

# **June 11, 2002 - Regular Planning Board Meeting**

CITY OF EAST PROVIDENCE

## **PLANNING BOARD**

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### **MINUTES OF JUNE 11, 2002**

Present were: Messrs. Almeida, Cunha, Gerstein, O'Brien, Poland, Robinson, Sullivan, Jeanne Boyle (staff), Patrick Hanner (staff), Alan Corvi, City Engineer, William J. Conley Jr., City Solicitor.

#### **I. I. SEATING OF ALTERNATE MEMBER**

All voting members were present. There was no seating of the alternate.

#### **II. II. APPROVAL OF PLANNING BOARD MINUTES**

##### **A. Minutes of May 14, 2002**

Mr. Robinson noted page 20 of the minutes was not copied totally. Ms. Boyle noted that page continued with the housing study of Riverside Square, but that there was no need for a motion. Stephanie will resend the corrected minutes to the Board.

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board approved the minutes of May 14, 2002 with the correction on pg 20.

It was noted that the following minutes would be forthcoming:

B. Minutes of December, 2001

C. Minutes of February, 2002

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

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board accepted the following correspondence:

A. Memo dated 5/16/02 to the Council, Re: Disposition of City-owned property. Request for acquisition by Self Help Inc. to acquire 100 Bullocks Point Avenue.

#### **IV. IV. NEW BUSINESS**

A. Minor Subdivision, Application 2002-02, Dorothy Lusignan, 100 Fenner Street, Map 412, Block 8, Parcel 5

Ms. Boyle explained that this is a minor subdivision with two lots existing on a City street. There are two stages for a minor subdivision; preliminary and final. The Planning Board has the authority to delegate the final plan approval to the administrative Officer. She noted that the Board is required to make a decision on this within 65 days of the issuance of the Certificate of Completeness (COC). The COC was issued on May 1, 2002. On a minor subdivision there is no newspaper advertising or public hearing requirements. Staff did send a notice to the immediate abutters of the subdivision by certified mail. There are certain aspects of the subdivision that do not meet the requirements of Zoning and there will be variances that will be necessary for the applicant to receive prior to finalizing the plan. Those variances need to be sought after the Planning Board grants the preliminary approval prior to the final.

Patrick Hanner gave the staff report. He noted there are two single family residential structures located on a single lot which is Map 412, Block 8, Lot 5. The lots consist of 31,509 square feet. The applicant is proposing the creation of two lots; lot 5 which is 23,800 square feet and lot 5A at 7,631 square feet. There will be a single residential structure on lot 5 and a single-family residential structure on lot 5A. The property is currently zoned R-3 which requires a minimum lot area of 7,500 square feet. Dimensional requirements are as follows:

Minimum lot width, 75 feet, minimum lot depth 100 feet, front setback 20 feet and rear setback 25 feet. There are no sidewalks or curbs present on this section of Fenner Avenue.

Based upon the required findings of the Comprehensive Plan, the land use associated with this parcel is consistent with the Land Use designation of the 2010 Land Use Map designation.

Regarding zoning there will be two dimensional variances required for the subdivision; a side yard setback and rear yard setback. Both for lot 5A. The Zoning Ordinance requires a 25-foot rear setback and the applicant is proposing a 19.9-foot rear setback. Regarding the side yard setback, the Zoning Regulations require a 15-foot side yard setback and the applicant is proposing 3.2 feet. It is the opinion of the Planning Department that the variances do not represent a significant lack of privacy to the abutting property owners considering the rear setback which is 24 feet between the property line of 100 Fenner and 102 Fenner, the property directly behind Lot 5A with a concrete wall and parking facility between the two buildings. Regarding the side yard setback at 100 Fenner with 3.2 proposed when 15 feet is required, there is at least a 13 foot driveway and a 10 foot grassed area between 100 Fenner and 104 Fenner. In addition, 100 Fenner is set back at a greater distance to the street than 104 Fenner. Considering the distance between 100 Fenner and the neighbors at 102 and 104, staff feels that

these variances do not represent a significant impact upon the privacy of the neighbors.

Mr. Hanner also explained that there was no negative environmental impacts for this proposed subdivision considering sewer and gas are currently connected. The proposed lots have adequate physical access to Fenner Avenue. The proposed subdivision does not impede circulation or pedestrian traffic.

Ms. Boyle noted that there are existing structures on the lots and this is just the splitting up lots of where the houses are already there. It does not represent an intensification of those uses which makes it easier to make the required findings as well.

