

# **January 9, 2001 - Regular Planning Board Meeting**

CITY OF EAST PROVIDENCE

*PLANNING BOARD*

## **MINUTES OF JANUARY 9, 2001**

The meeting was called to order at 7:38 p.m.

Present were: Messers Cunha, Gerstein, Poland, Sullivan, and Jeanne Boyle (staff).

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

Chairman Poland stated that Mr. Sullivan and Mr. Gerstein would be voting in place of Mr. Fisher and Mr. DiTraglia who were absent.

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

It was noted the minutes of September 9, 2000 and minutes of December 12 would be forthcoming.

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

None

### **IV. NEW BUSINESS**

#### **A. Acquisition of City-owned property at Hunts Mills and the Turner Reservoir Dam**

Ms. Boyle explained that the City Council at their December meeting referred a request by the RI Department of Environmental Management to the Planning Board to acquire certain parcels of land located at Hunts Mills and the Turner Reservoir. The RIDEM has been working with the Army Corps of Engineers and Save the Bay and some other to try to restore the herring run to the Ten Mile River. In order to do this they must construct fish ladders at Omega Pond, Hunts Mills and the Turner Dam. Omega Pond is under private ownership and they have been negotiating with the private owners. They would also have to work it out with the City since we own the other two locations.

Ms. Boyle stated RIDEM is proposing that either by acquisition, deeding it over to them, or by easement that the City give RIDEM rights at Hunts Mills and the Turner Reservoir to construct the fish ladders. Since the Hunts Mills location is historical, RIDEM would be very mindful of whatever impact there might be and the City would be mindful of our ability to get in there and perform whatever maintenance may be required. She stated this requested was referred to the Department of Public Works as well as the City Solicitor. The Solicitor did not want to deed it over because it would be problematic if there was a subdivision so he recommends an easement. Staff advises that the Board recommend that the City Council approve this request subject to working out all the details to assure that the City's interests are protected with the easement agreement.

Ms. Boyle noted she had a meeting with the City Manager and the Army Corps of Engineers about this project. A Feasibility Study is being done, but they still need to secure funding for the match from the state funds. RIDEM may try to use the value of the land that the City gives them by easement towards the State match. It is a high priority project. They have studied other watersheds and decided that the Ten Mile River was the highest priority one. Ms. Boyle noted this is a great project if we can make it happen.

Chairman Poland asked if there were any questions of the Board.

Mr. Sullivan asked if the easement would have a time limit on it. Ms. Boyle answered it would probably be in perpetuity or for the length of time that the fish ladders are in there. They are intended to be permanent structures. She stated if the fish ladders were taken down and no longer used, then the easement would be eliminated. Until there is a reason to take it down, it would be permanent.

Mr. Sullivan asked if the City would have its hands tied if they wanted to repair the dam. Ms. Boyle stated that is the kind of language in the easement that the City Solicitor was referring to. Public safety is of paramount importance. We must make sure that the dam stays safe and the City has already done repair work.

Ms. Boyle stated the City has contracted with the Army Corps of Engineers to study the Ten Mile River to see if it is suitable as an emergency drinking water supply. The report is not completed yet, but the preliminary report indicates that with significant treatment you could drink it.

Mr. Gerstein asked what the City would gain from this.

Ms. Boyle answered that RIDEM is restoring a native fish run that has occurred since prehistoric times and they are trying to restore the whole habitat. If the herring come back, then you will see other fish that come back as well and other wild life that are going to eat the fish. You have a whole restoration of the ecology beyond just whether or not herring is present in there. If you have a restoration of it of the natural environment, then it becomes a better asset for the City of East Providence residents and

people will come from other communities to fish and enjoy it. She noted that the Army Corps and DEM have done fish sampling already.

Mr. Cunha asked where the Omega Pond is? Ms. Boyle answered it is next to Pond View and Ocean State Steel. The pond is owned by Ocean State Steel and a German company. The ownership around it is shared by other property owners. RIDEM has had a couple of meetings with the German company and have been receptive in allowing this project.

