

# May 14, 2002 - Regular Planning Board Meeting

## CITY OF EAST PROVIDENCE

### PLANNING BOARD

---

#### MINUTES OF MAY 14, 2002

##### 528<sup>th</sup> Meeting

The meeting commenced at 7:32 p.m. Present were: Messers. Almeida, O'Brien, Gerstein, Poland, Robinson, Sullivan, Jeanne Boyle (staff), James Moran (staff), Alan Corvi, City Engineer, and William Conley, City Solicitor.

- **I. SEATING OF ALTERNATE MEMBER**

There was no seating of the alternate member. All of the regular members are present.

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

- A. A. Minutes of April 9, 2002

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted unanimously to approve the minutes of April 9, 2002.

- B. B. Minutes of January 8, 2002

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted unanimously to approve the minutes of January 8, 2002.

It was noted the minutes of December 11, 2001 and February 12, 2002 would be forthcoming. There are no minutes for the March 2002 meeting because it was cancelled.

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

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted unanimously to accept the following correspondence and make it part of the Board's official records:

- A. Memo dated 5/14/02 from the Planning Board to the City Council, Re: "Electrical Easement at 30 North Broadway (Fire Station #3)"

- **IV. NEW BUSINESS**

A. Public Informational Meeting - Appl. #2000-20LDP Master plan – 900 Warren Avenue, Map 507, Block 12, Parcels 1, and Map 507, Block 11, Parcel 2

Chairman Poland asked Ms. Boyle to describe the approval process for a Land Development Project.

Ms. Boyle explained the three stages to the approval process for a Land Development Project (LDP), the Master Plan, Preliminary Plan and the Final Plan. At the master plan process, if it is a public hearing, a notice is sent out to all abutters within a 200-foot radius. However this is a public informational meeting and not a public hearing. The distinction is that the proposal is discussed and voted upon by the Planning Board and they do sometimes allow public comment, but are not under any obligation to permit public comment at this time. She explained that when it comes time for the preliminary phase, there is a public hearing and at that public hearing there will be an official stenographer and the Board always opens it up to public comment. More details come with the preliminary phase as well as addressing whatever issues and concerns might have been expressed by the Planning Board, staff or members of the audience.

Attorney Christine Engustian, 1 Grove Avenue, East Providence, attorney for the petitioner was present and sworn in.

She is representing Marshall 900 Warren Avenue LLC, which is the owner of property identified as Map 507, Block 11, Parcel 2 and Map 507, Block 12, Parcels 1 and 2. This property is referred to as 900 Warren Avenue and is situated between Route 195 to the north and Warren Avenue to the south. 900 Warren Avenue is situated immediately west of 950 Warren Avenue where a four-story, 72,000 sq.ft. office building has been newly constructed and 1000 Warren Avenue where a four-story, 100 room hotel is proposed for construction. The 950 and 1000 Warren Avenue development projects were before the Board in two phases. Each phase we saw the final plan approval in 2001.

The subject parcels consists of approximately 3 1/2 acres and are situated in a C-1 or office business zoning district. The existing structures on the property will be removed and a proposed use for this site is a four-story 48,000 sq.ft. office building. An office use is a permitted use in a C-1 zone, however, the development proposal that is presently before the Board will necessitate three dimensional variances which relate to building height, number of stories, and impermeable surface coverage. Under the East Providence Zoning Ordinance, as it relates to a C-1 Zone, the maximum number of stories allowed is three. The applicant is proposing four; the maximum height allowed is 40 feet; we are proposing 60 feet, and the impervious surface coverage allows for 55 percent maximum. We are proposing 62 percent. An application for these variances has been submitted to the East Providence Zoning Board of Review which will be held at the May 29<sup>th</sup> meeting of the Zoning Board. She noted the three

dimensional variances which were granted were also needed for the LDP at 950 and 1000 Warren Avenue.

The landscaping as currently proposed exceeds the minimum lot shade coverage requirement under the East Providence Zoning Ordinance Development Plan Review.

Regarding the entrance to the site Ms. Engustian noted the primary entry to the proposed office building will be shared with 950 and 1000 Warren Avenue sites. This entrance is directly opposite Evergreen. The traffic impact analyses that were performed by Garofalo and Associates, which were previously submitted to this Board during the review phases are connected with 950 and 1000 Warren Avenue. Without reviewing again the methodologies used by Garofalo and Associates, the traffic analyses essentially conclude that the three development proposals will not adversely impact the traffic operations on Warren Avenue, if there is a traffic signal installed at the intersection of Warren Avenue and Evergreen Drive which is a point of entry to this entire development site. If the signal were installed, the levels of service during peak morning and afternoon hours would be levels A and B respectively; A being the highest level, and B being the second out of a possible six levels of service.

Ms. Engustian stated that Garofalo and Associates reviewed its results and findings with the State Department of Transportation. Before this Board reviewed the preliminary plan for 950 Warren Avenue, the State Department of Transportation's engineering division sent a letter to Steven Garofalo of Garofalo and Associates, which stated that the State of Rhode Island typically does not approve of a traffic signal based solely on projected volumes of traffic because the projected volumes may never actualize and thus a traffic signal on Warren Avenue will create unnecessary delays. At this time, access to 950 Warren Avenue where the 72,000 sq. foot office building presently exists and 1000 Warren Avenue where initial site work has commenced is provided through a non-signalized entrance off of Warren Avenue and located approximately at the center of these two parcels. Access to the subject site at 950 Warren Avenue will be the same non-signalized entrance. Ms. Engustian stressed to the Board that the owner is acutely aware of this City's concerns and believes that this development and the City would be better served with the installation of the traffic signal at Evergreen Drive and Warren Avenue. The owner also wishes to assure the Planning Board that it will continue to work with the City and the State to secure a traffic signal. Once all three buildings have been constructed, and are occupied, a new traffic study may be conducted and data results submitted to the RI DOT for consideration. The reason why we are presuming this to be a possibility is that in the letter that DOT had sent, it stated that once the developments are occupied, a new traffic study could be submitted for RIDOT review.