### Recommendation

Based upon the Department of Planning findings, staff recommends that the Planning Board first delegate final plan approval to the Administrative Officer and also that the Board not require the installation of sidewalks and curbing. The Planning Department asks that the Board grant the conditional approval of this subdivision as proposed subject to the following conditions:

1. That any and all required variances be obtained from the Zoning Board of Review and a note is placed in the plans indicating which variances were granted and the date of the Zoning Board approval;
2. That the parcels are restricted to single family use and that a note to that effect be placed on the plans;
3. That the title block of the final plans be revised to indicate the final plan;
4. That the final plan be based upon the preliminary plans and that the final plan documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
5. That the proposal meets all applicable City, State and Federal regulations.

Chairman Poland asked about the two variances on Lot 5A and if there were any variances on Lot 5 and what about the frontage. Ms. Boyle answered that the only one identified by the Zoning Officer were the two respective to Lot 5A. Ms Boyle stated she would present this question to the Zoning Officer. She stated she is not sure what interpretation he is using. Mr. Poland stated it was always required 40 feet on an improved street and they only have 24 feet.

Arthur Lusignan, 104 Fenner Avenue, Riverside, who is the applicant's son was sworn in by Chairman Poland. Mr. Lusignan stated he cannot answer for the Zoning Officer, but noted that Dorr Avenue is improved at least to the point of

this existing asphalt driveway so there may be 15 or 20 feet of improved Dorr Avenue. Mr. Poland stated that is still not enough. Mr. Lusignan stated that if he need to he will add it. Ms. Boyle stated she will bring this to the Zoning Officer's attention and why it was not identified in his review.

Chairman Poland asked if there were any questions.

Mr. Sullivan asked about Dorr Avenue and if it is an unimproved street? He asked if that street passes through Lot 5. Mr. Lusignan answered that it reaches Lot 5 past the asphalt driveway. Tape A163 He said that the asphalt drive is existing and is for the existing two-family dwelling and noted that you enter off of Arnold Street. Ms. Boyle noted they should refer to the Locus map which shows the extent to which Dorr Avenue is improved. At the middle portion of Dorr Avenue it is unimproved because of the presence of that a stream. The likelihood of it being improved in its entirety is not very good.

Mr. Poland stated that this is a good application and good subdivision. He states that dividing this property up where each house has its own piece of property is good and makes it a clean piece of property and it legalizes everything.

#### First Motion

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board votes to delegate final plan approval to the Administrative Officer.

#### Roll Call Vote

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

#### Second Motion

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted not to require the installation of sidewalks and curbing since this is a pre-existing condition and the neighborhood does not have any sidewalks and curbing.

#### Roll Call Vote

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

Mr. Sullivan noted that on the map the utilities cross Lot 5. Will this be a problem? Ms. Boyle answered that this is a private service and if this were a public utility such as the water or sewer, we would have required an easement be placed on that. We have suggested that they address it, but not be required to. Ms. Boyle noted it is not a big problem, there are other situations where you have electric utilities crossing the corners of properties. She noted it would be better for them in the future to resolve it by either relocating the service or putting in an easement.

### Third Motion

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted to grant conditional approval to the subdivision as proposed subject to the following five conditions:

1. That any and all required variances be obtained from the Zoning Board of Review and a note is placed in the plans indicating which variances were granted and the date of the Zoning Board approval;
2. That the parcels are restricted to single family use and that a note be placed on the plans;
3. That the title block of the final plans be revised to indicate the final plan;
4. That the final plan be based upon the preliminary plans and that the final plan documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
5. That the proposal meet all applicable City, State and Federal regulations.

### Roll Call Vote

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

### B. Proposed Zoning Amendments to Chapter 19 Zoning

Ms. Boyle explained that these amendments are companion items with the proposed modification to the previously approved Planned Unit Development of Edmund Place Nursing Home. There are certain amendments that are pertinent to that particular development and others that are more general in nature.

She noted there are four proposed amendments to Zoning which staff is proposing. Two are housekeeping in nature and two related to the Edmund Place request. The Planning Board is required by City Ordinance to review all proposed changes to the Zoning and to provide an advisory recommendation to the City Council. These Zoning changes have been advertised and will be considered by the City Council at their meeting of June 18<sup>th</sup> at a public hearing. It has been advertised and put in display ads on June 6 and June 10. The final one will be appearing in the June 17 addition. In our text the language that is marked with a strikethrough is the one being deleted and the one with a double underline is what is being proposed. The “no markings” is language that is unchanged.

