

February 10, 2003 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF FEBRUARY 10, 2003

Present were: Messrs. Almeida, Cunha, O'Brien, Poland, Gerstein, Sullivan, Jeanne Boyle (staff), Diane Feather (staff) and City Solicitor William J. Conley Jr..

I. SEATING OF ALTERNATE MEMBER

Chairman Poland announced that Mr. Cunha and Mr. Gerstein would both be voting tonight in the absence of Mr. Almeida and Mr. Robinson.

II. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board voted to approve the minutes of January 13, 2003.

It was noted the following minutes would be forthcoming.

- A. Minutes of February 12, 2002
- B. Minutes of November 12, 2002
- C. Minutes of December 11, 2001

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There is none.

IV. NEW BUSINESS

- A. Application #2002-09 Minor Subdivision - 483 North Broadway, Applicant: Steven Dipolito.

Attorney Bruce Cox of Slepko, Slepko, and Bettencourt is present and sworn in. He represents the petitioner. He noted there is a change in the application. The owner is now Steven Dippolito whereas it use to be Stonegate Builders.

Mr. Jeff Tallman, 12 Oakley Road, New Bedford, MA and Steven Dipolito, 115 West River Street, Seekonk, MA are both sworn in by Chairman Poland. Mr. Tallman is the applicant's engineer.

Mr. Cox explained that the existing parcel is split by a zoning district boundary line, residential and commercial. The parcel fronts on North Broadway, which is a commercial zone, and the rear of the property is a residential zone. He noted that Mr. Dipolito is proposing two residential lots which will front on Merrill Street, and a 10-unit apartment building geared towards single people. He noted that the lots are 6,000 square feet in size which is more than the 5,000 minimum required for the R-4 district. The footprints shown on the drawing are the maximum and are not the size that Steven Dipolito will be building. He noted the City Engineer and Fire Chief have reviewed the plans and have no objection regarding safety concerns. He noted City staff has made a thorough review and has made a recommendation the subdivision and notes that the historic structure on the property is the only issue. The building on site is an old brick structure, but all the historic elements other than the historic bricks are gone. All the windows have been replaced and there has been a substantial amount of renovations to the interior so any historic features are gone. He noted that the building is not too far from being derelict. Mr. Cox noted that the City has done nothing about placing laws in place to protect historic structures. He notes that the saving of these historic sites are mentioned in the Comprehensive Plan, but that the City has no laws in place to protect these historic structures.

At this time, it was noted by Chairman Poland that Mr. Almeida has just arrived for the meeting and that he will be voting in place of Mr. Gerstein who was earlier seated.

Mr. Cox explained that the applicant, Mr. Dipolito, is a builder who builds in Dartmouth and parts of Massachusetts and that this is a personal investment property for him. He wants to build two houses on the residential lots, and in time wants to build a 10 unit, one bedroom apartment house on Lot 3. The drainage plan has met with the approval of the fire Department and Public Works Department. There is a separator system in the stormwater interceptor that will prevent any contamination. It has been recommended by City staff that we put on record a specific maintenance plan on record, which we would have no objection to. The other issue is whether or not the two single-family houses proposed would ever become a duplex, which would require zoning board approval, but that there could be no hardship shown anyway for the granting of such variances.

Ms. Feather of the Planning Department gave the staff presentation. She stated the 3-lot subdivision on existing City streets is classified as a Minor Subdivision. There are no newspaper advertisement requirements for a minor subdivision, but we did notify abutters of the meeting as required. She noted that she did not receive any response to this notification to abutters.

She noted the plan submitted before the Board is the result of some back and forth of City staff and the applicant's engineer in that staff needed to identify what was to be proposed

on lot 3 so that we could assess any potential impacts with the commercial development that was proposed in lot 3 and the two residential lots that were being proposed in addition to other surrounding land use. The applicant has placed a footprint on the plans. It is identified as a multi-family apartment building that will have to go through the building permit process, and the plans will be submitted to Building and Zoning when the applicant plans to move forward for that phase of it.

The two family residential lots meet all dimensional requirements. As far as the building as being proposed in the C-2 portion, the staff recommendation denotes parenthesis around the side setbacks and the rear setbacks because in the Zoning Ordinance the setbacks are based on the height and that is factored into the total square footage.

Ms. Feather stated that very early on in the process staff pointed out that there was an historic structure on the site. We asked the applicant if they had made any attempt to try to either relocate the historic "Ide" house or to try to revise the plan to allow some kind of adapted reuse of the house, such as for professional office use. In staff meetings with the applicant leading up to the Planning Board meeting, she noted that the applicant indicated the preferred lot layout for him necessitated the removal of the house and he noted that there was no historic value left to the house since it has been modified over the years.

