

October 8, 2002 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF OCTOBER 8, 2002

Present were: Messrs. Gerstein, O'Brien, Poland, Sullivan, Jeanne Boyle (staff), Patrick Mr. Hanner (staff), City Solicitor William Conley.

I. SEATING OF ALTERNATE MEMBER

Mr. Gerstein was seated in place of member Michael Robinson.

II. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted unanimously to approve the following minutes and correct two typographical errors:

- A. Minutes of September 18, 2002 and
- B. Minutes of August 20, 2002

It was noted that the minutes noted below were not available to the Board as yet:

- C. Minutes of December 11, 2001
- D. Minutes of February 12, 2002

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board voted unanimously to approve the correspondence listed below:

- A. Memo dated 9/25/02 to the City Council Re: Freedom Green Park – Easement

IV. NEW BUSINESS

- A. Appl. #2002-11 Minor Subdivision, 16 Grassmere Avenue, Applicants: Anthony and Ruth N. DaSilva.

Mr. Hanner stated the applicant is proposing an adjustment of a single boundary, which will yield no additional lots. This is classified as an Administrative Subdivision. Since this proposal requires relief from provisions of Chapter 19, Zoning, it is subject to the review and approval by the Planning Board. The Board must make a decision within

sixty-five (65) days of the issuance of the Certificate of Completeness (COC), which was issued on September 18, 2002. There are no newspaper advertising, public hearing, or notification to abutter requirements for an Administrative Subdivision.

Mr. Hanner stated that the purpose of this subdivision is to extend the rear-yard of 16 Grassmere Avenue to Brightridge Avenue. This will allow the residents of 16 Grassmere to have physical access to their property from Grassmere Avenue and Brightridge Avenue, use of a garage that is currently located on the property of 171 Brightridge, and increase the rear-yard of 16 Grassmere Avenue. Approval of this subdivision will result in an increase of the square footage of 16 Grassmere Avenue from 6,400 square feet to 9,600 square feet and a decrease in the square footage of 171 Brightridge from 6,400 square feet to 3,200 square feet.

Mr. Hanner noted that the property is zoned R – 4 which requires a minimum lot area of 5,000 square feet. Dimensional requirements are as follows: minimum lot width – 50 feet; minimum lot depth – 100 feet; front setback – 15 feet; rear setback – 20 feet (accessory structures – 5 feet).

Mr. Hanner stated section 5-4 of the regulations requires that, prior to the approval of any application for subdivision, the Planning Board must address each of the general purposes in Article 1 of the Regulations and make positive findings that are consistent with the Comprehensive Plan. As stated earlier, the land use associated with this subdivision is consistent with the Land Use 2010 designation. However, the proposed lot #7 will require the following variances: Side-yard setback, lot width, lot area, building lot coverage, and impermeable surface lot coverage. An R-4 district requires a minimum side-yard setback of 8' where the applicant is proposing 4.79', a minimum lot width of 50' where the applicant is proposing 40', a minimum lot area of 5,000 sq. ft. where the applicant is proposing 3,200 sq. ft., a maximum building lot coverage of 25% where the applicant is proposing 44%, and finally, a maximum impermeable surface coverage of 45% and the applicant is proposing 61%. All together, a total of 5 dimensional variances are needed for the proposed lot #7.

Mr. Hanner stated that considering the subdivision does not propose any new construction and that the proposed lot #7 will not be further subdivided or developed, it is the opinion of the Planning Department that the required variances for lot #7 do not represent a significant lack of privacy for current and future abutting property owners. However, the required variances are certainly not the least amount of relief that could be requested. This Department has discussed with the applicants that the proposed property line could be located at a greater distance from 171 Brightridge that would allow for the proposed lot #7 to be in compliance with the maximum building lot coverage, maximum impermeable surface coverage, and side-yard setback. However, the applicants have stated it is their intention to have a property line that extends from Grassmere Avenue to Brightridge Avenue that is straight and that allows for an adequate extension of the rear-yard of 16 Grassmere.

Mr. Hanner stated that there would be no significant environmental impacts from the proposed development. The lots are served by sewer, water, and gas and as stated earlier, no new construction is proposed. Regarding whether the subdivision will result in the creation of individual lots with such physical constraints to development that building on those lots would be impracticable, the proposed lots are located on a relatively flat-grassed area and as stated earlier, no new construction is proposed and a note has been placed on the plan that states, "The proposed lot #3 will not in its perpetuity be further subdivided or developed. Both lot 3 and lot 7 will remain as a single family dwellings". In addition, lot #3 has physical access to Grassmere Avenue and Brightridge Avenue and Lot 7 has physical access to Brightridge Avenue. The proposed subdivision does not impede circulation of pedestrian or vehicle traffic. Surface water runoff would be through over-land flow and some infiltration on-site.

