

August 14, 2001 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

521ST Meeting

MINUTES OF AUGUST 14, 2001

Present were: Mr. Almeida, Mr. Fisher, Mr. Gerstein, Mr. Poland, Mr. Sullivan, Jeanne Boyle (staff), Diane Feather (staff), Stephen Coutu, Director of Public Works, and Tim Chapman, Assistant City Solicitor.

I. SEATING OF ALTERNATE MEMBER

Mr. Gerstein was seated as a voting member in place of Mr. Robinson.

II. APPROVAL OF PLANNING BOARD MINUTES

A. A. Minutes of March 13, 2001

It was noted the minutes of March 13, 2001 would be submitted at a later date.

B. B. Minutes of June 12, 2001

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the minutes of June 12, 2001 were accepted and made part of the Board's official record.

C. C. Minutes of July 10, 2001

Mr. Sullivan noted a discrepancy in the roll call vote on one of the items, the 100 Warren Avenue Subdivision. It was noted that Mr. Sullivan voted nay instead of aye which was noted in the minutes and that Chairman Poland voted aye and not nay on this development. Stephanie will correct this.

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to approve the changes and make the minutes of July 10, 2001 part of the Board's official records.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

No correspondence.

IV. NEW BUSINESS

A. Public Hearing - Appl. #2000-20LDP Phase II, Hotel, 950 Warren Avenue
Preliminary and Final Plan submission.

Ms. Boyle noted a correction. She said that initially that this development was submitted as a final, but that subsequently it is just a preliminary submission.

Ms. Boyle explained this is a Land Development Project which is being constructed in phases. This phase is referred to as 950 Warren Avenue, which is the preliminary phase of the development. The master plan approval has been given for the entire development which encompasses both the hotel and office development on this property. The Phase I preliminary plan portion of this development (office portion) was approved by the Planning Board in May 2000. Phase II which is the portion that encompasses the hotel was actually held off and was phased in at a later date because there was an outstanding permit which needed to be obtained for an underground injection control. Ms. Boyle stated it is a requirement under state law that all state permits be in place prior to the Planning Board considering an application for preliminary approval. The state permits are now all in place so this development can now proceed for its preliminary approval. A COC was issued for this preliminary plan, and a notice of the public hearing was placed in the August 1, 2001 issue of the Providence Journal. A notice to the abutters has gone out certified mail within a 200-foot radius and they are given an opportunity to speak at the public hearing.

Ms. Christine Engustian, 1 Grove Avenue, East Providence, Attorney for the petitioner, Marshall Land LLC was sworn in.

Ms. Engustian stated that Mr. Ralph McGonigle is the authorized representative of the applicant who could not be present this evening because he had a family commitment to attend. She expressed Mr. McGonigle's regrets.

Mr. Engustian explained that the applicant, Marshall Land LLC owns property located on Warren Avenue in East Providence. The property is specifically designated as Map 607, Block 17, Parcel 1. It is situated opposite the Evergreen Drive area of Warren Avenue. She stated she requested of the Board in May that the preliminary plan review for the proposed structure on this site be delayed and separated from the review phases for the office building proposed on the adjoining land designated as Map 507, Block 13, Parcel 1. The Board granted the request and identified the hotel site as Phase II of the Land Development Project. Subsequently, Director Boyle in her capacity as Administrative Officer, granted approval of the final plan for Phase I of this Land Development Project.

Ms. Engustian stated we are before the Board for review and approval of Phase II of the Land Development Project which proposes a four-story hotel with 12,000 sq.ft. per floor and approximately 100 rooms. The subject property is approximately 2 and 1/2 acres and

is located in a C-1 District. For the record, the applicant has received zoning relief to construct a hotel at this site. The Board separated out this Land Development Project into two phases because the underground injection control (UIC) permit from the RI Department of Environmental Management had not been received for the hotel portion of the development and also the building design plans for the hotel had not yet been submitted for the hotel for review. Since the main meeting, the applicant has received the UIC approval by way of a letter dated July 11, 2001 from the DEM for the subsurface storm water disposal system as designed. In addition, the building design plans for the hotel have been submitted and are now before the Board for its review as part of the Phase II preliminary plan.