Ms. Feather noted there are two letters included in the Board's packet; one from the Chairman of the Historic Preservation Commission, David Kelleher, and one from Edna Anness from the East Providence Historical Society, who are both interested in preserving the history and culture in East Providence and are in opposition to demolition of the Ide House. She noted that while staff feels regret that the historic house and its surrounding landscape is going to be lost, the Planning Board has no regulatory authority in that the Council never adopted an historic district in East Providence.

Ms. Feather noted that one of the main concerns of staff regarding the detention basin is the concern about the distance between the base of the proposed apartment structure and the basin. She noted that the proposed building would be two stories high and are concerned about the fire apparatus having access to the building on the side with the detention basin. We did have discussions about this earlier with the applicant and staff. She noted that the Fire Chief is of the opinion that if he has to, he will find a way to access the site.

Ms. Feather noted that the stormwater basin has a "Stormceptor" proposed as part of it, which will help remove sediment and other floatables from the stormwater and improve its quality before its eventual release to a surface water body. Ms. Feather noted that the applicant does have a maintenance program identified for the stormwater structures, which is outlined on their plan, and they have agreed to do a separate legal document which would be recorded at the final plan recording.

Comprehensive Plan

Ms. Feather noted that the land use itself, R-4 residential and the C-2 is consistent with the Comprehensive Plan, however the demolition of the historic house is not consistent with some overall policy statements in the Comprehensive Plan about preservation of historic structures in the City. Since the Planning Board's decisions do have to be consistent with the Comprehensive Plan, staff felt that testimony has to be entered into the record tonight on the condition of the house and any alternative development scenarios that might have been considered and dismissed for the house.

Required Findings

Ms. Feather explained there are a number of required findings that have to be made and they are identified in the staff recommendation. They could be made with the exception of this historic house and recommend that the testimony be entered into the Board's record.

Recommendation

Staff recommends Conditional Approval of the plan, as proposed, provided that the applicant enter testimony into the record resolving the inconsistency between the proposal to raze the historic site and the policies of the Comprehensive Plan related to preservation of historic structures, subject to the following:

1. That lots 1 and 2 be restricted to single-family use and accessory uses in perpetuity; and that a note stating such be placed on the Final Plan;
2. That a separate legal document relating to the stormwater management plan be submitted with the final plan, subject to the review and approval of the City Solicitor, and be recorded in the City's Land Evidence Records at the time of Final Plan recording;
3. That all comments of the Department of Public Works not previously addressed, be addressed in the final plan;
4. That the title block of the Final Plan be revised to indicate Final Plan status;
5. That the Final Plans be based upon the approved preliminary plans, and that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements;

Ms. Feather noted the applicant did not ask for delegation of final plan approval.

Chairman Poland states that even though this is not a public hearing, it is a public meeting and he will allow people to speak on this application. Mr. David Kelleher, 36 Riverside Drive, is sworn in.

Mr. Kelleher states that he is very disappointed and frustrated on the part of two groups he represents, the East Providence Historic Properties Study Commission which has about 12 members, and the East Providence Historical Society of which I am President, which has about 150 members. He states he and the commissions are very concerned about the destruction of a piece of East Providence history. The house is called the "Ide" House and the family had a number of large farms that took up a great deal of the property of the town. It is a unique house in that it is a farmhouse made of brick, which was not very common back in 1812. Also as a member of the Historical Society claims that his grandparents lived in the house in 1807. The land associated with the house originally extended down to the Seekonk River. He noted that the City Council has not approved an historic district where we can protect these kinds of properties, and we are losing them all one by one.

Mr. Kelleher further stated that even though the inside of the house has been changed, the structure is still there; the piece of land is there and it is a very nice piece of land with open space. There is not that much open space left in that section of the City and also it is not very far from the most historic houses in the State of Rhode Island, such as the Phillip Walker house, which is about five houses down from this site. Unfortunately the Commission does not have the finances to take over the house and move it, but Mr. Dippolito has offered for us to go inside to see if there is anything that the commission might want to remove to bring to the John Hunt House as memories of what the house uses to look like. He noted we will also take pictures of the house and bring that to the Historical Society. Mr. Kelleher noted that the Commission is dedicated to historic districts and will ask the City Council to establish these districts in the community starting with Roger Williams Avenue which has a lot of structures, and then go into the East Providence and Riverside area. It is very unfortunate that the Ide house will not be with us anymore, but you will see the Historic Commission moving forward to try and convince the Council and City Manager to have historic districts in this City.

