

May 12, 2003 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF MAY 12, 2003

Present were: Chairman Peter Poland, Theodore Sullivan, John O'Brien, Anthony Almeida, Harold Gerstein, Jeanne M. Boyle (Staff), James Moran (Staff), Patrick Hanner (Staff) and Timothy Chapman, Assistant City Solicitor.

I. SEATING OF ALTERNATE MEMBER

Alternate Member Mr. Gerstein seated for Mr. Robinson.

II. APPROVAL OF PLANNING BOARD MINUTES

A motion to accept the minutes of December 11, 2001, motion by Mr. Almeida, Mr. Sullivan second, Planning Board voted 5-0 to accept.

A motion to accept the minutes of February 12, 2002, motion by Mr. Sullivan, Mr. Almeida second, Planning Board voted 5-0 to accept.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

IV. NEW BUSINESS

1. Appl. #2003-09 Minor Subdivision, 104 Sanford Street, Applicant: Mary Holloway;

Mr. Bruce Cox, Esq. of Sleprow, Sleprow, & Bettencourt, Inc. of 1481 Wampanoag Trail, East Providence was sworn in and stated that he is representing the applicant, Mary Holloway of 104 Sanford Street. Mr. Cox explained that this subdivision simply requests that the current property line be relocated in an easterly direction in order to resolve an encroachment of a driveway, garage, and detached sunroom. Mr. Cox further explained that some time in the past, the driveway, garage, and sunroom were constructed without the true property line being known. The proposed property line retains the square shape of the original configuration of the lots and requires a variance from the Zoning Board since the proposed property line will only be located 2.6 feet from the garage. Mr. Cox explained that the City's Zoning Ordinance requires accessory structures to be located 5 feet from a property line where this subdivision proposes 2.6 feet.

Mr. Poland inquired if the Planning Staff has any comments.

Patrick Hanner stated that the applicant is proposing an adjustment of an existing property line that will not yield any additional lots or proposes any new construction. Mr. Hanner further stated that this subdivision would normally be classified as an Administrative Subdivision, however a dimensional variance is required, and therefore has been classified as a Minor Subdivision. The process for a Minor Subdivision with Zoning relief requires that the Planning Board first grant Preliminary Plan approval. Once preliminary plan approval is granted, the applicant may then proceed to the Zoning Board for consideration of the required variance. Once the Zoning Board grants relief, the applicant may then proceed back to the Planning Board for final plan approval or the Planning Board may vote to delegate final plan approval to the Administrative Officer.

Mr. Hanner explained that currently a portion of a driveway, garage, and sunroom located at 100 Sanford Street encroaches upon 104 Sanford Street. The subdivision proposes to resolve the encroachment by relocating the property line. However, a variance is required since a garage is defined as an accessory structure and the Zoning Ordinance prohibits accessory structures to be located within 5 feet from a side-yard property line.

Mr. Hanner further stated that the subdivision, as proposed, is consistent with the required findings of the comprehensive plan and is also consistent with the land use 2010 designation. It is also the opinion of staff that approval of the variance by the Zoning Board will not represent an increase in lack of privacy or increase in the usage of the two properties, considering no new construction or alteration of any structures are proposed. Further, the existing dwellings are served by sewer and water, the parcels are located on a relatively flat area, the two parcels have physical access to Sanford Street, and that surface runoff would be through overland flow with some infiltration on site.

Mr. Hanner stated that staff recommends that the Planning Board delegate final plan approval to the Administrative Officer, and further; waive the requirement for the installation of sidewalks and curbing for the frontage of the two proposed parcels, and grant conditional approval of 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 the variances 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.

Mr. L. Robert Smith, of Waterman Engineering of 450 North Broadway of East Providence, requested that the board in addition to staff recommendations waive the requirement for topographical data to be shown on the plan. Mr. Smith was sworn in and briefly described the proposed configuration of the lots.

Mr. Hanner stated that Mr. Smith's recommendation could be made as an additional condition of approval.

Mr. Poland inquired if the Board has any questions to staff or the applicant.

Mr. Robinson questioned why staff recommended that the Board waive the requirement for the installation of sidewalks and curbing.

Mr. Hanner explained that this subdivision only proposes to relocate an existing property line with no construction proposed and that this subdivision would have been classified as an Administrative subdivision except a variance is required.

Mr. Poland stated that this subdivision corrects a property line that currently allows an encroachment of structures onto the adjacent property.

