

January 13, 2003 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JANUARY 13, 2003

Present: Messrs. Cunha, Gerstein, O'Brien, Poland, Robinson, Sullivan, Ms. Feather (staff), Alan Corvi (staff). (Ms. Feather noted that Jeanne Boyle would not be attending this meeting due to an illness in her family, and Patrick Hanner, who worked on the two subdivisions on the agenda this evening, was on vacation.)

Call to Order: 7:00 PM in Room 306

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as a voting member in the absence of Mr. Almeida.

II. APPROVAL OF PLANNING BOARD MINUTES

On a motion made by Mr. Sullivan, seconded by Mr. Robinson, the voted Board unanimously to accept the minutes of December 10, 2002 with corrections noted by Mr. Cunha and Mr. Robinson as noted below:

On page 15, Mr. Cunha noted that he seconded the motion relating to the Madeira Restaurant action, not Mr. Sullivan.

On page 20, Mr. Robinson noted that he voted "Nay" on the Cadoma Street rezoning, not Aye as shown in the minutes.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

A. Memo dated 12/12/02 to the City Council Re: Maderia Restaurant Modification of Rezoning, 53 Oakley Street and 272-302 Warren Avenue.

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 5- 0 to approve this correspondence.

B. Memo dated 12/11/02 to the City Council Re: 149 Cadoma Street – Requested Zoning Map Amendment, Applicant: David J. Enos (enclosure).

On a motion made by Mr. Sullivan, seconded by Mr. Cunha, the Board voted 5-0 to approve this correspondence.

IV. NEW BUSINESS

A. Minor Subdivision -Application #2002 - 27 Minor, Applicant: Mr. & Mrs. Alberto Faria, 348 Mauran Avenue (enclosures).

Mr. L. Robert Smith, of Waterman Engineering, representing the applicant, was sworn in by Chairman Poland. The applicant, Alberto Faria, of 124 Arlington Street, was sworn in by Chairman Poland. Mr. Smith presented a brief overview of the subdivision to the Board.

Mr. Smith informed the Board that Mr. Faria would like to request a waiver from being required to place sidewalks and curbing on the Follett Street frontage of the plan. Ms. Feather and Board members noted that the plan shows proposed sidewalks and curbing on the Follett Street frontage. Ms. Feather also noted that the narrative attached to the application form also indicated that the applicant proposed to install sidewalk and curbing along the Follett Street frontage. Mr. Faria noted that there is no curbing on the street except for the City property.

Mr. Sullivan asked what the foot traffic was in this area. Mr. Smith and Mr. Faria said there is very little or no pedestrian traffic. Mr. Cunha noted that there was very little curbing or sidewalks on this street, with some at the City property and some near the Warren Avenue end of Follett Street.

Chairman Poland noted that requests for waiver from the sidewalk and curbing requirement is usually done at the time of submission of the application so that staff can review the request, see what's out there, and make a recommendation to the Board.

Ms. Feather provided a brief overview of the staff recommendation, including that the required findings for approval could be met.

Mr. Faria and Mr. Smith informed the Board that they were withdrawing their request to waive sidewalks and curbing on the Follett Street frontage and the Board should consider the subdivision and application as proposed.

Chairman Poland asked Mr. Faria if he understood that the staff recommendation is to restrict both these lots to single-family uses in perpetuity. Mr. Faria said yes, that's what he is proposing.

Vote on the Subdivision

On a motion made by Mr. Sullivan, seconded by Mr. Robinson, the Board voted 5-0 to *Conditionally Approve* the subdivision, as proposed, subject to the following conditions:

1. That any and all of the required variances be obtained from the Zoning Board of Review and that a note be placed on the Final Plan that states the variances

granted, date of the Zoning Board approval, and the Land Evidence recorded book and page;

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

Roll Call Vote

Mr. Robinson - Aye
Mr. Cunha - Aye
Mr. O'Brien - Aye
Mr. Sullivan - Aye
Chairman Poland - Aye

Delegation of Final Plan Approval

On a motion made by Mr. Sullivan, seconded by Mr. Robinson, the Board voted 5 - 0 to delegate Final Plan approval to the Administrative Officer.

Mauran Avenue Sidewalk Waiver

The Board also voted 4 - 1 (Mr. Sullivan voting Nay) to Waive the requirement for the installation of a concrete sidewalk on the Mauran Avenue frontage of this property. The motion was made by Mr. Cunha and seconded by Mr. O'Brien.