Ms. Engustian noted that one of the conditions of the Board for the 950 and 1000 Warren Avenue projects was that there be an emergency access to the sites. The

development plans propose this emergency access through South Revere Street which is in between the 900 and 950 sites. That is a paper street which abuts the western-most portion of the 950 Warren Avenue site. This access required an easement agreement between the City of East Providence and the property owner. The agreement was recorded as part of the final plan approval of the Phase I of LDP. With this master plan application, the owner is proposing to move the emergency access to the west of the 900 development site and use South Revere Street instead as part of its parking plan. The emergency access as shown on this sheet will service all three development sites at 1000, 950 and 900 Warren Avenue. The Fire Chief has approved the new location of this secondary emergency access. In order to use South Revere Street as part of its parking plan, the owner has petitioned the City of East Providence to abandon South Revere Street. The petition for this will be discussed next on the agenda. If it is approved, the owner of 950 Warren Avenue must submit a written request for modification to the previously approved parking plan for 950 Warren Avenue to accommodate the parking needs and plans for these adjoining developments.

With respect to the issue of access, there is an easement agreement between the three sites at 900, 950 and 1000 Warren Avenue because these sites will share access to the primary entrance and for utility purposes. The City Solicitor reviewed and approved this cross easement agreement and the agreement has been recorded with the City on November 14, 2001. The development will be serviced by municipal water and sewer which is noted on the sheets. Electric, telephone and cable service is available and the service within the proposed development will be underground.

Stormwater runoff direction of flow is described in the narrative report submitted. It states that the State of Rhode Island and City of East Providence require that there be no net increase in storm water runoff due to the development. In order to meet this requirement, a stormwater management facility was designed to direct the runoff of an impervious portion of the site to on-site infiltration facilities. She stated that the underground injection control or UIC permit has been applied for with the State of Rhode Island Department of Environmental Management. That application is pending at this time.

Ms. Engustian said that the proposal for the 48,000 sq.ft. office building is a Land Development Project as defined under the City's zoning ordinance. As such, it must meet the requirements of Article V of the City's Subdivision Regulations and Article VIII entitled: "Development Plan Review" of the City's Zoning Ordinance. The applicant submits that this project meets the criteria found in these articles; among them, compatibility with adjacent districts and uses, the lack of significant negative environmental impacts, the proper control of erosion and drainage, and adequate and permanent physical access to a public street. In addition, the proposal is compatible with the Comprehensive Plan including the Land Use 2010 Plan. The subject land falls within the "Office Service Land Use Category" of the Plan. It also falls within the dominant character of the office and

service enterprises. The office use is compatible with adjacent land uses. To the west of the site is a multi-family residential area, to the west is a C-1 zoning district and that is where you will find the occupied 72,000 sq.ft. office building. On the opposite side of Warren Avenue you will find a mixture of light industrial, retail, and multi-family residential as well.

The owner submits that this proposal will promote the economic development of the City by broadening its tax base, job expansion of about 250 people, and by increasing the volume of business at local establishments in this vicinity.

Attorney Engustian asks the Board on behalf of Marshall 900 Warren Avenue LLC, that they adopt the Planning Department's recommendation of May 10, 2002 and approve the LDP Master Plan as proposed with certain conditions that this Board may deem necessary.

Ms. Engustian stated that Mr. Ralph McGonigle and Mr. Samuel Hemingway, an engineer from Garafalo and Associates will answer any questions the Board may have.

Mr. Moran stated that the Board did not receive all the attachments such as memorandum from the Public Works Director, Fire Chief and others. These indicate some of the issues that need to be resolved at the preliminary plan phase. There are several memoranda that indicate some of the conditions that would be part of the recommended approval.

Mr. Moran explains that this is a master plan submission for a proposed project outlining general rather than detailed development intentions. At this phase we are looking at a general landscape plan, building and parking layout. Some changes could occur though between the master plan and the preliminary phase. A lot of the information that is required at preliminary plan does not need to be within the master plan such as traffic impact assessments, state and federal permits, physical alteration permit approval, underground injection control approvals etc.; these would be included in the preliminary plan phase. The City Engineer indicates in his memorandum that there are a lot of the issues that have not been fully approved, but will need to be addressed prior to the preliminary plan approval.

Mr. Moran stated that this development received a Certificate of Completeness (COC) on April 29, 2002 and was advertised on May 7, 2002, which covers the requirements of a public informational meeting under the Master Plan Review. It is a 48,000 square foot building which will be designed like the other one. Access will be provided through the previous approved Land Development Project to the east. Drainage and utilities proposed for this development are similar to the ones that were installed on the previous LDP. There will be infiltration galleys under the parking area which will require approval by DEM before the applicant can proceed to the next step at preliminary.

Mr. Moran stated they will have to go before the Zoning Board obtain a height and coverage variance. The Zoning Officer states in his memorandum that there will have to be a signage plan submitted and other information at preliminary plan.

Mr. Moran stated that the traffic analysis in the staff recommendation contains a lot of information that is apropos to the 950 Warren Avenue development. The reason why that was included was to indicate that there was an extensive analysis completed for this development and it provided at the time a peak hour impact that was going to create a level of service D without a signal and a signal would upgrade it to an A and B situation. He noted that RIDOT did not think this warranted the installation of a traffic signal at that location. There was additional research that was done to reflect the four and eight hour analyses and they were not able to attain the peak hour analysis.