On a motion by Mr. Almeida, second by Mr. Sullivan, that the Board grant conditional approval of the subdivision, as proposed, subject to the four conditions stated in Staff memo dated May 5, 2003.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

On a motion by Mr. Sullivan, second by Mr. Almeida, the Board waive the requirement for topographical data to be stated on the final plan.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

On a motion by Mr. Sullivan, second by Mr. Almeida, the Board waive the requirement for the installation of sidewalks and curbing.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

On a motion by Mr. Sullivan, second by Mr. Almeida, that the Board delegate final plan approval to the administrative officer.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

2. Appl. #2003-05 Minor Subdivision – 750 Narragansett Park Drive, Applicant: Marshall Narragansett Park, LLC

Attorney Christine Engustian, representing the petitioner, presented the subdivision to the Planning Board. Ms. Engustian noted the physical parameters of the property discussing the size of each new parcel and the dimensional requirements associated with the property as it relates to zoning. She indicated that Parcel A meets all of the requirements of Zoning but that Parcel B would require relief from Zoning in the areas of lot width and depth as described by the Zoning Officer. She noted that lot depth was not indicated on the design plans because the initial review by the Zoning Officer did not indicate a variance for depth. Ms. Engustian stated that a later review by Mr. Pimentel indicated that there should be an inclusion of a lot depth relief based on his interpretation of the zoning requirement. Ms. Engustian stated that her client did not object to including this variance and that the plans could be updated to reflect this.

Ms. Engustian described the necessity for two access easements to provide access to both of the subject properties. Easement 1 would provide an easement through parcel B to Access Parcel A at Narragansett Park Drive and Easement 2 would provide access to parcel B through the parking area of 700 Narragansett Park Drive from Narragansett Drive. Ms. Engustian indicated that Easement 2 was located in the city of Pawtucket. She indicated that they were amenable to recording easement 2 in the City of Pawtucket as the Planning Department recommendation requested.

Ms. Engustian noted that the plans indicated a building on Parcel B, but that this building was shown only to provide an example of how a building may appear on the site. She said that at this time that only the subdivision was requested and that they recognized that

any building on the site would require Land Development Project or Development Plan Review action in the future.

Ms. Engustian noted that the review memoranda of several City departments reflected issues that could be more appropriately addressed at Land Development Project review. She noted that several comments provided by the City Engineer would need to be addressed at a development review stage and that her client's engineer had contacted the City Engineer to discuss what items would actually be appropriate to the subdivision approval. She indicated that the City Engineer had concurred that only one item in his memorandum should be addressed at this time, specifically item 6, requiring granite bounds and that the remaining items would certainly need to be addressed at a Land Development Project review phase. She indicated that Sam Hemenway of Garofalo Associates had written a letter to the City Engineer clarifying the situation, which was included as part of the Planning Department's recommendation. Ms. Engustian also noted that the issues related to drainage on the site could also be handled at a Land Development Project review phase.

Ms. Engustian described the benefits this property would have to the area and that it would provide additional economic development opportunities for the City, that it is consistent with the Comprehensive Plan and she respectfully requested that the Planning Board approve her client's request for subdivision.

Mr. Poland asked if the Planning Department wished to present at this time. Ms. Boyle indicated that Mr. Moran would provide the staff report on this development.

Mr. Moran indicated that Ms. Engustian covered many of the major points associated with this development but that he would elaborate on few additional items that should be incorporated as well. Mr. Moran stated that the easements on this property were necessary due to the unusual configuration of the parcels and that they represented a means to provide efficient access to the properties. Mr. Moran stated that since easement 2 was located in Pawtucket, this easement would also need to be recorded in the City Clerk's office in Pawtucket.

Mr. Moran noted that there would also be the need to send the final plans to the City of Pawtucket for review and comment since the requirements associated with development in the Narragansett Industrial Park require that Pawtucket also review development plans occurring in the park. He stated that the easements have been reviewed and approved by the City Solicitor. Assistant City Solicitor Tim Chapman recommended that easement 2 be forwarded to the City of Pawtucket for their review and that a signature line be added to the easement agreement for the City of Pawtucket to sign.

Mr. Moran stated that the development is consistent with the Comprehensive Plan and supports the new development of commercial property in the City.

Mr. Moran stated the recommendation for approval as follows:

Based on the finding that the proposed subdivision is consistent with the East Providence Comprehensive Plan, that it meets the General Purposes of Article 1 of the Regulations and that the required positive findings of Section 5-4 can be met, Planning recommends Conditional Approval of the requested Preliminary Plan submission subject to the following:

1. That all comments in the technical staff memoranda including this recommendation with the exception of those identified in the body of this Planning Department recommendation, be incorporated into the plans as submitted; and that any and all conditions of the Planning Board approval be reflected in the Final Plan submission;
2. That the applicant obtain all necessary Zoning Variances, as described by the City Zoning Officer, prior to the submittal of the Final Plan submission;
3. That the Final Plans and supporting documentation be based upon this Preliminary Plan approval and that the Final Plans meet all City regulations and ordinances, and all applicable State and or/Federal Regulations;

Easement Approval

The Department of Planning recommends the easements associated with access to these development parcels be approved by the Planning Board and that these easements be recorded in the Office of the City Clerk immediately following the recording of the final subdivision. The easement serving Parcel "B" and located in the City of Pawtucket should also be recorded in the Office of the City Clerk in the City of Pawtucket, as well.