Drainage

Ms. Engustian stated this issue was reviewed at the master plan review phase. It was initially covered in the April 2001 Project Narrative which stated 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 storm water management facility was designed for the site that would direct the storm water runoff from the impervious portion of the development to three on-site infiltration facilities that are designed for 25-year storm events. The report also stated that the runoff from events larger than design year events will surcharge the proposed facilities and discharge over land to the same location as occurred under the predevelopment conditions of the site. Individual systems were designed by the engineers for each of the two uses associated with this project that is the office of hotel uses, and a third system was designed for the common entrance-way to the development.

Ms. Engustian stated that last February, Marshall Land LLC submitted to the RIDEM an application for these three proposed storm-water or infiltration facilities and by a letter dated April 10, 2001 RIDEM granted approval for the two storm water subsurface disposal systems located on the office portion of the property. The system located on the hotel site was approved in July of this year. Furthermore, Ms. Engustian stated that in a letter dated January 19, 2001, the applicant stated that “there are no freshwater wetlands regulated by DEM on or immediately adjacent to the subject property”.

Traffic Impact Assessment

Ms. Engustian noted that during the master plan phase of this project there was a preliminary impact traffic analysis performed and submitted by the engineering firm of Garafalo and Associates Inc. Without reviewing again the methodologies used by that engineering firm, the preliminary traffic impact analysis concluded that the proposed commercial development, in conjunction with the signalized access to this site would not adversely affect the traffic operations on Warren Avenue. Accordingly the master plan submittal for this project shows the installation of a signalized entryway to the site. That would be directly opposite Evergreen Drive. The Planning Board, as a condition to the approval for the master plan required that a detailed traffic impact analysis be performed to address the concerns that have been raised by the Development Plan Review

Committee. As a result, representatives of Garafalo and Associates and the applicant met with City personnel to consider and discuss all of the traffic related issues that would be generated from this proposed development. Garafalo and Associates conducted a number of traffic counts and analyses, including the projected impact on traffic operations on the roadway network immediately surrounding the development if Evergreen Drive were converted to a two-way street. Also actual traffic counts were done at a comparative development project located on Kilbert Street in Warwick RI. The conclusion of those traffic studies remained the same as those found in the preliminary Traffic Impact Analysis, a traffic signal is warranted at the intersection of Warren Avenue and Evergreen Drive.

If this signal was installed, the engineer's study showed that the levels of service during peak morning and afternoon hours would be at A and B respectively. Ms. Engustian explained that A is the highest level of service, and B is the second level out of a possible six levels of service. Garafalo and Associates thoroughly reviewed these findings with the City.

In addition, as part of the Marshall Land LLC's physical alternation permit application process, Garafalo and Associates reviewed its traffic studies and results with the State of RI Department of Transportation. RI DOT's engineering division then sent a letter to Mr. Garafalo and that letter stated that the State of Rhode Island has not typically approved of a traffic signal based on projected traffic volumes. The reason they gave was that the projected volume were never actualized so a traffic signal would create unnecessary delays on Warren Avenue. The DOT stated further that once the development is completed and the buildings are fully occupied, then the applicant, through its engineers, could take an actual count of the vehicles and submit another study to the DOT for consideration. DOT's position is that access will be provided by a non-signalized entryway off of Warren Avenue opposite Evergreen Drive.

Ms. Engustian stated that the applicant is aware of the Acting Public Works Director and the Fire Chief's concerns and beliefs as well as the Planning Department that the City and the development will be best served if a traffic signal is installed at that location. The applicant also wishes to assure this Board that since the door was left open with DOT, that it will continue to work with the City and State towards the goal of securing a traffic signal at the entry of the development site.

Ms. Engustian stated that one of the conditions of the master plan approval was that there be developed an emergency access to the development site, through South Revere Street which is a paper street abutting the Phase I portion of the development and that this access be defined by way of an easement agreement or some other acceptable land instrument. The means of the secondary access for emergency purposes is delineated on the C-1 plan from Garafalo and Associates. An easement was submitted and approved by the City and recorded as part of the final plan approval of Phase I of the Land Development Project.