The first change that they are proposing is Section 19-45 under Variances and Findings Required. It was brought to our attention that language that is required by the State Zoning Enabling Law was inadvertently left from our own Zoning Ordinance and this is language that pertains to the RI Fair Housing Practices Act and for the rights of individuals with handicaps.

The second change we are proposing to Section 19-98 is related to the Edmund Place development where we are adding a line for dormitory for institution of higher education to the Use Schedule and it would be permitted as of right in a Commercial-3 District and prohibited in all other districts.

Under Section 19-144 this is a housekeeping change where we would add language a gardener tool shed that is used for the storage of garden implements and light home maintenance tools and swimming pools including pertinent structures such as dressing and shower rooms, and equipment houses as regulated by this Chapter and other City Ordinances when such uses are accessory to a non-conforming residential use. Under the existing Zoning Regulations, residential properties that are legally non-conforming uses want to add something that is customary to a residential property under the current law it is treated as an expansion of a non-conforming use. They are required to appear before the Zoning Board. It is the feeling of the City Council and of staff as well that this has placed an undue hardship on the property owners and it does not represent an intensification of a non-conforming use.

Ms. Boyle noted that under Off Street Parking, Section 19-284 this is also a companion to the changes for the dormitories for institutions of public or of higher education. Ms. Boyle noted that staff is proposing to change the off street parking requirements to add a category for the dormitories. The standard would be one space per each two beds. Staff did research this and it showed that parking standards for dormitory uses do vary to some extent, but what we saw was that there was a ratio of either one space for one bed or one space for each two beds. Under the circumstances we thought that a one space for two beds was probably safe and an appropriate standard. Since we have not had any experience with institutions of public education and their dormitories, and their parking

generation, staff will re-visit this if it is approved and after the institution is in place to see if it is an adequate standard.

Ms. Boyle noted that in reviewing these proposed amendments for their consistency with the Comprehensive Plan, staff finds them to be consistent. The City's Comprehensive Plan has designated the Taunton Avenue area as an area of great concern under the Economic Development Plan. We are looking to revitalize that section of the City and will designate use of the Six Corners area as either Commercial/Retail service or medium and high density residential. Re-use of the Edmund Place building for this use is also consistent with the Comprehensive Plan.

Based upon these discussions and the finding that the proposed zoning is consistent with the Comprehensive Plan, the Planning Department recommends that the Board approve these amendments as drafted to the City Council.

Chairman Poland asks if there are any questions of the Board?

Attorney Martin Sleprow, attorney for the applicant, Joseph Rugeiro. He states that Mr. Rugeiro is now the owner of the nursing home. He noted Johnson and Wales has signed a lease with Mr. Rugeiro for a dormitory. He also noted that Merlin DiConti, who is present tonight is Vice President in charge of facilities management and Arthur Gallagher is Vice President in charge of student affairs. Attorney Sleprow stated he and the applicant share the sentiments that Ms. Boyle expressed earlier and feels that the proposed change in the Planned Unit Development which comes up next on the agenda is a very sensible one for the City. Johnson and Wales will be a good neighbor and will contribute to the economic revitalization of that area. No exterior changes are being proposed to the building. The building contains 60 parking spaces, which is a problem. According to the proposed ordinance it would be required that there be 100 parking spaces. Mr. Sleprow states that this cannot be created in that lot, but could be created in an adjacent lot. Johnson and Wales has a very sophisticated shuttle system which has worked very successfully in communities such as Providence. He asks that the Board recommend to the City Council and accept an amendment to that ordinance which states that in the event the educational institution does provide non-contiguous parking, that an acceptance for a lesser amount of parking can be done provided the Planning Board agrees to it. Attorney Sleprow asks that this be put in the ordinance and presented to the Board in the master plan for the shuttle system and allow it to be at the discretion of the Planning Board to allow a lesser than one for two if in fact there is an approved shuttle system and master transportation plan. At this time, he asks Mr. DeConti how this works.

Mr. Merlin A. DeConti Jr., Vice President of Facilities at Johnson and Wales, 45 Reardon Avenue, Riverside, RI was sworn in by Chairman Poland.

In regard to the amendment that Mr. Sleprow asked for, Mr. DeConti stated this is part of the Providence Zoning Board in Section 503, Subsection 503 2c and read the ordinance to the Board. Tape A418.