Mr. Almeida questioned how many accidents have occurred at the Evergreen Nursing Home. Ms. Boyle stated we did have a record of a report that was done by the City's Traffic Engineer several years ago. They talked about putting in a one-way street because of the accidents that did occur. Staff has not gotten recent data on this though. Most of the accidents have gone away because it is a one-way pattern rather than two-way. Ms. Moran stated the master plan phase for the 950 Warren Avenue development, the Board was active in stating they wanted to see a signal there at the time. He said the Fire Chief and Director of Public Works continued their desire to see a traffic signal at that location and they reiterated this in their discussions and memorandum. Staff recommends also that the applicant continue to work with the RI Department of Transportation.

Mr. Moran stated secondary emergency access as described by Attorney Engustian will be moved 300 hundred feet west of its current location. As a result of the new development it makes more sense to move it to that location and allow the access way to be developed as part of the parking plan. Also it will eliminate the need to have an easement on South Revere Street which is also part of the abandonment and will be discussed under the next item of the agenda. He noted the Fire Chief has found the secondary emergency access to be acceptable as provided.

The street abandonment will be covered under the next item under the agenda. The Planning Department recommends that the Board recommend approval on this street abandonment of South Revere street in light of the fact that the various departments who reviewed this found that this City street was of no use to the City.

Mr. Moran stated that because this particular project is interacting with 950 Warren Avenue development, there would be the need for a modification to the previously approved Land Development Project in order to mesh the parking

areas between 900 and 950 Warren Avenue. As part of that the applicant will need to approach the City to request a modification and that could be done prior to or concurrently to the preliminary plan application to the City. It will be necessary in order to allow these parking areas to function properly. There will be a need to change the traffic patterns. Some other review issues Mr. Moran stated they would need to have all the necessary engineering stamps and proper signature blocks on the plans. The landscape plan will need to be prepared and signed by a landscape architect as part of that preliminary plan approval.

### Comprehensive Plan

Mr. Moran stated that this particular location is deemed office/commercial and is in compliance with the Comprehensive Plan and the dominant retail character of this land shall be office and service enterprises. This particular use fits that category. This development will also fill several of the recommendations with the Economic Development Element of the Comprehensive plan related to tax revenue generation, job creation, and other issues that are described within the Economic Element.

### Recommendation

Based upon a finding of the proposed development is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations and further the required findings of Section 54 of the Regulations are met, staff recommends conditional approval of the Land Development Project Master Plan submission as proposed subject to the following conditions of Master Plan approval being incorporated into the preliminary plan submission;

1. That all comments in the technical staff memoranda and any and all conditions of the Planning Board approval be reflected in the preliminary plan submission;
2. That the applicant obtain all necessary zoning variances prior to the submittal of the preliminary plan submission;
3. That South Revere Street be abandoned subject to the approval of the City Council prior to the submission of the preliminary plan;
4. That a request for modification to the parking area configuration for the 950 Warren Avenue approval be submitted prior to the submission of the preliminary plan; and
5. That the preliminary plan supporting information be based upon this master plan approval.

Chairman Poland asked the Board if they had any questions.

Mr. Poland stated he reviewed the area and noted what a nice job they did and that the building is nicer looking on the expressway side. He noted it has a beautiful entrance and all the landscaping is in place. He asked if the hotel would be starting construction shortly. Ms. Engustian noted that the other parcel was transferred in terms of ownership this past month and that has been the cause of the delay in terms of the construction of the hotel. Mr. Poland asked the developer if they will still be responsible for the installation of the traffic light and controls according to what the State wants? Ms. Engustian noted that Mr. McGonigle informed her that they are paying approximately \$1600 per week to have police at that location during peak hours morning and afternoon.

At this time Mr. Ralph McGonigle, 700 Narragansett Park Drive, East Providence, RI, was sworn in by Chairman Poland because City Solicitor Conley was not in attendance yet.

Mr. McGonigle stated that when the first tenants moved in we voluntarily went to the police to have a detail there at peak times. He noted they would pay for the entire cost of the installation of the traffic light. He believes this will be required in order to get the physical alteration permits. The building is not fully leased yet, but the occupancy is continuing and will for the next two months. At that time traffic studies can be done to support the light.

Mr. Poland asked if they planned on cleaning up the corner near the hotel? Mr. McGonigle stated that the hotel owners have every intention to try to acquire the land. They have indicated that the state will transfer it over to them and they will maintain it. It is to their advantage and they are very conscious of the image that they need to have there. Mr. Poland stated that he heard before the office building was done the lot was cleaned up, but not that corner. Why was this and when are they going to demolish the school? Mr. McGonigle stated there were some delays with Mrs. Cunningham at the time, it was time consuming to transfer the school property over to the City, and there was a question of when the maintenance shop could be moved over to Commercial Way. He said tomorrow morning they are to demolish it.

Mr. McGonigle stated that we have the site contractor who did 950 Warren Avenue as well as the hotel site. We will be cleaning up the lot as soon as possible. He noted it is within Marshall's program to always have the properties look well if they are empty or full. He said three weeks from now the property should be all graded and a lot more presentable.

Chairman Poland asked if there were any questions. The Board felt that since this was all discussed before with the 950 development, that their questions have already been answered.

The Chair asked the audience if they had any questions.

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to make all the documents and attached correspondence, including the ones that the Board received tonight be made a part the Board's record.

