

November 12, 2002 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF NOVEMBER 12, 2002 533rd MEETING

Present were Messrs. Almeida, Cunha, O'Brien, Poland, Robinson, Sullivan, City Solicitor Conley, Jeanne Boyle (staff), Diane Feather (staff), and Patrick Hanner (staff).

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated as a voting member since Mr. Almeida was absent.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of October 8, 2002

On a motion by Mr. Sullivan, seconded by Mr. Robinson the minutes of October 8, 2002 were recorded and made part of the Board's official records.

It was noted the December 11, 2001 and February 12, 2002 were not available as yet.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

IV. NEW BUSINESS

A. Appl. #2001-17 Minor Subdivision, Carol A. Adams, 145 Narragansett Avenue

Mr. Patrick Hanner went through the staff memorandum. He explained that the applicant is proposing a three-lot subdivision on existing city streets. It is classified as a minor subdivision on existing frontage. He explained there are two stages of plan review; preliminary and final. The Planning Board may vote to delegate final plan approval to the Administrative Officer. The Board must make a decision within 65 days of the issuance of a Certificate of Completeness which was issued on November 1. There are no advertisements required for a minor subdivision on existing frontage. The subdivision proposes the creation of three lots. Lot 1 consisting of 13,100 square feet; Lot 2 consisting of 8,240 square feet, and Lot 3 consisting of 9,580 square feet. The single family dwelling that is located on 145 and 170 Narragansett Avenue will remain and a single family dwelling is proposed for the proposed Lot 2. All three of the proposed lots

have frontage on Narragansett Avenue and the trailer that is currently located at the proposed Lot 2 is proposed to be removed as noted on the plan.

Mr. Hanner noted that the engineering division has issued two violation letters; one in May and in June 2002 that requested the owner to remove the landscape timbers that were installed along 145 Narragansett Avenue which is the proposed Lot 1. The Public Works Department has requested the installation of granite curbing in front of all three of the proposed lots. The property is zoned R-4 which requires a minimum lot area of 5,000 square feet, minimum lot depth of 100 feet, minimum lot width of 50 feet, front setback at 15 feet and rear setback at 20 feet. The Zoning Officer has stated that this subdivision fully complies with all zoning requirements.

Mr. Hanner stated the East Providence 2010 Land Use Plan designates the area of the proposed subdivision as a low density residential. The designation allows residential development at a density of eight dwelling units per acre or less. The land use associated with this subdivision is consistent with the Land Use 2010 designation.

Section 5-4 of the Regulations require that prior to the approval of any application for subdivision, the Planning Board shall address each of the general purposes in Article 1 of the Regulations and shall make positive findings on all of the applicable standards, as listed below:

- a) Subdivision and land development project proposals shall be consistent with the East Providence Comprehensive Plan, including its goals, objectives, policy statements and Land Use 2010 Plan.
- b) All lots in a subdivision and all land development projects shall conform to the standards and provisions of Chapter 19, Zoning.
- c) There will be no significant environmental impacts from the proposed development as shown on the plan. All three of the proposed lots are serviced by sewer, water, and gas. No new construction is proposed for lots 1 and 3.
- d) The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable. The general location of the two existing single family dwellings and proposed dwelling area located on a relatively flat area. No construction is proposed to the rear of the properties where steep slopes are present.
- e) All proposed land developments and all subdivisions shall have adequate and permanent physical access to a public street. Lots cannot be isolated by topographic, natural, or other features which prevent physical access from the street; All three of the lots have physical access to Narragansett Avenue.

f) Each subdivision and land development project shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and shall provide for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community to the extent feasible.

The proposed subdivision does not impede circulation of pedestrian or vehicle traffic. There is no proposed construction or alteration of any structures for lots 1 and 3. As stated earlier, the Public Works Department has requested the installation of granite curbing.

g) The design and location of streets, buildings, lots, utilities, drainage improvements and other improvements in each subdivision and land development shall minimize flooding and soil erosion.