Mr. DeConti explained the shuttle system to the Board. There are 23 buses and five full-time drivers. The students are shuttled between classes and recreational shopping events. We are a Monday through Thursday institution because a lot of the students work in the hospitality industry where we give them Friday off. Monday through Thursday the shuttle runs on the hour between every location that they have. There are three noncontiguous dormitories that hold around 800 students. The children park down at the Harborside Campus which is in the shipyard. The Hospitality dormitory is about a half mile away. We start the shuttle service at 5:00 a.m. and run until 7:00 p.m. on an hourly basis. After that we run on a half hour basis until 12:30 in the morning. About 20 hours a day. On Thursday, Friday and Saturday we run it on a half hour schedule and will run it until 1:30 a.m. but will start it at 10:00 a.m.

He noted they own Minden Hall which is off Waterman Street in Providence. We sold it to Brown three years ago and rented it back because they did not need it right away. At the time we owned it we had 46 parking spaces and used it for 278 students. After we rented it to them, they wanted all the parking. They capped it at 150 students. We ran it for two years like that without any problem. Prior to my eight years with Johnson and Wales I was a building official in Providence so I understand where the Board is coming from. If the Board makes a requirement that the shuttle plan be submitted to the City and approved, we can do what we have to do at that institution and not have to rent a lot of spaces we don't need.

Mr. DeConti stated this particular dormitory will be staffed by our resident directors who will have the full buses. We will be buying each student a RIPTA pass for \$35.00. RITA stops there 62 times a day in the Six Corners area. There will be plenty of transportation problems solved by that busing system.

Arthur Gallagher, 58 Fairway Lane, Foxboro, MA was sworn in. He states that if the Board approves the occupancy the building will have 180 students living there we will not need to have parking. Through our application process with undergraduates that live at Edmund Place, Johnson and Wales will tell them that parking will not be available in excess of whatever the number of spaces are available. The students would park at the Harborside Campus and the shuttle system would take care of it. There will be three full-time professional staff on site. They will be at the front desk and will check on the parking around the building. The second shift is a full-time Administrative Assistant who will also be there. He noted they have a security company which checks the parking area on all three of their locations. They have radio contact with their security department who make regular patrols there.

Mr. DeConti noted they want to have a good relationship with the City and is looking forward to this opportunity.

Ms. Boyle stated that what was proposed to staff was that Johnson and Wales was going to obtain additional parking and lease it. Even though we knew they did not particularly want to do that, that was the proposal that was submitted to us. This is what we reviewed and made a recommendation to the Board on. What they are proposing tonight staff would need to give more analysis or consideration. Ms. Boyle asks what the longevity is with these types of agreements? She also asked what happens if the City has already given permission to a property owner to occupy that based on a certain shuttle arrangement, maybe parking in a leased space that is in a different community and something changes? Then we are in a situation where we have an occupant of a building that has made a great investment to be in that building and the City is put in a very disadvantaged position to try to say the shuttle system is not working. Our only recourse would be to say cease and desist which is not very realistic.

Ms. Boyle states she is concerned about how these shuttle agreements will work since she has not seen it in operation or had the opportunity to talk with anyone in the other communities such as Providence or Warwick to see how effective they have been. What we are hearing from J&W is in good faith, but sometimes circumstances change and it is important to realize that if you rely on an agreement; something that is not physically in place, but something that relies upon a management system, then exactly how that is drafted and exactly how that is enforced is very important and that is something that I would like to discuss with the City Solicitor and discuss with the Zoning Officer who would probably be in charge of the enforcement.

Ms. Boyle stated that from a general planning standpoint, the City is not in the business of encouraging parking if it is not needed. If a case can be made and can be documented and it is something that the City is comfortable with a reasonable duration, then we would not be opposed to it. It is just a question of not having enough information right now to say whether this works or does not work.

Mr. DeConti states that he knows that this amendment they are seeking is not going to be approved tonight, but asks the Board to allow the Planning Director or the Planning Board to approve a reduced plan based upon a submission of a shuttle and only for the time that the shuttle is in effect. Ms. Boyle states we have seen examples of that type of thing and have had an opportunity to look at them so the language that we actually insert reflects that so that we have the authority to ask for whatever information is necessary. Ms. Boyle also stated that the other approach is that if you can make a case where you cannot provide it on the premises and that you have an alternative through a parking management plan, why you are not taking the alternative of a variance before the Zoning Board of Review. A variance is usually the approach that is taken.