Easements, Signage and Handicapped Spaces

Ms. Engustian stated the development also requires easements between the hotel portion and the office portion of this development because these two uses will share access and will be sharing utility infrastructure. These easements are currently being modified to meet City requirements and will be resubmitted to the City Solicitor for approval as part of the final plan for Phase II of this Land Development Project. The remaining issues relate to signage and handicapped spaces. This will be addressed at the final plan phase to comply with the Zoning Board.

Landscaping Plan and Sale Conditions

Ms. Engustian noted the landscaping plan has been approved by the Planning Department and they have also accepted the shade coverage. The applicant has entered into a purchase and sales agreement for the hotel parcel of this project. The sale is conditioned upon the condition of an issuance of a building permit and the expiration of the appeal period. She noted she is providing this information to the Board because of the next two issues that were raised by the City. The first of these issues involves the RIDOT right-of-way. That right-of-way abuts the southeast corner of the parcel. It is overgrown with vegetation and aesthetically does not very. She stated if the sale goes through and the purchaser, Extended Stay America, (ESA) becomes the recorded owner, ESA has expressed its desire to follow the City's suggestion of contacting the DOT to inquire about permission to maintain and landscape this area for purposes of improving the visibility and aesthetic nature of the property and overall development.

Regarding the utilities, Ms. Engustian explained that the development is being serviced by municipal sewer and water. The location of the water connections is shown on Garafalo's Sheet 3. The City's Public Works Department has indicated that there is sufficient water and sewerage for this development. This Department has imposed certain design modifications to the utility plan. The applicant will work with the department to incorporate these modifications in the final plan submission. With specific concerns of wastewater pretreatment, the kitchen grease disposal ESA is prepared to employ those will be suitable to the City.

Ms. Engustian explained that this project meets the City's Zoning Ordinance and Comprehensive Plan, and Land Development Plan regulations. The project is an LDP and it must meet the requirements of Article V of the City's Land Development and Subdivision Review Regulations. It also meets the regulations under Article VIII of the Development Plan Review of the City's Zoning Ordinance. The applicant submits that this project meets the criteria found in these articles, among them, the compatibility with adjacent land uses, the lack of significant and environmental impacts, the property control of erosion and drainage, and adequate and permit physical access to a public street, Warren Avenue.

The proposal is compatible with the East Providence Comprehensive Plan including the Land Use 2010 Plan. Map 607, Block 17, Parcel 1 where the proposed hotel is located within the office/service land use designation area. Since a hotel is proposed, the use is compatible with and falls within the types of uses identified for that particular land use

category. The use is also compatible with adjacent land uses. The properties to the immediate west are also designated as C-1. To the immediate west is the office building, and further west is the School Department's maintenance facility, which will soon be vacant. On the opposite side of Warren Avenue is a mixture of light industrial, residential, and retail. There is no adverse effect on the neighboring businesses or properties.

Ms. Engustian further stated that the applicant states the development will promote economic development in the City and meets goals of the Economic Development Element of the Comprehensive Plan. Specifically, it will broaden the City's tax base, will provide jobs, and will likely increase the business volume of local establishments in that vicinity. The applicant believes it will be a vast improvement over prior uses of that site.

Ms. Engustian stated that on behalf of the applicant, Marshall Land LLC, she respectfully request that the Planning Board adopt the Planning Department's recommendation and approve the Preliminary Plan Phase II of this Land Development Project. Further, she requests that the Final Plan development review be made by the Administrative Officer as permitted under Section 9-10 of the Land Development and Subdivision Regulations.

Ms. Engustian stated that Mr. Steven Garafalo, President of Garafalo Associates Inc. is also present. Also present is Mr. Samuel Hemmingway, engineer for Garafalo Assoc. who are available if the Board has any questions. Ms. Engustian thanked the Board for their time.

Chairman Poland asked if there were any questions. There were none from the Board at this time and Chairman Poland asked Ms. Boyle to review the staff recommendation.