Mr. Hanner stated that staff recommends that the Planning Board grant Conditional Approval of the subdivision, as proposed, subject to the following conditions:

1. That any and all required variances be obtained from the Zoning Board of Review, and that a note be placed on the Final Plan indicating which variances were granted and the date of the Zoning Board approval;
2. That the residential use of the property be restricted to single-family uses and accessory uses in perpetuity;
3. That the title block of the Final Plan be revised to indicate Final Plan status;
4. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations; and
5. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Mr. Poland asked the applicants to stand, state their name for the record, and be sworn in. The applicants stated they were Anthony and Ruth Dasilva of 16 Grassmere Avenue. William Conley swore the applicants.

Mr. Poland asked the applicants whether they were aware that the proposed property line for 171 Brightridge could be located at a greater distance to the dwelling to allow for the proposed lot to be in accordance with the side-yard setback, maximum lot coverage, and maximum impervious lot coverage.

Anthony Dasilva stated that it is their desire to have a straight property line and an adequate increase of the rear yard of 16 Grassmere Avenue.

Mr. Sullivan asked Mr. and Mrs. Dasilva the purpose of the easement currently located on 171 Brightridge and asked if whether this section of Grassmere Avenue has a sewer line that can be connected to 16 Grassmere Avenue.

Mr. Dasilva stated that this part of Grassmere Avenue does not have a sewer line and that the easement located on 171 Brightridge Avenue allows 16 Grassmere Avenue to have access to the sewer line located on Brightridge Avenue.

Mr. Poland asked whether there were any other questions from the Board.

Ruth Dasilva stated she had a letter from their neighbors located at 179 Brightridge Avenue stating that they have no objections to the proposed subdivision.

Mr. Poland read the letter and stated the letter will be part of the record.

On a motion by Mr. Sullivan and second by Mr. O'Brien, the Board voted unanimously to grant a conditional approval based on the conditions in the Planning Department's memo.

B. Election of Officers

Mr. Gerstein nominated Peter Poland as Chair and the vote was seconded by Mr. Sullivan and approved by the Board 4-0.

Mr. Gerstein nominates Mr. Sullivan as Vice Chair, but Mr. Sullivan declines. The Board voted to table nominations for Vice Chairman.

V. CONTINUED BUSINESS

A. 900 Warren Avenue

Chairman Poland requested that the Board review a letter received by Mr. Poland from RIDOT Director, William Ankner. The letter responded to correspondence sent to Director Ankner from the Planning Board regarding the need for installation of a traffic light to service the 950 Warren Avenue development. Director Ankner's letter explained that the developer had not yet demonstrated that these required traffic warrants had been met. The letter from Director Ankner also questioned why this issue had not been addressed by the Planning Board during its deliberations. The Board discussed the letter and agreed that issue of the traffic light installation was out of the Board's hands at this time. It was the sense of the Board, however, that a reply should be sent to Director Ankner clarifying the process by which the Board considered the need for the traffic light and the limitations of its authority in basing an approval or denial upon the installation of a traffic light. Chairman Poland requested that Ms. Boyle draft the response for the Board.

B. Staff Report

A. Waterfront Access Study

Ms. Boyle gave a brief presentation to the Board regarding the proposed Waterfront Access Improvements. Ms. Boyle stated that the goal of the study by the firms of VHB and Gates, Leighton and Associates was to recommend improvements to the roadway system and to permit better access to the redeveloped waterfront. She explained that the consultants have recommended construction of a new single point urban interchange (SPUI) which would provide access to Route I-195 from Taunton Avenue, Riverside, and the waterfront.

The consultants are also recommending the construction of a new ramp east bound and west bound on Route I95. A round-about would be constructed at Mauran Avenue to provide access to the waterfront. Ms. Boyle answered questions from the Board regarding the proposal and informed them about the public workshop to be held on **October 16th** in City Hall.

VI. COMMUNICATIONS

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

A. Memo to the Zoning Board of Review from the Department of Planning Re: September 25, 2002 Zoning Board Cases, and

B. Copy of petition received by the Board at their September 18th meeting for approval of a minor subdivision and zoning variances for Michael Bahry.

It was also noted to make a letter from Jerome and Lisa Logan of 179 Brightridge Avenue part of the Board's official records. This letter stated that they have no objections to the Grassmere Avenue subdivision noted above. This letter was distributed at the meeting by Ms. Boyle.

VII. ANNOUNCEMENT

On a motion by Mr. Sullivan, seconded by Mr. O'Brien, the Board entertained a motion to possibly change the Planning Board meetings from the second Tuesday of the month to the fourth Tuesday of the month effective January 1, 2003, because they are in conflict with the 1st and 3rd Tuesday City Council meetings.

VIII. ADJOURNMENT

The meeting adjourned at 8:33 p.m.

Respectfully submitted

Peter Poland, Chairman

PP/JMB/sac