Surface water runoff would be through over-land flow and some infiltration on-site.

Recommendation

The Department of Planning recommends that the Board delegate final plan approval to the Administrative Officer; and further recommends;

- A. that the Board require the installation of granite curbing along all three lots;
- B. that the Board grant Conditional Approval of the subdivision, as proposed, subject to the following conditions:
 - 1. That the parcels be restricted to single-family use and accessory uses in perpetuity, and that a note be placed on the final plans;
 - 2. That the title block of the Final Plan be revised to indicate Final Plan status;
 - 3. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
 - 4. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Chairman Poland asks if there are any questions and states that Mr. Almeida has just arrived, but that Mr. Cunha will be voting on this recommendation. Mr. Almeida will join in on the next request under New Business.

Carol A. Adams, 145 Narragansett Avenue, Riverside, RI was sworn in by City Solicitor Conley. She stated that the violation notes that she had been cited; the second note was in error because she had already reached an agreement with the City Solicitor and that she would hold the City harmless if there was any damage to the curbs and that she

would be allowed to maintain it until it deteriorated and would not replace it, but when it came time to replace it, it would be replaced with curbing. She noted she would want to do them all anyway because it looks nicer. Ms. Adams also states that her primary purpose is to make the neighborhood more attractive by eliminating the trailer and putting a house on the property. She notes that it is not a money-making venture.

Mr. Sullivan asked exactly where the applicant was located on Narragansett Avenue. She said between Knowlton and River Streets; across from the old pub. An empty lot is across the street. She states that she is going to build the new house and sell it. Mr. Sullivan noted he went by there and it was a nice section and feels that curbing would be necessary since it would beautify the area and would be a safety issue.

Mr. Sullivan asked Ms. Adams if she has put her name in for the curbing program the City has available? She stated no, but that she would. He explained that the City pays part of it by installing the curbing and the applicant would pay for the materials.

In reference to the Hold Harmless Agreement, Mr. Conley stated that after reviewing the agreement with the Public Works Director the City did reach a Hold Harmless Agreement with the applicant.

Mr. Poland stated he agrees with Mr. Sullivan about the curbing and stated that the curbing that is shown across is not the total length because by the time they take out the openings for the driveways, it cuts down on the length and said to her that she would not want the curbing put in until the house is completed which would be just before they landscape. Putting the curbing along the front of all three would make sense since you are going to sell the new one and keeping 145 Narragansett for yourself. He notes it will enhance the properties and help the water runoff in that area.

Under Item C of the stipulations Mr. Poland asked if she had any objections to the stipulations noted above especially the single family. She noted that the other homes are two-family, but thinks that the single-family stipulation by Planning is unfair. Ms. Boyle responded that the lot sizes are not huge and you do not have a lot of frontage. She stated that staff looks at it in terms of Zoning compliance based on how you have laid out parking. If any of these lots were to be converted to a two-family use you would require twice as many parking spaces. If someone in the future would want a two-family, they would have to go to the Zoning Board because of the parking issue and then come back to the Planning Board to ask for relief of that stipulation. Ms. Boyle noted she does not think there could be an as-of-right two-family given the layout there. She noted as part of staff review, we look at how you have laid out the parking etc. Without that restriction there could be other zoning issues associated with that. Ms. Adams asked if this was not constraint enough to protect the City? Ms. Boyle stated no, that there were subdivision issues and when we look at the subdivision we look at what the access should be from the curbing and how it will be laid out. The location of the utilities on the plan would be for the new development. This is the reason why we place a restriction on it. Ms. Boyle noted that she would like to see them come back before the Board and then all of those issues such as how the parking is going to be laid out and where are the utilities going to

be located would be expressed. Chairman Poland stated the other three are just standard; that the title block be revised and that the final plan be based on the approved plans and that all supporting documentation submitted meet the requirements.

There were no other comments.