Ms. Boyle stated that Ms. Engustian has addressed all the points in the Planning Department memorandum and that this is the second phase of the development. It is coming before the Board for approval of a 4-story 48,000 sq.ft. hotel, all notifications have been made, the land consists of 2.5 acres of land and the zoning is appropriate. The Planning Department made a note in the report that some of the previous zoning maps indicated this property is zoned industrial. That is not accurate. The industrial zone reverted to the Commercial-1. Ms. Boyle noted that under the previous development there was a reverter clause and those conditions were not met so it is zoned Commercial which is an appropriate zoning designation for this proposed use. She noted that there have been discussions on the recording of the private cross access easement and the reason for this. With the cross easements in place, this lot can actually stand alone for zoning purposes. Ms. Boyle noted there have been meetings with the City's Solicitor and Attorney Engustian and the remaining issues that need to be addressed in the language are minor ones that are certainly appropriate for being dealt with at the final stage.

Regarding the drainage and utilities, Ms. Boyle noted there is a private easement because the utility line does straddle the property lines as well. The water is being provided

entirely within the City Street; it is only sewer that this easement will be affecting. The development has been reviewed by the City's Public Works Department. The Public Works Director has indicated his acceptance of the development as proposed with some minor conditions that need to be addressed. The major outstanding issue was the ability to obtain the underground injection control permit from RIDEM. That is necessary whenever the storm waters being treated in an underground manner and that permit has been obtained. The previous approvals by the State consisting of approvals from the RIDOT had been obtained for the entire development and have been discussed at length. The preference of City staff and the Board as well would have been for the inclusion of a traffic signal at this location, but at this time, approval by the State is not forthcoming until more traffic counts take place. Staff is satisfied with the traffic entrance as proposed. The applicant has received the variances necessary for the height of the hotel building, off street parking and the maximum impervious area. The other zoning issues are ones that can be readily addressed at the final phase; corrections to the handicapped parking space dimensions, and also the provision for the signage plan for the development. All of these will be corrected in order to meet zoning requirements.

Under the DPR standards, the shade coverage requirements are actually exceeded and all other landscaping and all other landscaping standards have been met by the development. One issue is that the Public Works Director has raised the possibility that the property owner may consider approaching the RIDOT about getting a maintenance agreement for the right-of-way that abuts the property. The plan notes that they are proposing very attractive landscaping on the grounds and the abutting state land which appears to be part of this development, but is actually part of the right-of-way. This property is overgrown and is not in keeping with the type of tone that is being set by the development overall. This is not something that staff is requiring, but is a suggestion.

Ms. Boyle noted the Fire Department has reviewed the development and has found it to be acceptable. All the access ways meet the Fire Department requirements in terms of the size of the vehicles which the Fire Department currently uses and also those being proposed in the future which are considerably larger.

In terms of consistency with the Comprehensive Plan, we feel the proposed hotel use and the commercial office use which was already approved by the Board earlier are fully compatible with the land uses in the area and are an improvement over the land uses that were on the property previously. We hope this will set the tone for future development along this stretch of Warren Avenue and see this as a wonderful economic boon for the City and an establishment of a gateway to the City.

City staff supports this development as proposed and recommends conditional approval of the land development project preliminary plan, Phase II submission as proposed subject to the following conditions of preliminary plan approval being incorporated into the final plan submission:

1. 1. that all comments in the technical staff memoranda as appropriate and any and all conditions of the Planning Board approval be reflected in the preliminary plan submission;
2. 2. that appropriate utility and access easements associated with this development and as submitted in draft form under this phase II preliminary review be recorded with the final plans for this development; final drafts of these easements shall be subject to review and approval of the City Solicitor under the final plan review phase for this development;
3. 3. that the applicant continue in its efforts to secure a traffic signal at the entry of the development site through appropriate measures identified by the RI Department of Transportation in securing a signalized intersection for this development;
4. 4. that the final plans and supporting documentation be based upon this preliminary plan approval, and that the final plans meet all City regulations and ordinance and all applicable state and/or federal regulations;
5. 5. that the Board approve delegation of final plan approval to the Administrative Officer. The outstanding items that have been identified are minor in nature and are readily addressed during an administrative review.

Chairman Poland asked the Board if they had questions.

Mr. Sullivan asked about the vegetation as far as how many trees would be planted and the types of trees, and if the City would assume responsibility for those trees? Ms. Boyle answered this is taking place on private property and the City is not responsible for the vegetation. When the development is constructed, as part of the inspections performed by the Building Inspector and Zoning Officer, they will check to make sure all the plantings are in placed as proposed. Once they sign off, they will receive a certificate of occupancy.