Mr. Poland stated he fully agrees with this concept and hopes this area will always remain a natural resource. Anything we can do to encourage the fish coming back and wildlife will be well worth enhancing the area.

#### Motion

On a motion by Mr. Sullivan, seconded by Mr. Gerstein, the Board voted to accept the recommendations of staff in allowing the easement agreement on City land with RIDEM.

#### Roll Call Vote

Mr. Cunha	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

### **B. Zoning Ordinance Revision - Section I9-1 Definition of a Hotel**

Ms. Boyle explained that for advertising purposes staff decided to do a more comprehensive review of the definition of hotel and do more than just change the word "shall" to "may". She stated that this is a proposal with a new definition for a hotel. She read from the "definition" section: "Hotel means a building of more than two but not more than 12 stories in height notwithstanding the maximum height limitations..... located on the site of not less than three acres and containing units for transit or overnight lodging without individual kitchen facilities. Subject shall contain accessory facilities including, but not limited to a restaurant, swimming pool and other recreational facilities and shall be connected to municipal sanitary sewer facilities". She noted there are two problems with this definition as it was written; one is the minimum three acre lot for the development that was approved last month by the Board the portion of that property upon which the hotel is proposed to be located is actually 2.66 acres. It could be argued that it require a use variance in order to place a hotel there just because it does not meet the 2.66 acres. The other problem is that it mandates that they have the accessory facilities including the restaurant, the swimming pool and other things. A lot of the hotels do not choose to do that. To say it could be allowed as an accessory facility

is fine, but not to require it. The other problem under the Use Schedule, in a C-1 District, which is the district that the hotel is proposed for on Warren Avenue, a hotel was actually only allowed as a special use permit. In a number of other districts it was not allowed at all. We felt that was overly restrictive. Ms. Boyle stated the reason why it was being treated as a special use permit several years ago was because that predated development plan review and it was the only way the City had any ability to do any site planning review. Now, having the benefit of development plan review and the land development project, the process can be redundant. There is no reason why a hotel shouldn't be allowed as a permitted use in a Commercial District. This is one of the changes that we are proposing.

Ms. Boyle explained that staff reviewed a lot of other definitions of hotels some of which were very specific and we felt that if we went to the specific route we would wind up regretting it just as we do with the current definition. We tried to keep it as a very general kind of generic definition and it reads: "a building with temporary lodging is provided and offered to the public for compensation where additional services such as restaurants, meeting conference facilities may be provided for both guest and non-guest use". That should allow those additional uses without mandating them. Ms. Boyle stated staff feels this is consistent with the City's Comprehensive Plan, it meets the purposes of Zoning, and it does not require a Comprehensive Plan amendment because it is consistent with what we have recommended.

Staff recommends that the Planning Board advise the City Council to approve this definition. They will be hearing this particular amendment at the same time they are hearing amendments that we heard last month for the telecommunications ordinances. There are all packaged into one public hearing on the same date.

Chairman Poland asked if the Board had any questions of staff.

Mr. Sullivan asked if the hotel, since it would have a pool would it form a recreation facility? She noted they would have to go through the Zoning Officer if they wanted a stand-alone recreation facility. She stated she is not sure that would be considered an accessory use. It would be a judgement call by the Zoning Officer.

Mr. Sullivan states it notes in the definition that swimming pools in a C-1 district and are not allowed. Ms. Boyle stated that would not be the principal use, it would be considered an accessory use. He asked if the applicant did decide to put in a pool and they opened it up to the public to have a private club for recreational purposes, would that be allowed. Ms. Boyle stated that in her opinion it would not be considered an accessory use. This is intended only for the people using the hotel and stated she doubts that the Zoning Officer would see that as an accessory use.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Gerstein, the Board voted to recommend approval of the revision of the definition of a hotel to the City Council at their January meeting.