Mr. George C. Page, 31 Forest Avenue, Riverside was sworn in. He asks the applicant not to tear down the house. He asks Mr. Dipolito if there was any consideration on the applicant's part to move the structure to another lot and reminded him that East Providence does have historic properties which should be saved. Mr. Page also asked staff if there were any vacant City-owned lots that were looked at that we could move this house to? He feels the house is a good structure and why couldn't the developer move the house?

Chairman Poland stated that the applicant did give testimony about the condition of the house, but did not give any testimony as to any effort he made about preserving the house for re-use or moving the house. Chairman Poland states the Board that they have heard testimony from Mr. Cox and asks Mr. Cox to answer Mr. Page's question to cover the second half of the testimony that the Planning Department asked to be put on record. Questions will follow from the audience.

Mr. Cox asked Mr. Dippolito a series of questions regarding the feasibility of re-using the Ide House. Mr. Dippolito stated that he has a construction business located in Dartmouth and Rehoboth and notes his office is at his house. He states he builds \$350,000 to \$750,000 homes. He does some remodeling and noted he reviewed the property in question and put some numbers together on the proposed apartment building (Ide House) and it is not feasible for him to save this structure. He noted that currently inside the house is some amateur remodeling, replacement windows, a plywood roof which was done by his father years ago, the porch is rotted out and so is the side porch. Mr. Cox asked him what other types of structures he buildings. Mr. Dippolito answered he builds group homes for the state of Massachusetts and is very familiar with the ADA. He notes it would cost around \$200,000 to make this building accessible and brought up to code for handicapped persons.

He noted that the cost of rehabilitating the structure for an office use, and adapting it to handicapped accessibility guidelines, would exceed the value of the property. The costs could be as much as \$200,000. Mr. Dippolito noted that the demolition costs would be \$ 6,000 to 8,000. On behalf of his client, Mr. Cox offered to match up to \$ 5,000 towards the costs of moving the structure and offered to store it for up to one year on the back corner of Lot 3. Mr. Cox noted that the applicant did not ask for a demolition permit and if he had the house could have been gone by now.

Mr. Cox asked Mr. Dippolito if he wanted to put a condition on the storage for the end of the year? Mr. Dippolito answered yes. Mr. Cox stated that Mr. Dippolito will put up the money if the City could come up with the other monies, but asks that tonight his proposal be approved.

Chairman Poland asked Ms. Boyle if the offer Mr. Dippolito just made is completely out of the Board's purview as far as a condition because it seems that it should be a private agreement between Mr. Dippolito and the East Providence Historical Society or Mr. Dippolito and the City? Ms. Boyle stated that she did not think so and that an agreement could be drafted to accomplish their proposal.

Mr. Poland asked Chairman Kelleher of the Historic Preservation Commission was interested? Mr. Kelleher states yes, and they also noted there is a paper street back there near Mulhern's parking lot. Mr. Kelleher asks who would ultimately own the house? The house would be owned by the City, but the Commission would have to come up with the money within the year to move the house off the lot. Mr. Kelleher stated they would try.

Ms. Boyle states this is a new idea and we have not had the opportunity to explore this.. She stated that staff did look into moving a house for the City about a year ago and the cost estimate staff received was \$25,000 because of the temporary location of utility lines along the route. If it is moved for affordable housing, there are provisions that the State has where they will waive some of the fees associated with moving the electrical lines. You would have to determine how far it would be moved and what is the receiving lot. There are possibilities that the City could obtain some federal funds to renovate it for

affordable housing. We do have a CDBG grant round coming up, but we would need to explore this very quickly:

Mr. Page asked if we were talking about block grant money? Ms. Boyle stated yes and if the house is used for affordable housing purposes, the CDBG funds can be used whether or not we can find a lot to put the house on. We would have to check to see if the foundation is secure enough that the house could be moved. It is worth looking into.

Mr. Poland asked Ms. Boyle if there could be a stipulation in the recommendation. We could explore this between preliminary and the final approval. If it is not possible, it will not become a condition of the final subdivision which is something that staff is looking into at this stage of approval.

Mr. Poland stated the agreement of this should be drawn up between Mr. Cox and City Solicitor Conley as to the details regarding the year, who will pay for what, Mr. Dippolito's donation etc. Ms. Boyle stated this could be drawn up between preliminary and the final plan approval. Mr. Poland stated that condition number 7 of the stipulations should reflect the future of the house, and read as follows: "That staff *and the* applicant explore the *feasibility of* moving the historic Ide House to the rear *of* Lot 3 for temporary storage *and then re-locating* the house to a permanent site yet to be *determined (with the temporary storage period limited to one year)*". Ms. Boyle stated the staff would explore the feasibility with the developer of the relocation of the existing structure. Mr. Cox stated the applicant plans on coming in for final as soon as they get preliminary approval from the Board - he hopes within the next 30 days. Mr. Cox noted there may be other solutions available that they haven't thought through as yet.

