see the portion of Lot 1 containing the existing swing set to remain as part of the City Recreation Complex. Mr. Madsen expressed concern that there could be a further subdivision of this lot in the future. Mr. Gordon explained that the creation of another lot would not be possible, since there is no street frontage and the lot is not large enough in area to allow for another lot to be created.

Mr. Jason Langille, 169 Barney Street, informed the Board that the property owners at the end of Barney Street allow neighborhood residents to cross their property to get to the school property and recreation complex. Mr. Langille was concerned that this subdivision would cut this access off. Mr. Langille also indicated that he would like to see the rear lot line for Lot 1 go straight across, excluding the area where the existing swing set is located.

Planning Board Deliberations

Mr. Almeida moved to enter the Planning Department memo dated September 29, 2004, together with attachments, into the record. Second by Mr. O'Brien.

Roll Call Vote:

Cunha-	Aye
Almeida -	Aye
O'Brien -	Aye
Gerstein -	Aye
Batty -	Aye

Motion approved 5-0.

Mr. Almeida moved to enter the Public Works memo, dated October 1, 2004 into the record, and make it part of the Planning Department staff report. Seconded by Mr. Gerstein. Vote: unanimous.

Motion approved 5-0.

Ms. Boyle mentioned the possibility of the City requesting that the buyer of Lot 1 provide a public access easement across this property. The Planning Board endorsed this recommendation and Mr. Almeida moved to convey this recommendation to the City Council. Second by Mr. Cunha. Vote: Unanimous.

Motion approved 5-0

Subdivision Approval

Mr. O'Brien moved to accept the Planning Department staff recommendation, to include a 5th condition (compliance with Public Works comments contained in October 1, 2004 memo). Second Mr. Almeida.

Roll Call Vote:

Cunha- Aye
Almeida - Aye
O'Brien - Aye
Gerstein - Aye
Batty - Aye

Motion approved 5-0.

Delegation of Final Plan Approval

Mr. Cunha moved to delegate Final Plan approval to the Administrative Officer. Second Mr. O'Brien.

Roll Call Vote:

Cunha- Aye
Almeida - Aye
O'Brien - Aye
Gerstein - Aye
Batty - Aye

Motion approved 5-0.

C. Disposition of City-owned property – 215 Ferris Avenue

Ms. Boyle referenced the memo dated September 30, 2004 from the Planning Department to the Planning Board regarding the disposition of the former Thompson Elementary School property. Ms. Boyle noted that the Planning Department had studied the future usefulness of this property to the City and concluded that it served no productive future use and was therefore recommending that it be sold, in conformance with the terms of an RFP for the “Acquisition and Re-use” of this property. Ms. Boyle concluded by stating that the Planning Department was recommending that the Planning Board recommend this same course of action to the City Council.

The Planning Board unanimously endorsed this recommendation and asked that the Planning Department convey this recommendation to the City Council.

D. Rezoning Petition – Moortown Realty, LLC Property located at 90 South Blossom Street, Map 407, Block 4, Parcel 2. Current zoning is Residential-4. Proposed rezoning is Commercial-3.

Ms. Boyle explained that Moortown Realty, LLC is seeking to rezone a parcel from R-4 to C-3. Ms. Boyle noted that the petitioner’s application was lacking in content, with no factual support for the statement that the proposal is consistent with the City’s Comprehensive Plan. Accordingly, the Planning Department is recommending that the Planning Board oppose this request for rezoning and convey this position to the City Council prior to their consideration of this request at the Council’s October 19th meeting.

Ms. Boyle reviewed the Planning Department staff memorandum for the Board. Ms. Boyle noted that the process for rezoning requires that the Planning Board and Planning Department review all requests for rezoning and make a determination as to the proposals consistency with the City’s Zoning Ordinance and Comprehensive Plan. Ms. Boyle noted that the petitioner had submitted a plan in 2001 for the redevelopment of this property in conjunction with the renovation of the Dunkin’ Donuts store on an adjacent parcel. The Development Plan Review (DPR) Committee had granted conditional approval to this proposal, subject to the applicant obtaining a use variance from the Zoning Board to allow the subject property to be used for commercial purposes.

Ms. Boyle noted that while the Comprehensive Plan 2010 Land Use Plan shows this parcel as being located within a “Retail” use district, the Plan was drawn on a “gross” scale and not intended to be parcel based.

Ms. Boyle reiterated that the Planning Department would have preferred that the applicant state how the proposed rezoning was consistent with the Comprehensive Plan goals and objectives in justifying their request. Ms. Boyle also indicated that the Planning Department was concerned about the land use impact of this rezoning on the adjoining residential properties.

Mr. Batty noted that there was no plan for the Planning Board to base their decision on.

Mr. Almeida moved to adopt the Planning Department's recommendation and, for the reasons set forth in the Planning Department's staff memo, recommend that the City Council deny the requested rezoning by the applicant. Second Mr. Cunha.

Roll Call Vote:

Cunha- Aye
Almeida - Aye
O'Brien - Aye
Gerstein - Aye
Batty - Aye

Motion approved 5-0.

10. V. CONTINUED BUSINESS

A. A. Staff Report

11. VI. COMMUNICATIONS

A. Copy of memorandum dated 9/22/04 to the Zoning Board of Review from the Department of Planning Re: "Requests for Variance or Special Use Permit to be heard on 9/29/04"

B. Copy of correspondence from the Seekonk Zoning Board of Appeals sent to the EP Planning Board via EP Planning Department

12. VII. ANNOUNCEMENT

13. VIII. ADJOURNMENT

JMB/sac