Mr. Fisher asked that when DOT decides that a traffic light is necessary who's responsibility is it to put this light in place. Ms. Boyle stated it is her understanding that it is the developer's. He is responsible for the cost for up to three years following the approval. Attorney Engustian agreed.

Chairman Poland asked the audience if there were any questions or comments.

There were none.

Mr. Poland asked that there be a motion for the staff memoranda and enclosures and maps to be made part of the Board's official record.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to make the memoranda and maps part of tonight's record.

Roll Call Vote

Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Motion on Preliminary Plan

On a motion by Mr. Sullivan, seconded by Fisher, the Board voted to grant conditional approval for the Preliminary Plan, Phase II submission as proposed with the stipulations noted.

Roll Call Vote

Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Motion to grant final plan approval to the Administrative Officer

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to delegate final plan approval to the Administrative Officer.

Roll Call Vote

Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Chairman Poland thanked Attorney Engustian for the attractive presentation and stated he thought the project will be very nice when it's all done. Ms. Engustian thanked the Board for their consideration.

It was noted Mr. Almeida came into the meeting at approximately 8:10 p.m. Mr. Gerstein will still be voting.

B. Appl. # 2000-22LDP Reardon Avenue, Carpionato Corporation Scope of Work for Outside Services

Ms. Boyle informed the Board that there has been a proposal by the Carpionato Corporation to construct a multi-family and office development on a parcel of land located off the Wampanoag Trail at Reardon Avenue. The parcel is currently owned by the City, but is under contract for sale to the applicant. Because of its location within the

Southeast Drainage Area, Planning Department staff is recommending that the proposal be required to undergo outside review for drainage impacts. The other Planning issue is also recommending that because of the location on the development, Wampanoag Trail, that there be an outside review of traffic impacts.

Ms. Boyle noted that under the City's Subdivision Regulations, the process for hiring outside consultants requires that we work out a Scope of Work agreeable to both the City and also by the developer. Final approval of the Scope of Work by the Planning Board is required prior to the awarding of contracts for these review services. Ms. Boyle explained that the proposal before the Board has two components; traffic and drainage. The Scope of Work has been sent to Carpionato Corporation and they have indicated their acceptance with the Scope as proposed. At this point Planning has not obtained any prices for this work, but will do so once the Planning Board has approved the scope. For drainage review, the City will utilize Camp Dresser and McKee (CDM) because of their familiarity with drainage issues in the area and the other reports that they have done. With regard to traffic, Ms. Boyle will send the Scope of Work to a number of traffic consultants who are accepted by the RIDOT. This was done for the TACO development and this is what Planning is proposing for this development. If the Board agrees, staff will obtain the quotes from CDM and an outside consultant and then ask Carpionato Corporation to place these in an escrow account which may be accessed by the City. Ms. Boyle also noted that the Board has the right to request additional outside services at future phases of the development.

There were no questions by the Board.

Motion

On a motion by Mr. Fisher, seconded by Mr. Almeida, the Board voted to agree to request quotes for outside professional reviews in the areas of traffic and drainage for this project for the scope of work as proposed.

Roll Call Vote

Mr. Almeida	Aye
Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

C. Appl. #2001-14 Minor, Silver Spring Street and Health Street Subdivision, Existing Frontage

Martin Sleprow, Attorney, 1481 Wampanoag Trail, East Providence was sworn in. He stated this is a minor subdivision to subdivide an existing two lots that has frontage on both Silver Spring Avenue and Health Street. There will not be any new construction of any road or public improvements. There will be two 50 x 100 foot lots will be created;

one on Silver Spring Avenue which already has a single family house on it, and one on Health Street which will be a buildable single family lot. It the Board agrees with this, the applicant must go before the Zoning Board of Review in September for dimensional variances and if granted, we ask that the Board grant to the Planning Director the right to approve the minor subdivision after those variances are granted.

Mr. Slepchow gave the Board a brief history of the parcel and stated that the lot was actually purchased by Steven Gianlorenzo. At the time, he wanted to attempt two building lots; one in the front on Silver Spring containing the house and the one in the back being the buildable lot.