Ms. Feather asked City Engineer Alan Corvi in attendance if DPW needed more time to review the Final Plans. Mr. Corvi stated the last plans DPW reviewed were fine, which included all the utility information. Mr. Poland asked if we could do this administratively? Ms. Boyle states it would be better to come before the Board next month since we are in the negotiating stage and decide next month to give it final approval or decide to give final approval through the Administrative Officer.

Mr. Cox notes that it is the legal position of his client and himself that the efforts related to the Ide House are not a condition of subdivision approval per se, but that we do recognize the desire of the City and the Historical Society and others within the community to preserve this house. Mr. Poland stated the language discussed covers that and if does not work out, the applicant has made a good faith effort to save the house. Ms. Boyle states by having language that the developer has explored the relocation doesn't commit the applicant to doing it.

Mr. Poland asked if anyone had any questions.

Mr. Kelleher asked Mr. Cox if the apartments would not be built to accommodate children. He noted that the single-family houses would likely have children, but the apartments would be one bedroom only and be geared towards single people.

Mr. Poland asked if Mr. Cox if he and the applicant understand all the stipulations in that the Lots 1 and 2 be restricted to single family use in perpetuity? Mr. Cox stated yes. Mr. Poland said if they decided on duplexes down the road, they would have to come before the Planning and Zoning Boards. Mr. Cox stated that the likelihood of them becoming duplexes is very low.

Mr. Poland asked the Board if there were any other questions. There were none.

Motion

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to Conditionally Approve the subdivision, as proposed and as recommended by staff, subject to the following seven conditions:

1. That lots 1 and 2 be restricted to single-family use and accessory uses in perpetuity; and that a note stating such be placed on the Final Plan;
2. That a separate legal document relating to the stormwater management plan be submitted with the final plan, subject to the review and approval of the City Solicitor, and be recorded in the City's Land Evidence Records at the time of Final Plan recording;
3. That all comments of the Department of Public Works not previously addressed, be addressed in the final plan;
4. That the title block of the Final Plan be revised to indicate Final Plan status;
5. That the Final Plans be based upon the approved preliminary plans, and that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and
7. That staff and the applicant explore the feasibility of moving the historic Ide House to the rear of Lot 3 for temporary storage and then re-locating the house to a permanent site yet to be determined (with the temporary storage period limited to one year).

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. O'Brien	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Mr. Poland stated the applicant will be back to the Board next month with the final plan, so there is no need to do a motion on delegation of final plan approval by the Administrative Officer until next month.

Mr. Cox states that his client wants to find out how much it will cost to move the house, is it feasible, and can the Historic Society obtain the monies.

Ms. Feather told Mr. Cox that he needs to draft a separate legal document on the maintenance agreement for City Solicitor Conley's review and it will be part of the final plan submission.

Mr. Cunha asked about the square footage of the house. It was noted the total square footage of the Ide House (two stories) is 2,350 square feet.

V. CONTINUED BUSINESS

A. Staff Report

1. East Pointe Development

Ms. Boyle reported to the Board that GeoNova has signed a Purchase and Sales Agreement with the Swiss owners of the Ocean State Steel property in Rumford and have put down a deposit. Staff has advertised a public hearing on Thursday, February 13, 2003 at 7:30 p.m. with the City Council to discuss the one part of the City's assistance to the project which is the Section 108 guaranteed loan. Ms. Boyle explained the application process through the HUD under the Brownsfield program. It was a very competitive process and one of the conditions for receiving that grant was that the City conceptually committed to giving them a \$3 million dollar loan which is guaranteed through the Section 108 Program. Assuming the City Council approves it, the developers will want to seek their City permits as quickly as possible. She noted this is a terrific opportunity for the City and it will be the first redevelopment waterfront project. They hope to break ground by July of this year if the Council approves it. Phase 1 of the development will entail clean-up of the property along Roger Williams Avenue. She noted that this project will go before the Planning Board and City Council (for zone changes).

Mr. Cunha asks about the construction going on at the end of Taunton Avenue at the highway ramps. Ms. Boyle answered that this work is related to the relocation of the Exit 4 Taunton Avenue off-ramp from 1195. She noted that this relocation is necessitated by the realignment of the Washington Bridge that will take place when Eastbound 195 is reconstructed.

VI. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to approve the communication below:

A. Memo dated January 24, 2003 from the Department of Planning to the Zoning Board of Review Re: Requests for Variance and Special Use Permit to be held on January 29, 2003.

VII. ANNOUNCEMENT

It was announced that the next meeting would be on Monday evening, March 10, 2003, 7:00 p.m., Room 306

VIII. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Peter Poland, Chairman

PP/JMB/sac