Roll Call Vote

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

Motion on the Master Plan Subdivision

On a motion by Mr. Sullivan, seconded by Mr. O'Brien the Board voted for conditional approval of the Land Development Project along with the five stipulations listed below:

1. That all comments in the technical staff memoranda and any and all conditions of the Planning Board approval be reflected in the preliminary plan submission;
2. That the applicant obtain all necessary zoning variances prior to the submittal of the preliminary plan submission;
3. That South Revere Street be abandoned subject to the approval of the City Council prior to the submission of the preliminary plan;
4. That a request for modification to the parking area configuration for the 950 Warren Avenue approval be submitted prior to the submission of the preliminary plan; and
5. That the preliminary plan supporting information be based upon this master plan approval.

Roll Call Vote

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

Mr. Poland thanked the petitioners for a well-organized application. Mr. McGonigle thanked the Board and staff for all their cooperation during the 950

Warren Avenue petition. He noted that the Planning Department has always been very, very helpful and cooperative in guiding us along.

**B. Street Abandonment – South Revere Street (formerly known as Chestnut Street)**

Mr. Moran went through the staff recommendation. He noted this is in combination with the previously approved Land Development Project (LDP). As part of the submission, the applicant has also submitted an abandonment petition for South Revere Street which traverses between Map 507, Block 12, Parcels 1 and 2 and Map 507, Block 13, Parcel 1.

Mr. Moran explained that this roadway at the present does not serve any purpose except to access the properties that are involved in this particular LDP. It is 440 long, and 40 feet wide. The request for abandonment was received by the City Council and forwarded to the Planning Department as part of our review process and part of the required process for a street abandonment under State law. We began the process of submitting the proposal to the various departments for their review. The Public Works, Police, Fire Department and other departments had no objections to the abandonment. He noted there was an issue relating to the property located on the right which is 950 Warren Avenue. Because the ownership situation now is owned by the RI Industrial Facilities Corporation, there was the need to receive a letter from them indicating that they supported this request for abandonment and as such, there is a letter from them dated April 23, 2002 indicating that they are in support of the request for abandonment. This letter is attached to the petition. It was also noted the emergency access that was discussed under the previous LDP will be moved off of this location so that the easement that was granted under that previous development at 950 Warren Avenue will no longer be necessary and will not have any impact on the abandonment of this particular street, the easement that was recorded eight months ago. Mr. Moran noted the City has found that this particular street serves no purpose for the City and staff recommends that the Board recommend to the City Council that South Revere Street be abandoned. Mr. Moran states he indicated to City Clerk Perry the anticipation of this action by the Board and attached that memo to the Council from the Planning Board for the Board's review.

**Motion**

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to recommend to the Council that South Revere Street be abandoned:

## Roll Call Vote

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

### **C. Disposition of City Property at 100 Bullocks Point Avenue, Self Help Inc.**

Ms. Boyle explained this request is from Self Help Inc. to acquire city-owned property at 100 Bullocks Point Avenue. Mr. Dennis Roy, Executive Director of Self Help is present to answer any questions.

Ms. Boyle gave the staff recommendation. She said this is a proposal for a purchase and sales agreement for City-owned property at 100 Bullocks Point Avenue. She noted the Purchase and Sales agreement is attached to the Board's memorandum. Self Help is proposing to purchase the property for the sum of \$1.00. The City uses in the building include the Recreation Center and the Riverside Library which would be allowed to continue as tenants of Self Help Inc. with no rent, but would pay for the utilities for that space. The building in question is about a 42,000 square foot, 3-story building. The lot contains 55,000 square feet and there is a limited amount of parking associated with it – approximately 40 parking spaces. The building was originally constructed as the Riverside Junior High School. In addition to the Recreation Center and the Riverside branch of the library, which occupied about 18,000 square feet and 4,000 square feet respectively, Self Help also has its main offices there. This is a non-profit community action program and they provide a number of services to persons of low and moderate income in the City. Among the services provided at that location are the Family Health Center (FHC), a food and clothing bank, heating assistance program, and a number of programs for the homeless and also for the elderly. The building was constructed around 1920 as a municipal school and requires a number of significant improvements.

Ms. Boyle explained that in December of 1999, Self Help commissioned the firm of Orchiuch Architects to do an analysis of the building to try to identify what the capital needs were. Mr. Orchiuch concluded that the building was structurally sound and needed a great deal of work. The roof was in need of repair and replacement and was leaking rather heavily. Much of the roof is an Spanish-style and Italian tile which makes for a much more expensive replacement process. The HVAC also functioned rather poorly and inefficiently, and there was a need to replace the mechanical and electrical systems. As an aside, a portion of the heating system has been replaced by Self Help in association with other improvements that they did to the space that they occupied at the health center. The windows are in poor condition and are not energy efficient whatsoever. The

cost of the improvements when this report was done was estimated between \$750,000 and one million dollars.. Mr. Orchiuch's report was also reviewed by the firm of ICM Corporation which is a construction consulting firm that has done a lot of work for the City. That review confirmed Mr. Orchiuch's conclusions.

Ms. Boyle said that all the repairs that were identified in the report have not been addressed. The City has made some short-term improvements to the roof because it was leaking copiously. Largely because of the condition of the building, the City has given a great deal of thought to relocation of the Recreation Center and of the branch library. The City Council did allow a bond issue to go before the voters in 1998 for money to be set aside to study the feasibility of the relocation of the Recreation Center and of the Library. In March of 2000, the City Council appointed a Recreation Center Advisory Committee which was to look at the feasibility of relocating the recreation center. Edwards and Kelcey Architects were hired to do a comprehensive study of potential locations for the center and costs. They concluded that the best location for a new Recreation Center would be Pierce Field at a cost estimate of between 3 and 5 million dollars. Mr. Almeida is a member of that advisory committee.