Mr. Slepchow stated there is a part of the ordinances in the City of East Providence that do allow for this type of two-lot subdivision provided it is a prior recorded lot; each one of them is 50 x 100 to be considered separate lots without the necessity of a minor subdivision. Mr. Slepchow said he did examine the title of this property and did write a letter to the Zoning Officer in which he advised him that they were what we call prior recorded substandard lots of record. He stated he made an error in that these two lots are right where two plats join and when measured the distance from the perpendicular streets is obviously counted wrong. They were close to, but not substandard lots of record. Mr. Slepchow stated he did write a letter to Mr. Pimental saying that they were, and based upon that issue the certificate of zoning compliance said that you can go ahead and subdivide the lots without formal subdivision process.

Mr. Slepchow gave a brief history of this lot. He explained that the lot facing on Silver Spring Avenue was sold to a homeowner who is present tonight. The lot in the back was sold more than once by Mr. Gianlorenzo and Mr. Sousa is now the owner who is present tonight. He noted his father intends to build a house on the property and that the deeds were recorded, mortgages were placed on the property, and when it went through Tax Assessor's office to divide it, the Assessor refused.

Mr. Slepchow stated he told the owners to file for a minor subdivision which they did. He stated the Planning staff memorandum states that the lots were consistent with the goals and regulations of the Comprehensive Plan and these lots are buildable with sanitary sewers and water. He stated the Zoning Officer pointed out there would be a need for a variance, but they concluded that they would recommend that the Board grant conditional approval subject to the Zoning Board of Review. They also said they had no objection to the granting of a waiver for sidewalks and curbing, since they did not exist in the area. He stated they are asking the Board to grant this minor subdivision, since it is consistent with the Comprehensive Plan and will not create any adverse effect to the City.

Mr. Poland asked why these things can't be checked out right away when they first come into Planning? She said staff does rely on assertions of the attorneys and as pointed out in the staff recommendation, there have rarely been any circumstances where the information has not been correct. We have, in light of this particular situation, changed some procedures internally. The Zoning Officer is now referring any of the lot issues to the Planning Department where staff will review them before it gets to the Planning

Board. It is unfortunate, but you do have the Zoning Officer making a determination on what is really a subdivision issues and having an extra set of eyes available to review will probably prevent this type of unfortunate situation from occurring in the future.

Ms. Boyle said there were some situations where staff disagreed with the attorneys' assertion on whether or not the subdivision was applicable, but there is a new system in place and she does think this will occur in the future.

Mr. Sullivan asked if the property has one house on it. The answer was yes. He asked who lived in the house? He asked if Mr. Sousa was also owner of the property. Mr. Sleprow said yes, but there were two deeds; one was for the 50 x 100 foot lot on Silver Spring and Mr. Sousa's deed is for a 50 x 100 foot lot on Health Street. He said they actually both own the deed that they have, but the problem is is that the subdivision deed they have is not being recognized by the City. They do not own each other's property. There is a deeded line. They have been drawn and recorded in the City Clerk's office conveying Parcel 4.1 and Parcel 4 to the individual owners.

Mr. Sullivan stated he looked at the property and feels there should be curbing on these lots, because there is curbing across the street.

Mr. Fisher stated he agrees with Mr. Sullivan on the curbing issue since there is curbing on both sides of the street up from these properties. He feels it is appropriate to put curbing in there. Ms. Feather stated there is curbing, but not immediately adjacent to the lots that are part of the subdivision. She noted that staff did go out to inspect the frontages and did not rely upon the applicant's submission.

In explanation, Mr. Poland said there was a question about the regulations and a question came up about curbing and whether we should not require it on smaller subdivisions, but require it on the larger subdivisions. We had agreed to do it on a case-by-case basis and if there was no curbing adjacent to the properties, then we probably would not require it or they would not recommend it.

Ms. Feather stated this is a very unfortunate and unusual circumstance; staff does indicate that if it happens again in the future that the Board is under no obligation to approve a subdivision plan. If it cannot make the required findings for the subdivision and it is not consistent with the Comprehensive Plan, then another remedy will have to be pursued by the parties involved. Ms. Feather noted that staff did take a close look at it and it is within the guidelines of the Regulations and the Comprehensive Plan.