1st Motion on Conditional Approval

On a motion by Mr. Sullivan, seconded by Mr. Cunha, the Board recommends approval of the conditional approval on the subdivision as proposed in the four stipulations listed in the staff memorandum.

Roll Call Vote

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

2nd Motion – Final Plan Approval

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

Roll Call Vote

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

3rd Motion – Granite Curbing

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted to require the installation of the curbing on the full length of the project of this development.

Roll Call Vote

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

It was noted there was no one here tonight representing the Medeira Restaurant. Ms. Boyle noted that she sent Attorney Maaia a copy of the recommendation this afternoon. He was aware that it was on the agenda for tonight and noted it had been advertised for next week's City Council meeting. She said if the Board does not act on it tonight, it would have to be readvertised. The Board decided to defer it to next month.

Mr. Almeida felt the applicant and Attorney should be here tonight in order for the Board to review this. City Solicitor Conley decided to call Attorney Maaia to see if he would attend the meeting, but was not able to reach him. Mr. Conley said although we did get the letter dated November 12 which indicates his awareness of the matter that they were on tonight's agenda, neither one of his clients on either of the two items which are on the agenda are here. Mr. Conley thanked the Board for letting him try to reach Mr. Maaia.

B. Appl. #2002-23DPR Medeira Restaurant Rezoning

Since Attorney Maaia was not present at this meeting, the Board voted to defer it.

On a motion by Mr. Almeida, seconded by Mr. Sullivan the Board unanimously voted to continue Application #2002-23 DPR, Medeira Restaurant Rezoning until the December 2002 meeting.

C. Election of Officers for:

Vice Chairman

The floor was open for nomination for Vice Chairman. Mr. O'Brien and Mr. Sullivan who were both nominated at the last meeting both declined. Mr. Sullivan nominates Mr. Robinson for Vice Chairman. The Board unanimously voted to approve this nomination.

Secretary

Mr. O'Brien nominated Mr. Almeida as secretary. Mr. Almeida declined. Mr. Sullivan nominated Mr. O'Brien as secretary. Chairman Poland asked if there were any other nominations. There were not, therefore the nominations were closed.

The Board unanimously voted to elect Mr. O'Brien as secretary of the Board.

Change in Planning Board meetings

Chairman Poland states that he would like to change the meeting night because of a conflict with the School Committee. He would like to meet the fourth Tuesday of the month. But it was noted by Ms. Boyle that this would not be good since that is the same week that staff prepares Zoning Board cases and it would be difficult to get both the Planning Board and Zoning Board recommendations done in the same week. Also,

sometimes there is a subdivision that would come before the Board the same month as the Zoning Board.

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to change the meetings as of January 1, 2003 from the second Tuesday of the month to the second Monday of the month at 7:00 p.m.

Chairman Poland asked if they should continue it. Mr. Conley stated yes.

Ms. Boyle stated it does not affect the Cadorna Street rezoning at all because we advertised that for the December meeting anyway. Ms. Feather noted that would be going before the Council in December. Ms. Feather stated for the record that she did have a couple of conversations with Mr. Maaia's office and he specifically asked to be placed on this agenda rather than December so we did accommodate him.

V. CONTINUED BUSINESS

A. Cadorna Street Rezoning

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board unanimously voted to continue the Cadorna Street Rezoning application until the December 10, 2002 meeting since Attorney Maaia or the applicant was not available.

B. Staff Report

1. BEDI Application for the Ocean State Steel Project

Ms. Boyle stated that the City was successful in obtaining a \$2 million dollar grant through the Department of Housing and Urban Development through the Brownsfields Economic Development Initiative (BEDI) for the Ocean State Steel project this will also be combined with a \$3 million dollar low interest loan to the developer. This was a very critical piece in making sure that this project for the redevelopment of Ocean State Steel goes forward. The proceeds from the grant will be used just towards the commercial portion of the development which is 75,000 square feet of office and retail and the associated clean-up and infrastructure that goes with that. She noted it was a very competitive application and there was a lot of work that went into it. We were very nervous that we were going to be successful or not so we are thrilled that it happened and hope that this will get things moving on that project and that they will be submitted plans to us soon that we can bring before the Board.