Ms. Boyle stated there is also some talk of relocating the Recreation Center to Martin Junior High if the City Council decides to go forward with a bond issue to build a new middle school. In any event, the City is serious about relocating the recreation center out of the Self Help building. The library relocation seems to have even more force behind it. They have selected a site on Bullocks Point Avenue. The City has funds set aside for the design of a new library at that location. They are also talking about including a bond issue for 2002 and the recreation center construction. Ms. Boyle stated that Self Help has looked at other locations because they new they needed to provide services to the residents of East Providence and also residents of abutting communities. They have committed a great deal of funds towards the renovations to the Family Health Center in 1999 which was upgraded and expanded and they received a combination of private and federal funding. As part of that upgrade they did make some improvements to the heating system as well.

Ms. Boyle noted staff has had a number of discussions with Self Help and we have been informed that with the types of Capital improvements that need to be made to that building, the funding agencies, whether they are banks or non-profit foundations are looking for greater assurance that Self Help will continue at that location. They are not going to make that kind of investment with an organization that does not actually hold title to that property. Even though they have been very successful in the past in receiving funding, this would enhance their chances of receiving that type of funding for the improvements to the building in the future.

In his budget message, City Manager, Paul Lemont suggested that the City consider the sale of the building to Self Help. There is an excerpt of the budget message attached to the staff memorandum. Ms. Boyle read from the excerpt.

The City has enormous capital needs and we need to relocate the uses there. It makes more sense to sell it to Self Help because they will be able to obtain the funding and the City won't have to pay for it out of City tax dollars. The building does need these repairs.

She noted this proposal was referred to several city departments. The Director of Public Works and Finance Director had no objections or comments. The City Solicitor had comments about the draft sales agreement. One of the proposals in the sales agreement was to change the zoning classification of the premises of Open Space to Commercial 1. The Solicitor had two concerns; one that we cannot commit to any sort of change in zoning through a sales contract. It has to go through a process of hearings and reviews, otherwise that would constitute contract zoning which is illegal. Even though it is an open space district, generally speaking, institutional uses such as City uses and those uses that Self Help is currently operating are permitted within the Open Space District. If it weren't a permitted use by any definition, it would still be considered all right to continue because it is grandfathered prior non-conforming use. She noted that based on her discussions with the City Solicitor there is no need for a rezoning. The City would not want to give the property a blanket rezoning to C-1 because that would permit some uses that the City would not want to see. Our intention is that if we were going to sell it, it would be for the purposes of Self Help's operations.

Ms. Boyle noted that the City Solicitor is concerned about the granting of the tax abatement which is not within the purview of the sales agreement or of the Board's or staff review. We don't think this should be reflected in that sales agreement. Another point the City Solicitor made was that there should be restrictive covenants on the deed, we want to see this restricted to the uses that are associated with Self Help, not other uses that might be permitted within a C-1 District. We would also like to see a right of first refusal in the event that Self Help vacates the premises; that the City would have the opportunity to repurchase the property.

Ms. Boyle stated the other major comments that staff received were from the Recreation Director. The Recreation Department would be the primary tenant in the building as the Recreation Center occupies about 18,000 square feet of the building. The Recreation Director expressed his opposition to the sale primarily because of uncertainty associated with the re-location of the Recreation Center. He does have concerns about the terms of the sales agreement and feels it needs to be tighter in order to provide the protection that he would need as a tenant for the foreseeable future in that building. One of the other concerns that Mr. Crook has is that the Recreation Center needs more space and that if the library were to vacate the space, he would like to have that space. He would like the right of first refusal should the library vacate it before the Recreation Center. Mr. Crook also expressed concern about the proposal in the agreement that the City Departments be required to pay a pro-rated share of the utilities. Ms. Boyle said this is

something that needs to be addressed when the City gets into the negotiations of the actual terms of the lease.

In terms of the staff recommendation, Ms. Boyle stated that even though there are legitimate concerns by the Recreation Director because of the uncertainty associated it right now with the re-location of the Recreation Center, the bottom line is we have a building that requires very expensive repairs in the near future. \$750,000 to a million dollars is a lot of money and it would not be a high priority for the City to spend that kind of money in a building that the City seems to have the intention of vacating within the near future. We do not have the same ability to raise outside capital funds as an organization such as Self Help does. They have the access to the private foundations. These repairs need to be made and the City is not in the position to do that. The other consideration is that Self Help provides essential services to a number of residents of East Providence and this is a very important goal for the City to see that those services are provided and convenient in a safe location to a number of residents. Ms. Boyle stated it is the Planning Department's opinion that the best way to accomplish these objectives and to further Self Help's mission would be to dispose of the property of Self Help and also we want to provide some protection to the City uses that are going to remain, and we suggest that Self Help commit to a schedule for the improvements to the building. Staff also suggests that when a schedule of improvements be put together, that priority be given to building-wide improvements such as the roof, heating system and windows, and not necessarily ones that are more benefit to Self Help offices. We also believe that the sales agreement and lease arrangements that are negotiated between the City Council with the City Solicitor and City Manager should clearly state what Self Help's obligations are as a landlord; to try to address any concerns that the Recreation Department may have.

Ms. Boyle stated that staff recommendation to the Board is that the property be sold to Self Help subject to the following conditions:

- • Meet all concerns of the Law Department regarding the terms of the Sales Agreement;
- • Meet all concerns of the Department of Recreation regarding maintenance and utility responsibilities;
- • Give priority to the Recreation Department for occupancy of any space vacated by the Library Department; and
- • Provide a schedule of capital improvements to the building, with priority given to building-wide improvements

Mr. Poland asked if there were any questions?