She noted that variances must be obtained from the Zoning Board for lot area, width and the rear setback of the existing garage, which will be three feet back rather than the required five feet. They will have to get these variances from the Zoning Board before they get final approval by the Administrative Officer.

Ms. Feather noted that staff recommends approval of the waiver of curbing and sidewalks. She explained that the surveyor labeled the lots 4 and 4.1 and they should be

labeled Lots 1 and 2 or A and B. He took the Assessor's parcel number for the newly created lots. She suggests that the Board incorporate the staff memorandum into the official record.

Mr. Slepchow stated that the stipulations noted in the staff memorandum are all acceptable to him. Both lots will be restricted to a single family use.

Someone from the audience stated she was concerned about the 50-foot frontage. Mr. Poland answered that the applicant will go before the Zoning Board to build on a 50 foot frontage, because the frontage is suppose to be wider in that area. They get preliminary approval from the Planning Board and have to get approval by the Zoning Board to build on a lot smaller than the required width for that zone. Mr. Poland told her if she is an immediate abutter to the property, she would get a registered letter from the City noting the time and date of the Zoning Board meeting and she could voice her objections at that time.

Ms. Feather clarified the fact that staff did send notification to the immediate abutters on the subdivision that told them they would receive a separate letter from the Zoning Board of Review for their meeting on the variances.

There were no further questions.

Motion on the Waiver of Sidewalks and Curbing

On a motion by Mr. Almeida, seconded by Mr. Fisher, the Board voted to grant approval of the requested waiver of sidewalks and curbing.

Roll Call Vote

Mr. Almeida	Aye
Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Nay
Chairman Poland	Aye

Motion on Conditional Approval of the Subdivision

On a motion by Mr. Fisher, seconded by Mr. Almeida, the Board voted to grant conditional approval with the noted six stipulations in the staff memorandum.

Roll Call Vote

Mr. Almeida	Aye
Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye

Chairman Poland Aye

Motion – Delegation of final approval to the Administrative Officer

On a motion by Mr. Fisher, seconded by Mr. Almeida, the Board voted to delegate final plan approval of this subdivision to the Administrative Officer.

Roll Call Vote

Mr. Almeida	Aye
Mr. Fisher	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

D. 2001-2002 Capital Budget and 2001-2007 Capital Improvement Program

At this time, Zac Gordon went through the staff recommendation for the 2001-2002 and Six-Year Capital Improvement Program.

Mr. Gordon noted staff is recommending \$1.324 million dollars for the 2001-2002 Fiscal Year Capital Budget. This is based upon a total project cost of \$7.5 million. The difference between the two is that the balance of the project costs are being made up from bond issue money that has been appropriated, but not spent, future bond issues, user fees, grants and fire rescue funds. The 1.324 million capital budget is what the City, if it were to be adopted by the Council in full, would spend from City tax dollars as opposed to the balance which would come from elsewhere including bond and user fees.

Mr. Gordon stated that the Capital Budget needs to be done annually because there are items that need to be purchased yearly because of wear and tear. Mr. Gordon noted that planning staff is recommending a capital budget based upon a benchmark of three to five percent of the prior year operating budget. Staff is recommending \$1.324 million which includes the existing debt service of \$1.4 million or \$2.8 million, a total of or about eight percent of the City's budget. Mr. Gordon noted that the recommended Capital Budget is higher than upper benchmark figure, but this is due to the fact that we are funding capital items from previous years.

Mr. Gordon gave a brief status report on the 1999 Capital Bond issue items. He noted that a future bond issue contains a large number of items to be funded in 2002-2003. The City Council will propose another capital bond issue for capital projects such as the Riverside Library which will require \$1.7 million in bonding revenue, a new station No. 1 for North Broadway, which is about \$4 million, a Multi-purpose Recreation Center which could be as high as \$2 million, a soccer complex which would be another million dollars, and repaving, water, and sewer construction projects. These are all very costly capital expenditures which the Council will carefully scrutinize.