Ms. Boyle noted there is a very accelerated schedule here and normally I would recommend to the Board under normal circumstances that they defer action until we have an opportunity to look at it, but I know the applicant is in a rush and this has already been advertised for June 18th before the City Council. Ms. Boyle suggests that the City Council during the hearing can make any amendments to the particular ordinance that is being considered that night. She said as long as they solicit additional public comment on it during the course of the public hearing, it does not need to be re-advertised. Perhaps if the Board is comfortable with it, the Board could recommend approval of the ordinance as drafted, but with a note that this issue was raised and that further consideration of this is going to be taking place pending it being heard by the City Council. That way if there is an opportunity to come up with some language that the Solicitor is comfortable with, and that the Staff and Zoning Officer area comfortable with, we can recommend that to the City Council that night. Mr. DeConti stated that would be acceptable. Ms. Boyle noted that she would not feel comfortable amending the ordinance just based on tonight's discussion. It is premature for that.

Mr. Poland agreed with Ms. Boyle. He noted there are so many factors that come into it and feels he would not be comfortable making this decision tonight either without more information. He said look at the WPRO building at Wampanog Trail. They don't have enough parking and therefore, the cars are parked up and down the trail. He stated that no rule fits everything and if a different place moves in where you have a different type of student and they do not have a shuttle system it could be a totally different situation. He agrees to put a note in that the issues was raised and that the applicant needs to provide additional information and that staff will agree to discuss it in the recommendation to the City Council.

Mr. Gerstein stated that Johnson and Wales is a wonderful institution who have brought a good many things to our state. He notes this a small and quiet community and J&W will have about 200 more people in there and asked what type of policing J&W would have if things get out of hand.

Mr. Sullivan asked how many students would be in the dormitory. Mr. DeConti answered that there would be 180 beds in there without any changes to the building and we may add a few more. Mr. Sullivan asked how many cars for these 180 students? Mr. DeConti stated they would tell the students how many automobiles would be allowed and the students would be given stickers, otherwise they will not be able to park there, but park at the Harborside campus which is off of Allens Avenue in Providence. There are 1100 spaces there at that campus. Mr. DeConti stated they have had no problems with the students parking over the last few years. The students were told who were registered to live in that hall that there would not be parking available on site. If they had a car and made their own private parking arrangements somewhere else or if they chose to utilize the space at the Harborside campus, we would give them a permit there and they utilized the shuttle service.

Mr. Sullivan asked if he had an estimate of the number of parking violations for the students. Mr. DeConti stated he did not have that figure available. Mr. DeConti stated that sometimes the students do park and not pay the meter and get tickets, but said you have to understand that the students have to rush to class. He notes that it is good for the City if the students get tickets because it does generate revenue. Mr. Sullivan states this is what he wants to avoid. Mr. DeConti states that J&W will have control over the parking spaces at Edmund Place and there will be a limit on those spaces. There will be 24-hour coverage. Mr. Sullivan asked how many people are employed at this building who are non-student? Mr. DeConti states there will be one full-time person who lives there and 3 resident advisors that will live on each floor, who will be given parking spaces. Mr. Sullivan doesn't understand why there will be a parking problem if there are only three or four people employed in the building? Ms. Boyle answered the issue is that there are 180 students and the concern is that how many of those students will have cars and how is that going to be controlled?

Mr. O'Brien asked what percentage of students desire to have automobiles? Mr. DeConti answered of the 180 students, 50 or 60 may want to have an automobile on the premises, but that would be a gestimate. Mr. O'Brien states his concern is that the students will park overnight on the streets and that all the streets surrounding the dormitory will be flooded with cars. Mr. DeConti states he will work with the City to prevent that from happening. He noted you cannot park on the streets of Providence and maybe a no-parking sign would be helpful to prevent this from happening.

Ms. Boyle asked how they deal with visitor parking? Mr. DeConti answered they could designate visitor parking. Ms. Boyle states in all likelihood if a visitor (a non-student) does come they will want to park one of the abutting streets.

Mr. Poland noted that even though having the students in the City would be good for the local businesses, it could be a problem if the students are parking in front of all these places of business since the businesses would lose their parking for their customers.