Mr. Sullivan asked if the property across the street was part of the proposal? Ms. Boyle stated that the empty lot on Atlanthus is not part of this. He asked if the Library and Recreation Departments have a set date that they will vacate. Ms.

Boyle states it is her understanding that they will be allowed to stay on the premises until such time that they find another location. This is in the sales agreement.

Mr. Dennis Roy, Executive Director of Self Help, 40 Walter Street, Barrington was sworn in at this time. Mr. Roy distributed a handout. He thanked Ms. Boyle for stating all the points that he would have stated. He responds to some of the issues from the Department memo. Regarding zoning and the sales agreement, they have no problem with it. He noted he would approach the City Council for a tax abatement and noted that they had always intended to give the City right of first refusal to the property if it was used for any purposes other than providing services to East Providence residents under Self-Help's name or any successor agency; that would be the only obstacle to that possibility so there is the opportunity to do any other kind of development. To sell the Self Help facility would certainly not be there without the City having first right of refusal to buy the building back for \$1.00.

Mr. Roy stated that in terms of the building improvements themselves, the priority is the roof which would benefit the whole building. This roof is in serious need of repair and we are actively pursuing the Champlain Foundation which was the stimulus to have discussions with the City. As Ms. Boyle states Champlain is at the point now where they do not feel comfortable providing support until we can show them that Self Help is the owner of the building. The only other issue we have to work through is the vacating of the Library. Mr. Roy noted he was not aware that the Recreation Department had an interest in that particular facility. He noted he does not have any problem with the Recreation Center and Library staying as long as they deem necessary until they can find a suitable location. The rough estimate for the total utilities of the building per year is \$60,000 and we are only asking that the City programs that do stay, pay a pro-rated share of that towards the utilities.

Mr. Roy stated he gave the Board a list of services that they provide and have a lot of programs that benefit the citizens of East Providence with the health center, heating assistance program, etc. He said they very much want to stay in the building and feel it has great potential, but at the same time as you will see in the reports that were done in reference by Ms. Boyle and by our architect serious repair needs must be addressed. Mr. Roy noted they intend to do a capital campaign over the next three to five years; start with the roof and continue with the windows, downspouts, gutters etc. and then commencing with the internal renovations such as electrical and plumbing. Mr. Roy thanked the Board for the opportunity of coming before them and said he would answer any questions.

Mr. Poland asked about the maintenance and utility responsibilities noted in the recommendation. He said Mr. Crook asks in the memo that the Recreation Department not be charged with the pro-rated amount for the cost of utilities and Mr. Roy is recommending that they pay a pro-rated amount. Ms. Boyle stated

staff is deferring the Recreation Department on that. We are recommending that Self Help reconsider since the Recreation Department does not have it budgeted right now and that issue would be subject to the negotiations with the City Council, City Manager, and City Solicitor in the future. Ms. Boyle stated that the point that Mr. Crook has made verbally is that for a number of years, Self Help has been able to occupy that space without paying for utilities and without paying for rent and he felt that it was fair that that same type of opportunity be extended to the City.

Ms. Boyle stated that the other item also is not saying that the City would not provide maintenance. It is not clear what the maintenance responsibilities are. This is just an issue of clarification.

Mr. Robinson asked that when it suggests that we meet all the concerns of the Law Department, he notes he is concerned about Mr. Conley's memo where it states that rent should be established at some nominal value and that the City would be able to occupy the premises for as long as it has a need to do so. Is there any objection to that? Mr. Roy answered no. He asked Mr. Roy if the rent would remain at a nominal value? Mr. Roy answered yes.

#### Motion

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to recommend to the City Council that the property be sold to Self Help Inc. subject to the four conditions of the staff memorandum.

#### Roll Call Vote

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

#### **D. Easement – Amaral Street**

Ms. Boyle stated this is a consideration of a grant of an easement. It was referred to the Planning Board by the City Council for their review.

The easement is required to install sanitary sewers in Amaral Street and occupies a small portion of a privately owned property which is owned by RICON Realty. This project was included in the 1998 bond issues under Economic Development. For 30 years, the property owners in the area have been seeking the installation of City sewers at that end of Amaral Street. This is a necessity in order to construct the sewers there. The staff recommends, that the Board advise approval of this easement because of the importance for the businesses in that area.

Chairman Poland asked if there were any questions of the City Engineer? There were none.

Motion

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board recommends to the City Council that they grant approval of the easement.

Roll Call Vote

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

#### **E. Housing Condition Study of the Riverside Square Area**

Mr. Hanner gave the presentation on this. He noted it is still in draft form and would appreciate any comments that the Board may have to incorporate it in the report.