Mr. Gordon concluded by noting that Planning staff reiterates the fact that we need to have a regular capital expenditure and capital improvement plan that does a little at a time as opposed to doing a lot all at once. He added that Planning recognizes that the timing is good with regard to interest rates and that it still needs to be a baseline of annual expenditures so that we do not run into problems in the coming years by not maintaining our capital infrastructure. Mr. Gordon noted the Public Works Director is present and will answer any questions the Board has.

Mr. Almeida commented he is very much in favor of the Capital Improvement process. He asked about how the Rose Garden soccer field is coming along. Mr. Coutu stated he does not have any involvement with that since the transfer of the Parks Division to the Recreation Department and directed Mr. Almeida to contact the Recreation Director. Mr. Coutu did indicate that the soccer field should be ready in the fall.

Chairman Poland told Mr. Gordon that he and Planning Intern, Mr. Pezzullo, have done a good job with this and said he understands it is a lot of work. He stated he is glad to see the new Rumford Fire Station under construction. He added that a lot of the items listed are currently underway. Mr. Poland noted the Planning Department has a lot of requests for the next three years. Ms. Boyle answered that most of those items listed under the Planning Department column are actually items that have received funding previously. She added that it is very important for the first year items that we have them shown in the Capital Budget, because when the City applied for State and Federal grants, one of the things they look for is that the requested item is included in the City's Capital Budget.

Mr. Gordon explained that with respect to the Crescent Beach Park Project, there are no City dollars involved in the \$900,000 figure. \$600,000 is already in the bank from HUD funds and \$300,000 is proposed to come from a DEM grant mentioned earlier by Mr. Coutu.

Mr. Gerstein stated he noticed a "For Sale" sign on Henry Rose's (Bomes Theatre) property. He noted what an eyesore this building is and if the City could acquire the property. Ms. Boyle answered that the sign is very recent. The City Manager has had some conversations with the Rose family on this, but states she does not know what the asking price for that property is. She noted she has had conversations about the City acquiring the property. It is not in the capital budget, but stated that we had a better sense of what the asking price was and what the future uses were, then it might be placed in the capital budget, but it is too premature at this time to include it in the budget.

Mr. Almeida commented that years ago, they had spoken to ex-City Manager, Earl Sandquist, about the Bomes building and the first thing he said was that the City should condemn it. Ms. Boyle stated the problem with that is without a Redevelopment Authority the City is very limited in its ability to condemn property. The Redevelopment Authority that the City is in the process of putting into place is just for the Waterfront project; although it is possible that in the future there could be a condemnation of this building.

Ms. Boyle stated that one of the possibilities when considered by the Planning Department when it prepared the Taunton Avenue Study was increasing depth of commercial zoning along Taunton Avenue even though that would make some residential properties non-conforming in order to make them more viable for commercial development. There are many properties that do not work for commercial purposes and that there is a challenge to find different ways of using them. Ms. Boyle added that to go in and purchase the Bomes Theatre without knowing what we would use it for would make no sense.

Mr. Almeida asked about the James Street building. Ms. Boyle answered she does not know what the condition of the building is and whether it is salvageable.

E. Disposition of City Properties

Zac Gordon reviewed the Planning Department's recommendation to endorse the sale of twenty (20) city-owned parcels as surplus property. Mr. Gordon explained that the City's Capital Facilities Committee had previously recommended these parcels be sold as surplus property. Mr. Gordon noted that the next step in the process would be for the Planning Board to make its recommendation to the City Council.

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted unanimously to recommend to the City Council that the parcels, referenced in the Planning Department memorandum to the Board, dated August 6, 2001, be sold as surplus property.

V. CONTINUED BUSINESS

A. Staff Report

1. Taco Manufacturing
2. Lincoln Land Institute – Seminar

VI. COMMUNICATIONS

On a motion by Mr. Fisher, seconded by Mr. Almeida, the Board voted to accept the following communication and make it part of the official record:

A. Memo dated 7/22/01 to the Zoning Board of Review from the Department of Planning, Re: Requests for Variance or Special Use Permit to be held on June 23, 2001.

VII. ANNOUNCEMENT

Next Meeting – September 11, 2001, 7:30 p.m., Room 306

VIII. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Peter Poland, Chairman

PP/JMB/sac