Ms. Boyle stated she met with them as recently as last week and they are in the process of putting together the private financing for the development. Having this decision in hand should assist them in their efforts to convince the private financing to support the project. They have every intention of moving forward and were very pleased that we were successful.

Chairman Poland said he was very pleased that the City got it and knew that the Planning Department had a lot to do with getting that grant, appreciates their hard work and said it will certainly benefit the City.

Mr. Sullivan asked who controls the \$2 million dollar grant? Ms. Boyle answered the City controls it. She explained that we applied for the \$2 million dollars for this project, the City was selected and we are the ones that will administer it. As part of that application we will be giving a \$3 million dollar low interest loan also to this development, which will be through the HUD Section 108 Program where it is basically guaranteed by future CDBG funds. It is a loan and they will have to provide collateral. Also, we will be looking at all the underwriting associated with it.

Transportation aspect of the Waterfront

Ms. Boyle said there was a public hearing on the transportation program that we described at the last Board meeting as far as the improvements. We had a few comments and the engineers are working on finalizing that plan. They'll be another public hearing within the next couple of weeks. There will be a phase plan and costing out exactly what the improvements are going to entail. That project is proceeding and when we can finalize the design for the access to the waterfront, that will enable us to finalize the redevelopment plan. This will go before the Board sometime in February.

Ms. Boyle noted that staff is putting together a couple of applications; one is to the Federal Economic Development Administration for another 2 million dollars for funding for a portion of those transportation improvements. We had a visit from the representative from the EDA a couple of months ago. He was very impressed with the project and encouraged us to submit a pre-application. She said another grant application that staff is working on is for another million and a half through the EPA for a Brownsfield Program. We will be able to use that money for loans towards businesses that have brownsfield issues. If we are successful, we will be able to use that for the redevelopment projects along the waterfront as well.

Taunton Avenue Improvements

Ms. Feather noted that Taunton Avenue is looking very nice and the Downtown Business Association is very active. They meet once a month. They are actively looking to create more business activity in the street and are very pleased with the DOT improvements in terms of the appearance and very pleased with the new sidewalks that the City installed.

Freedom Green Dedication

Ms. Boyle noted the Park came out beautiful. She also reported that the City has gone out to bid on two other projects; one is for the improvements to Rose Larisa Park. The bids are to be submitted on Thursday and we have gone out to bid for the Riverside Square Improvements. Those bids will be due in early December.

Mr. Sullivan noted the City is in a forward move and congratulated Ms. Boyle and staff on a great job and said the Freedom Park looks beautiful.

Regarding the traffic light at Evergreen and the hotel, Ms. Boyle stated that she was advised by the applicant that he is in rather delicate negotiations with the State on that point and we will wait to send out the letter.

Mr. Poland noted that the Policemen do not want to work out there since it is dangerous at certain times in the afternoon. Ms. Boyle stated that the developer said they will not be out there in the evenings anymore and they will be asking the people only do a right turn after dusk and that the developer has been working with DOT.

Mr. Almeida asked about the sidewalks regarding this project. Ms. Boyle stated that the developer would put sidewalks in. The question is whether or not they will be. The City standard is for either. Asphalt or concrete is acceptable. The developer would prefer to see concrete, but they are weighing the options right now. She said the main focus of the developer in recent weeks has been on that light.

VI. COMMUNICATIONS

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted to accept the following communications:

A. Memo dated 10/26/02 to the Zoning Board of Review from the Department of Planning Re: October 30, 2002 Zoning Board Cases

VII. ANNOUNCEMENT

Next Meeting – December 10, 2002, 7:30 p.m., Room 306

VIII. ADJOURNMENT

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board adjourned at 8:25 p.m.

Respectfully submitted,

Peter Poland, Chairman

PP/sac