This report is a summary of three individual studies. The Windshield Survey was done in April, 2001, an actual physical inspection of 12,000 residential houses in the Riverside area. The next was a Tenant Mail Survey done in February, 2001 which was a survey sent out to individuals that are currently in the Riverside area. Finally, the third part of this study is a summary of additional data that was collected as of this year over the winter where we wanted to explore the findings of the Windshield Survey and the Tenant Mail Survey by examining 1990 US Census Data and through the City Assessor's Data Base. The 1990 Census data is used throughout the report; the reason being is that the 2000 Census data is not available at the tract level yet and this is what we would need for the study area. Once the 2000 Census data becomes available at the tract and block level, we will provide an addendum to the report. The area is South of Whipple Avenue north to Crescent View, and west of Bullocks Point Avenue and the East Bay Bike path and south of Willett Avenue. The Windshield Survey was an individual inspection of 1272 residential buildings which included maintenance items and structural items of the houses. Maintenance items being the siding, exterior paint, chimneys, windows, doors, stairs, porches and gutters and downspouts as well as structural items such as the foundations of the buildings, walls and roofs of all the residential buildings

Mr. Hanner went explained to the Board the criteria used to classify condition of buildings. He noted that every one of the 1272 residential buildings were classified as being sound, deteriorated or dilapidated. This criteria was used to

classify the houses as such. He noted in looking at these homes roofs, windows, etc., it was determined whether it was need of repair or replacement. It was determined to be in need of repair we considered that a defect and if it was considered in need of replacement, it would be under the major defect title. The criteria for a sound classification would be that no maintenance items appear to be in need of repair or one minor defect of a maintenance item was observed to be in need of repair. If just the windows in a residential building were observed to be in need of repair, then that building would of fall under a sound classification. As for the deteriorated buildings, the criteria was two or more maintenance items in need of repair. One minor defect of a structural item or a combination of a minor defect of a structural item and a maintenance item.

The deteriorated building that would have windows in need of repair and siding in need of repair. Two maintenance items would need repair. The worst classification we had for dilapidated buildings would be minor defects in more than one structural item, or a major defect of one or more structural items. A major defect would be the roof of the building that is beyond the point of repair that needed to be replaced.

Mr. Hanner noted that the Riverside Windshield Survey study found that 81 percent of the buildings were classified as sound, 17 percent deteriorated, and less than 1 percent is dilapidated.

The two most common maintenance items that were observed to be in need of repair were the exterior paint of the buildings and windows.

#### Tenant Mail Survey

Mr. Hanner noted that the purpose of the Mail Survey was to examine possible barriers to individuals who are currently renting in the Riverside area which are preventing them from becoming homeowners. This was a 19 question survey which was mailed out to 478 households. We received 54 surveys back which is 11.3 percent response rate. The questions included rent, income, what the utilities cost, how long they have been residing there, number of children in the household, whether they believe the landlord is maintaining their building appropriately as well as possible reasons or desires for them to become homeowners. The data gave us a profile of individuals that are currently renting in this area. The majority of these residents are single and the largest response was that 44 percent of the respondents were single. The second group are divorced at 25.9% and 20 percent are married couples. The largest response from the respondents data determined that they spent between \$450.00 to \$549.00 for rent per month. Utilities ranged from \$100.00 to \$299.00. In looking at the tenure of residency chart, the largest number of respondents stated they have lived at the current address from two to five years for the majority.

Mr. Hanner noted that the questionnaire also explores the availability of housing or the ease of finding housing in the Riverside area. The study should that 69 percent of the respondents specifically searched for residency in the Riverside area. 66 percent did not experience any difficulty at all in finding a place to rent. As to whether or not there is a demand for homeownership, these individuals that are currently renting that want to become homeowners, 80 percent said they never previously owned a house and 86 percent stated that they would like to own a house in the near future. 78 percent stated that if they would buy a home, they would buy the home in Riverside.

As to the barriers of reasons that these individuals perceived as preventing them from becoming homeowners, 32 percent stated that they have credit problems, 25 percent stated they feel they don't make enough money, 21 percent stated they did not know how to go about buying a home. Only one respondent stated that there is a lack of suitable housing in this area.

Mr. Hanner stated staff decided to explore additional data to explore the findings of the Windshield Survey. We compared basic demographic information. We looked at the size of the parcels, the assessed value, whether the homeowner was a senior citizen or non-senior, whether the homeowner was a renter or a homeowner and we compared that to the condition of building.

Mr. Hanner further explained that regarding median household income for the Riverside area, it is \$22,700. For East Providence it is \$31,000. Median value of the home for the Riverside area is \$84,600 compared to East Providence at \$121,700. There is an older housing stock in Riverside compared to the central part of the City. The breakdown between owners and renters for Riverside and East Providence is almost identical. From Riverside sixty percent of the people in the Riverside area are owners, which is almost identical to the Census data for the City as a whole.

We made a comparison with the size of the parcel to the condition of the building. The majority of the dilapidated buildings in that study are located on lots less than 5,000 square feet. The majority of the buildings are located on lots 5,000 to 9,000 square feet. An assessed value of the property to the condition of the buildings shows that the assessed value of the property increases from less than \$75,000 to greater than \$100,000. There is a lesser occurrence of deteriorated and dilapidated buildings and greater for sound buildings.

When we made a comparison between senior citizens and non-senior citizen relative to the conditions of the building, we found that seniors occupy slightly greater percentage of the deteriorated and dilapidated buildings and a lower percentage of the sound buildings. Ownership comparison revealed that the homeowners reside in a better maintained building than the renters of the Riverside area.

The three studies reveal that the majority of the buildings in the Riverside study area are of sound condition. The majority of the deteriorated and dilapidated buildings located on parcels less than 5,000 square feet. Seniors occupy lower percentage of the sound buildings and greater percentage of the dilapidated buildings. The Mail Survey indicated a very strong demand that is present with individuals that are currently residing in Riverside within that study area who would like to become homeowners.

The first recommendation by staff is to continue the City's Lead Safe Program. This program provides a 50 percent grant with a 25 percent forgivable loan and only a 25 percent payable loan for the remaining cost of the lead work.

The second recommendation is through R.I. Housing target homeownership opportunities since there is such a strong demand present. RI Housing has many programs that assist people especially first time homebuyers.