Final Plan Review

Planning recommends that Final Plan review for this Minor Subdivision be delegated to the Administrative Officer as covered under Section 9-10 of the Land Development and Subdivision Review Regulations.

On a motion by Mr. Sullivan, second by O'Brien, to grant conditional approval of the subdivision, as proposed, subject to the conditions stated in Staff memo dated May 8, 2003.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

On a motion by Mr. Almeida, second by Mr. Sullivan to grant final plan approval to the Administrative Officer.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |
| Mr. Gerstein | Aye |
| Mr. Almeida | Aye |
| Mr. O'Brien | Aye |

Motion by Mr. Almeida, second by Mr. Sullivan that the easements be reviewed by the City of Pawtucket as a condition of approval, that the easements be recorded in the Office of the City Clerk immediately following the recording of the final subdivision, that the easement serving as Parcel "B" and located in the City of Pawtucket be recorded in the Office of the City Clerk in the City of Pawtucket, as well and that a signature line be added to easement 2 for the City of Pawtucket to sign off.

3. Street Abandonment – Portion of North Brow Street, Applicant: Munroe Dairy/Armstrong Properties ;

Mr. Martin Sleprow, representing Armstrong Properties presented the petition to the Board. Mr. Sleprow indicated that his client was agreeable to all of the terms described within the Planning Department recommendation. He stated that it was the intention of his client to utilize the abandoned area for parking but that there would be no problem installing appropriate fire lanes to assure that adequate emergency access could be accomplished on the property. He also stated that his client would work with the Public Works Department to resolve their issues prior to the action being taken by the City Council.

Mr. Moran provided a brief overview of the project and explained to the Planning Board the delay in hearing the application. He indicated that the petitioner had approached the City approximately one year ago for abandonment. The City indicated that they were completing a waterfront access study in the area that could affect the recommendation. City staff asked the petitioner to delay the abandonment request until after the completion of the study. The applicant agreed and waited for the completion of the study. Mr. Moran noted that with the study now completed the applicant has returned to the City to finalize this application.

On a roll call vote the Planning Board voted 5-0 to approve the abandonment of a portion of North Brow Street by the Armstrong properties.

Roll call vote Planning Board voted 5-0.

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| Mr. Poland | Aye |
| Mr. Sullivan | Aye |

Mr. Gerstein Aye
Mr. Almeida Aye
Mr. O'Brien Aye

4. Request to Lease City-Owned Land by Metacomet Office Park – Lyon Avenue

Ms. Boyle described the request of Metacomet Office Park to lease a City-owned parcel of land on Lyon Avenue adjacent to the office park. The property, a vacant improved parcel would be improved to provide parking for the employees of the park.

Ms. Boyle reviewed the staff recommendation as follows:

Staff recommends that the Planning Board recommend Conditional approval of the requested lease to the City Council based upon the following:

1. that year-to-year lease agreements be negotiated between the applicant and the City Solicitor, subject to the review and approval of the City Council;
2. that lease payments in an amount yet to be determined, be paid to the City, and that these payments include payments for the electricity for the parking area lighting (a special meter and timer should be installed);
3. that the conditions of the lease agreement include provision for immediate termination in the event that the City requires this parcel for the planning, development and/or operation of a future multi-purpose recreation center;
4. that the parking area be available during off-business hours for parking associated with events at Pierce Field; and
5. that a construction plan for the proposed parking area be submitted, and that it be subject to the review and approval of the Department of Public Works.

On a motion by Mr. Sullivan, second by O'Brien, the Board voted to recommend to the City Council a Conditional Approval based upon the five conditions stated in the Planning Staff memo dated May 7, 2003 to Planning Board from Planning Department.

On a roll call vote:

Mr. O'Brien Aye
Mr. Poland Aye
Mr. Sullivan Aye
Mr. Gerstein Aye
Mr. Almeida Aye

V. CONTINUED BUSINESS

A. Staff Report

VI. COMMUNICATIONS

A. Memo to the Zoning Board of Review from the Department of Planning Re: Requests for Variance or Special Use Permit to be heard on April 29, 2003 (copies previously submitted).

VII. ANNOUNCEMENT

A. The next meeting will be held on June 9, 2003, 7:30 p.m., Room 306.

VIII. ADJOURNMENT

The meeting adjourned at 9:15 PM

Respectfully submitted,

Peter Poland, Chairman

PP/JMB/sac