#### Roll Call Vote

Mr. Cunha	Aye
Mr. Gerstein	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Mr. Boyle informed the Board that the Zoning cases have been advertised and Marshall Development is seeking a dimensional variance and a special use permit under the existing zoning. If the City Council passes this revised definition on January 16, then they can withdraw that portion of the petition. She noted it would be a four-story hotel.

## **V. CONTINUED BUSINESS**

### 1. Staff Report

A. Ms. Boyle stated that she will try to make the Waterfront presentation since Mr. Lemont was not available. She stated there is a developer interested in the entire waterfront and there is a meeting scheduled between the City Manager and myself, Mayor Larisa and George deTarnowski to present this Waterfront Vision Plan to the Governor next week. She noted in order for this to work Waterfront Drive needs to be extended in order for this whole plan to work.

Ms. Boyle stated staff is working on implementing the waterfront mixed-use district. That was one of the recommendations of the Comprehensive Plan to come up with some specific design guidelines and more specific land use guidelines for what takes place on the waterfront. It will be essential they we have a lot of that in place before a developer comes through the door so that we can dictate what happens and not react to a development proposal. Under the current zoning we do not have the ability to come up with design review. Ms. Boyle stated Diane Feather is working on that particular portion of it.

B. In regard to Charles Goodwin's plaque, she stated Mr. Goodwin called and stated, due to personal circumstances that he would prefer not to have a dinner. Mr. Poland stated he would bring the plaque over to Mr. Goodwin.

C. Ms. Boyle noted the resignation of Mr. Joseph Medeiros of the Board.

D. Ms. Boyle noted there is nothing official regarding the Trailside Farm Subdivision development. The rumored developer for a non-residential use did present a conceptual plan to Ms. Boyle. They will probably come in soon and they are negotiating a purchase and sales agreement with the Leonardos.

Mr. Gerstein asked about the 91 home proposal by Leonardo and stated he thinks the City should buy it because it will cost the City a half million dollars a year to educate the children in this development and the City would probably have to increase the size of the school building to house these additional children. Ms. Boyle answered that the fiscal impact is one of the big concerns, but noted that this land is zoned for residential. She said the Leonardos were asked to come up with a fiscal impact analysis. The draft did show about 1/2 million dollars more per year in the negative. If a commercial use does come in as is being rumored, Ms. Boyle stated this would have a positive fiscal impact. But there will also be other issues such as a traffic impacts that would have to be addressed and weighed.

Mr. Gerstein stated there is a rumor where a Walgreens will be going into the vacant Texaco Station at Pawtucket and Waterman Avenues. Ms. Boyle stated she heard the same rumor, and if it is true they would have to go in for a zone change and the whole land development project process, all negative issues such as traffic will have to be address before the Board makes a positive recommendation. If it is a zone change it is the Council decision.

## **VI. COMMUNICATIONS**

On a motion by Mr. Sullivan, seconded by Mr. Gerstein, the Board voted to accept the following correspondence and Mr. Medeiros resignation from the Board.

A. Copy of Memo dated January 26, 2001 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on January 31, 2001

B. Copy of Letter dated December 12, 2000 to Chairman Poland from Joseph Medeiros submitting his resignation from the Board.

Mr. Poland stated the Board should send him a letter thanking him and acknowledging all the work he has done while on the Board especially his work on the City acquiring the land up on Pleasant Street and also the Runnins River project. Mr. Poland thought it would be a good idea to give Mr. Medeiros a plaque. Ms. Boyle agreed.

## **VII. ANNOUNCEMENT**

Next Meeting – February 13, 2001, 7:30 p.m., Room 306

## **VIII. ADJOURNMENT**

On a motion by Mr. Sullivan, seconded by Mr. Gerstein the meeting adjourned at 8:12 p.m.

Respectfully submitted,

PP/JMB/sac

Chairman Peter Poland