The third recommendation is to coordinate efforts with existing community resources that are located or serve the Riverside area. This report will be made available to different organizations and churches and we will seek the assistance from non-profit housing organizations to collect feasibility studies and determine whether or not it is feasible to have a federally sponsored homeownership program.

The final recommendation is to continue studies of the Riverside area using the identical methodology used in this study for the year 2006-2010. This will also be on a GIS database to help us to determine where that concentration is. Also we want to explore for future studies the possible variables of senior citizens occupying a greater percentage of deteriorating and dilapidated buildings that we have learned from this study.

Chairman Poland asked if there were any comments?

Ms. Boyle stated the reason we started this study in 1999 was because RI Housing offered a grant program to assist communities to conduct neighborhood studies such as this one. She stated that at that time, the Department had applied for the grant but did not receive it. Instead we decided to do it in-house. This project has taken a great deal of staff resources and time. Ms. Boyle stated she feels the City is now in a better position to try to focus the uses of CDBG funds and other state funds and hopefully will position us with this data in hand to obtain other grants towards implementation of the City goals. She stated we have a similar study going on within the central part of the City.

Mr. Poland commented that the Mr. Hanner's report was an excellent one and a clear one.

Ms. Boyle also stated that it is very interesting when you see the correlation between the very small lots and the substandard conditions. I believe that confirms the actions that the Board and City Council took several months ago to actually curb the residential density. Those smaller lots are contributing to the deterioration.

Mr. Sullivan stated that these houses were used for summer houses many years ago and then became winterized. He stated that some are very expensive because of the scenic area that they overlook. He said they are so close together and is surprised that Mr. Hanner did not find more dilapidated homes when conducting the survey.

Ms. Boyle stated there have been other studies done in other parts of the country that are similar to the Riverside Square area and one of the goals in a lot of these other communities is to try to foster homeownership as much as possible especially among the people who live there as renters. She stated that from the Study results there is a lot stability in Riverside because of the people being there for a number of years. The more the City does to promote homeownership among the residents of that area, the better off we are because that will increase the stability of Riverside. She noted we do not want it to become a situation where you have speculative purchasers coming in because you have the absentee landlords who do not keep up their properties as well as the resident homeowners.

This data that we have collected will affect a lot of the housing policy and the CDBG policies especially that we recommend to the City Council. Another aspect of this is that we are in the process of updating the Housing Element of the Comprehensive Plan and a lot of the work that was done in this Study will be incorporated in the Housing Element when we bring it before the Board.

Mr. Gerstein stated that four years ago he went door to door and spoke with some of the neighbors. He noted that some of the homes were in very bad shape and dilapidated. He said some of the people were going to have to sell their homes because of their taxes going up. These homes faced the water.

Ms. Boyle noted that the survey that was conducted through this office was just an exterior condition survey and that we did not have the opportunity to go into homes to see what the conditions were like so this survey does not identify interior problems such as problems with their plumbing system or heating systems are falling apart. Ms. Boyle states that through our Lead Program we encounter some property owners who are living in deplorable conditions that you wouldn't that you wouldn't know by looking at the exterior of their home.

Ms. Boyle also noted that staff has not decided as to what extent we want to involve the community; whether we wanted to do a community meeting. We would still be open to any comments or suggestions that the Board may have regarding this report and whether or not we should have a public hearing or public

workshop and get more community input or whether this is a good effort where it stands.

Mr. Sullivan asked if this report was for the whole Riverside area. Ms. Boyle stated no, that it is only for the Riverside Square area which is the CDBG eligible area of Riverside.

Mr. O'Brien stated he did not feel that there was much response from the residents on the survey. Mr. Hanner replied that the response they received was ok for a mail survey. Ms. Boyle states this percentage rate is not unusual for a mail survey. She noted staff also did a mail survey for the Riverside Recreation Center and only received maybe a 10 or 11 percent return. She said if you get back 20 percent, that is considered very good.

- **V. CONTINUED BUSINESS**

- A. A. Staff Report

- 1. Waterfront Access Improvement Study**

- Ms. Boyle noted the City has gone out for Request for Proposals. We will be interviewing consultants sometime in May. The purpose of the study is to come up with ideas for improved access to the waterfront redevelopment areas. Submissions came in from five excellent consultants and hopefully we will have someone on board within the next few weeks. Transportation access is the determining factor in how we go about putting together a redevelopment plan for the waterfront. We need to know what properties will be affected. Ms. Boyle states she is very pleased with the quality of proposals that we received and the outcome of that study is going to be very interesting. Hopefully this will be before the Board with the next two to three months.

- 2. IGUS Manufacturing Facility**

- Mr. Moran reports that IGUS came in for their preliminary approval last July and is now back with their final plan which the Board delegated to the Administrative Officer for final review. They will be moving forward. It will be about a 180,000 square feet. This increase will also solve some of the problems with the all terrain vehicles and the trespassers that they have been experiencing.

- 3. TACO**

- Ms. Boyle stated they have not heard from TACO as yet and that the project is still on hold.

- **VI. COMMUNICATIONS**

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to approve Communications A below and make it part of the official record.

A. Memo dated April 19, 2002 to the Zoning Board of Review from the Department of Planning, Re: "Requests for Variance or Special Use Permit to be Heard on April 24, 2002"

- **VII. ANNOUNCEMENT**

The next meeting will be held on **June 11, 2002, 7:30 p.m.**, Room 306

- **VIII. ADJOURNMENT**

On a motion by Mr. Sullivan, seconded, Mr. Robinson, the meeting adjourned at 9:30 p.m.

Cc: City Solicitor  
City Manager  
City Engineer  
City Clerk  
Director of Planning  
Planning Board  
Post: City Hall Lobby