Ms. Boyle raised the issue that the City did have problems with too many people parking at Edmund Place Nursing Home. This was raised by the abutting businesses at the time. Parking for deliveries and employees was taking place on the street abutting it and that the business next door that relied on that street for bringing in goods for loading was having problems with no place to park. The other concern is the access that the Fire Department would not have if there is illegal parking on the premises; a Fire truck will never get through there. Mr. DeConti stated there will be 24 hour coverage at the front desk to observe any illegal parking and they will call a tow truck if need be.

## Motion

On a motion by Mr. Sullivan, seconded by Mr. Robinson, the Board voted to approve the zoning ordinance amendments as contained in the staff recommendation and that this be referred to the City Council for review of adjustments regarding the parking formulas depending on the different types of arrangements made by the applicants at the time of their application.

Also, the plan will include a note that states that the off street parking ratio have an amendment based on a parking management plan provided by the applicant and that Johnson and Wales provide documentation regarding use of these types of parking management approaches for staff to review prior to submission to the City Council for consideration.

## Roll Call Vote

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

## C. Modification to a previously approved Planned Unit Development – Edmund Place, Property Owner: Hamlet Court Real Estate, Joseph Rugeiro, Manager

Ms. Boyle explained that this property was rezoned from a C-3 zone to a C-2 PUD. As part of that there was a condition that the property be used for an elderly use. The original zoning was when the nursing home was to be constructed in 1979. Under that reverter clause, in the opinion of staff as well as the proponent for the application, because this is proposed to be used for other than an elderly use, the zoning has reverted. It is no longer a C-2 zone. It has reverted to the C-3 designation.

Ms. Boyle also stated that the other aspect was that subject to the original zoning from a C-3 to a C-2 for the elderly, some time had passed before the applicant had come in with their development plans. When they did come in, the City had already passed the Planned Unit Development Ordinance (PUD) which was the precursor to the Land Development Project Regulations. At that time, the PUD was approved by the City Council; the Planning Board was advisory rather than decision-making at that time. She said we went through a very complex site plan review process and there were a number of specific conditions associated with that; one of which was to have it restricted again to the elderly use. The PUD was passed in the original zoning ordinance and that was approved by the City Council.

The action of the Planning Board tonight would be to provide an advisory opinion to the City Council on whether that original amendment establishing that PUD be amended to permit the dormitory use.

Ms. Boyle stated that as was mentioned before, there were 60 parking spaces provided in that original development. The City Council will in all likelihood be changing the Zoning as a companion to allow dormitories in a C-3 zone to require that there be one parking space for every two beds which will translate into approximately 100 spaces for this development. She noted staff finds the use of the property for a dormitory use is appropriate. Staff recommends that the Board approve it because it will bring some vitality and activity into the center part of the City. It is consistent with the Comprehensive Plan as we have discussed before, the Comp Plan does call for high density residential uses to be incorporated into the Six Corners and this would be consistent with that. She said notwithstanding the discussion on the parking, staff recommends that the Board ask the City Council to approve this change in the PUD Ordinance to allow the dormitory use.

One of the aspects is that staff had recommended approval to the Planning Board with certain conditions. One was the standard condition that they obtain any and all federal, state and city permits that are required. The second condition was that they secure off-street parking in the amount of no less than 40 spaces. Ms. Boyle suggests that an amendment be put in place in condition number 2 or that they work out a parking management plan to the satisfaction of the City Council. If this is what happens at the next Council meeting; that recommendation could be amended. The third is that any modifications to the site plan that a major modification be subject to City review and approval. We specifically called out that it received the review and approval of the Fire Chief since fire issues of paramount importance especially for a large multi-family development.

Staff recommends approval with conditions that were in the memorandum with the exception that we place language in condition number 2 to allow for something to be worked out regarding the parking.

Attorney Sleprow stated that he and the applicants agree with everything that Ms. Boyle stated above. He noted they are working on all those conditions and the Building Inspector did tour the building and wrote a letter to Mr. Rugeiro stating that on June 10, 2002 he performed the inspection at 350 Taunton Avenue and found the building to be in compliance with the Rhode Island State Building Code for use of a dormitory. Mr. Sleprow stated he agrees that it is up to his applicant to satisfy the Building Inspector and to satisfy the Fire Department.

Chairman Poland asked if there were any questions.

Mr. Sullivan asked if all the parking spaces have to be on the premises? Ms. Boyle answered no; that under the City's Zoning Ordinance you are allowed to have parking spaces anywhere within a 400 foot radius.