Roll Call Vote

Mr. Robinson - Aye
Mr. Cunha - Aye
Mr. O'Brien - Aye
MT. Sullivan - Nay
Chairman Poland - Aye

B. Administrative Subdivision -Applicant: Christina Yarossi, 64-66 Centre Street and Anthony Silva, 60 Centre Street

Mr. John Davis of 64-66 Centre Street, representing Ms. Yarossi, was sworn in by Chairman Poland. He stated that the purpose of the subdivision is to make his back yard more useable by squaring it off. He stated he is hoping to acquire the property at 60 Centre Street eventually, but right now this reconfiguration of the lot lines between the two properties would improve his back yard.

Ms. Feather provided a brief overview of the staff recommendation including that the required findings for approval could be met. She noted that this is an Administrative Subdivision, which is usually handled at the staff level, but since this needs both use and dimensional zoning variances, staff referred it to the Planning Board. She stated that the use variances were related to the two-family and three-family uses of the properties; Lot B does not meet the required minimum square footage for a two-family use, and the existing three-family on Lot A is a prohibited use (three family dwellings are prohibited in the R-4 District). The dimensional variances are for lot width for Lot A and lot depth for Lot B.

Vote on the Subdivision

On a motion made by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted 5 - 0 to ***Conditionally Approve*** the subdivision, as proposed, subject to the following conditions:

1. That any and all of the required variances be obtained from the Zoning Board of Review, and that a note be placed on the Final Plan indicating which variances were granted, the date of the Zoning Board approval, and recorded book and page;
- 2., That the title block of the Final Plan be revised to indicate Final Plan status;
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; and
4. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Roll Call Vote

Mr. Robinson - Aye
Mr. Cunha -Aye
Mr. O'Brien - Aye
Mr. Sullivan -Aye
Chairman Poland -Aye

Delegation of Final Plan Approval

On a motion made by Mr. Sullivan, seconded by Mr. O'Brien the Board voted 5 - 0 to delegate Final Plan approval to the Administrative Officer.

V. CONTINUED BUSINESS

Staff Report

Mr. Cunha said he was interested in getting information on the history of the Board's votes on the issue of requiring sidewalks and curbing for subdivisions and developments. He stated that the Board has required sidewalks of small developments, like a 2-lot subdivision, but did not require them of a large developer, the Warren Avenue Marshall development. He wanted to see where the Board waived the requirement and where they did not.

There was a discussion of whether sidewalks and curbing should be required even if there are none in the immediate area of the development. Board members noted their voting records on this issue.

Chairman Poland noted there is an issue of fairness because those that just pull a building permit for an existing lot are not required to install sidewalks and curbing, but people like Mr. Faria that come in with a minor subdivision are asked to install sidewalk and curbing along their frontage for the new lot, and even along the frontage of the existing house that is not changing as part of the plan.

Mr. Sullivan stated he like to see curbing installed because it makes neighborhoods look neat rather than run-down, and that it keeps cars from parking on grass on the sides of the roads in what is actually sidewalk area.

Ms. Feather stated that she wants to note for the record that staff does not "negotiate" with applicants on where curbing and sidewalks will be installed, but instead tells them what the requirements are and notes that that it is the Board's decision to waive or require them.

Mr. Corvi noted that the City's curb installation program is very popular. Homeowners buy the materials and the City hires a contractor to do the installation. Chairman Poland noted that he was of the understanding that there was a long waiting list for this program. Mr. Corvi replied yes, there is a two-year waiting list.

Other

Ms. Feather noted that a three-lot subdivision on North Broadway would probably be ready for February meeting.

Mr. Poland and other members were interested in the status of the Ocean State Steel/Geo Nova proposal. Ms. Feather noted that Geo Nova was still in negotiations for the property and we are awaiting news on this.

VI. COMMUNICATIONS

None

VII. ANNOUNCEMENT

Ms. Feather noted that ,City Solicitor Conley has a scheduling conflict with the next regularly scheduled meeting date. *She noted that if the next agenda items seem to be without legal issues, then the meeting would stay as planned for **Monday, February 10, 2003 at 7 PM.***

VIII. ADJOURNMENT

The meeting adjourned at 7:50 PM.

Respectfully Submitted,

Peter G. Poland, Chairman

DMF