Mr. Poland mentioned the fact that there is a big parking problem at Bay View Academy He said East Providence isn't like Providence where they have parking meters and "no

Parking” signs. The Bay View students park on the side streets and so do their parents. This causes traffic jams. He notes this is a business area and not residential area like at Bay View and believes it is a great proposal for the revitalization of the City.

Mr. Almeida asked if the applicant owns the garage in the back of Edmund Place? They stated no.

Mr. Joseph Rugeiro was sworn in. He stated that there use to be a building in the back and he spoke with the Building and Fire Marshall yesterday and it looks like it was a two-story building which was sold off. It was a small property where they had storage.

Mr. Cunha asked about the security in the building. Mr. DeConti explained that there will be 180 students who are second year students living there. There will be a full-time professional Resident Director, who has a Masters in higher education. There will also be resident advisors who are undergraduates that will be assigned to each floor. It is one person to every 50 students in terms of resident advisors. There is an Office of Community Relations in case there are any reports of problems with students on and off campus. The front desk will be staffed 24 hours a day, seven days a week all year round. The residence hall will be closed during the holidays between Christmas and New Years. An Administrative Assistant will work the second shift from 4 to 12:00 p.m. and there will either be our own security staff of 27 members and we have the Professional Securities Service Company as a backup. We have few significant problems. Mr. DeConti states Johnson and Wales will be a very good neighbor to the City.

Mr. O’Brien asked about an agreement where other students coming in to visit the students do not park on the residential streets. Mr. DeConti stated that those students will be dealt with as they do with all the other municipalities that J&W is located. He doesn’t think that a written agreement could be done, but that they would be ticketed. He said the students coming in to the building have to have a pass, so it is monitored at the desk as to who is entering the building.

#### Motion

On a motion by Mr. Sullivan, seconded by Mr. O’Brien , the Board voted to advise the City Council to approve the requested Planned Unit Development modification as proposed with the four conditions and the amendment to condition number 2 in the staff report that the applicant provide a parking management plan to the satisfaction of the City.

Mr. Almeida	Aye
Mr. O’Brien	Aye
Mr. Robinson	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

## Motion

On a motion by Mr. Sullivan, seconded by Almeida the Board voted to make the recommendation and all the attachments part of the Board's official record.

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

## V. V. CONTINUED BUSINESS

### A. A. Staff Report

#### **2002-2003 and Six Year 2002-2008 Capital Improvement Program**

Ms. Boyle told the Board the Capital Improvement process is underway and should be before the Board at their August meeting. Patrick Hanner is working on this. A lot of the items that have been identified in this program have actually been completed largely because of some of the bond issues that have been either passed or proposed.

#### **Marshall Development on Warren Avenue**

There will be some minor subdivisions coming up. There is a possibility that the third phase for the Marshall Development which is the office building on Warren Avenue will be before the Board in July provided they obtain the necessary permits.

#### **Consultant for Waterfront Access Study**

Ms. Boyle noted that the City has hired a consultant, Vanasse, Hangen and Brustlin, in concert with Gates Leighton and Associates to assist the City in putting together the Waterfront Access Improvement Study which is a critical component in putting together our redevelopment plan. We will ask them to present a draft of their report to the Planning Board prior to it being finalized. She noted these firms share the same enthusiasm for the City's waterfront redevelopment that the City does.

#### **Update - Comprehensive Plan**

She noted staff continues to work on the Comprehensive Plan.

## VI. VI. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. Robinson, the Board voted to accept below communications: A through C. and make them part of the Board's official records.

A. Letter dated 5/17/02 from Attorney Jill Elmstrom Mann for SBA/Verizon regarding their withdrawal for a request to install a communications tower at the Providence Avenue ;

B. Letter dated 5/20/02 from Attorney Jill Elmstrom Mann for Verizon, co-applicant to SBA request to proceed with the construction of a communication tower

C. Letter dated 6/5/02 Attorney Jill Elmstrom Mann for Verizon withdrawing their request to install a communications tower at the Providence Avenue Playground

D. Memo dated May 24, 2002 to the Zoning Board of Review from the Department of Planning, Re: "Requests for Variance or Special Use Permit to be Heard on May 29, 2002" .

#### **VII. VII. ANNOUNCEMENT**

A. The next meeting will be held on **July 9, 2002**, Room 306, 7:30 p.m.

#### **VIII. VIII. ADJOURNMENT**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Peter Poland, Chairman

JMB/PP/sac