

June 12, 2001 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JUNE 12, 2001

Present were: Messers Almeida, Cunha, Poland, Robinson, Sullivan, Jeanne Boyle (staff), Diane Feather (staff), Assistant City Solicitor Greg Dias.

I. SEATING OF ALTERNATE MEMBER

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of April 16, 2001

On a motion by Mr. Sullivan, seconded by Mr. Robinson, the Board voted unanimously to approve the minutes of April 16, 2001.

B. Minutes of May 21, 2001

On motion by Mr. Sullivan, seconded by Mr. Robinson, the Board voted to unanimously approve the minutes of May 21, 2001.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Sullivan, seconded by Mr. Robinson, the Board voted unanimously to accept the correspondence below:

A. Memo dated 5/31/01 to the City Council Re: "Emergency Access Easement Agreement for 950 Warren Avenue".

IV. NEW BUSINESS

A. Appl. #2000-3 Gois Subdivision, 100 Warren Avenue-David and Tina DaSilva

Request for Relief from Subdivision Condition of Approval

Ms. Feather gave the board the history of the 3-lot Gois Subdivision. The DaSilva's purchased Parcel B of the subdivision from Jose and Olga Gois. Ms. Feather stated at the time of the original subdivision application, the commercial structure on the property was a significant part of the Board's review because the lot building coverage on Parcel B was over the sixty-percent coverage allowed by Section 19-145 of Zoning. There is very limited off street parking and essentially no off street loading.

Ms. Feather she stated that at the time of the subdivision approval, the Planning Board included a provision that there be no new construction on Parcel B because the subdivision needed variances for lot building coverage, offstreet parking and loading, and side yard setbacks. In March of 2000 the Planning Board gave conditional approval and the following month the Zoning Board granted the variances that would allow them to come back for final subdivision approval. At that time, the Zoning Board also included the stipulation that the premises and the businesses would not be expanded or intensified for the same reasons as the Planning Board's regarding parking and loading on that property. The DaSilva's petitioned the Zoning Board in February of 2001 for a special use permit for the extension of the non-conforming property. They also needed dimensional variances again for off street parking and for percentage of coverage. This was for an additional 237 square feet that would be added onto the west side of the structure.

Ms. Feather stated that at the time they petitioned the Zoning Board, the Planning Department recommended denial. However, staff noted that if the Zoning Board wanted to proceed with granting the variances and the special use permit, it would be appropriate for the DaSilva's to come back to the Planning Board first, for review of the condition on the subdivision approval and then go back to the Zoning Board. Unfortunately that was not the case. Mr. and Mrs. DaSilva are seeking a building permit and in order to get it they have come back for a modification of that original condition of subdivision approval.

Ms. Feather stated that staff received a memo from City Solicitor Conley who noted that the process should be that if there is a condition relating to subdivision approval that the applicant should come back to the Planning Board prior to going to the Zoning Board for any necessary variances or special use permits. She stated as required by the regulations, we did notify the property owners of the subdivision about their desire to have the condition removed. At the time the recommendation was written staff had not had any phone calls or any visits to the office inquiring about the request for the removal of the condition. She said today Attorney Eileen Cooney came into the office and indicated that she was representing a client and they had concerns that they wanted to present to the Planning Board. It is not an objection, but a clarification of concerns regarding drainage. Ms. Feather stated the request was forwarded to Public Works, the City Solicitor and the Fire Department. The Fire Chief and City Solicitor had no

objection. The Director of Public Works indicated an objection which was included in the Board's packet.

Ms. Feather stated that the Zoning Board asked for the removal of parking space #2 and the labeling of off -street parking space #3 for employee parking only. She said they pointed this out on the map to Mr. DaSilva which he presented to staff as part of this current request and that the change had not been made. He indicated he understood that he needed to do that and did intend to comply with that condition of the zoning approval. Ms. Feather stated that when staff reviewed the subdivision, we realized that improvements are needed over time. However, the Department did not want to see the footprint of the building expand beyond what it was before it first came before the Board, and already exceeds what is allowed by Zoning. She noted that Mr. Silva was present at both the Planning Board and Zoning Board hearings when this stipulation was discussed, and that staff is recommending denial of the requested removal of the subdivision condition.

Mr. Poland asked the Board if there were any questions.

Mr. Sullivan asked if this also went to the Chief of Police. Ms. Feather stated no. She noted it went to the Fire Chief and he indicated that he would not be objecting to the removal of the condition that stated no further intensity. He asked about the three parking places and noted he did not see them delineated on the map. Ms. Feather stated this is part of the Zoning Board's condition. She explained it is about 9 1/2 feet from the property line and noted it was also stated in the staff memo that the increase in the building footprint is what triggered the necessary zoning variances and special use permit. The applicant has to come back to the Planning Board and the Board needs to know that the applicant is proposing to do more than the addition. She stated he is rebuilding some side walls and he is going from a flat roof to a pitched roof.

Mr. Sullivan asked if the building was on the property line on the east side. Ms. Feather answered yes. The paved parking area that on the west side is not part of the property, it is adjoining the property. Ms. Feather stated the applicant is proposing to put a new overhead door in, but noted this was not explained in the petition. She said Mr. DaSilva was showing an overhang, but has since eliminated that on the plans.

Mr. David DaSilva, 100 Warren Avenue, East Providence was sworn in. Mr. DaSilva wants to modify the subdivision that was granted earlier. Mr. DaSilva explained that when he initially bought the building he wanted to fix it up by putting stucco around it, but then realized how unsafe it was. He stated initially when he came to Planning Department and the Planning Board, those were his intentions, but when he started to talk with contractors, he realized how unsafe the building was and decided to do something else. He asked the Zoning Officer at the time if he could get permission to do something else. The Zoning Officer stated he would have to go through Zoning, but never told him that he would have to go before the Planning Board first. He noted he overlooked the stipulation that the Planning Board had made, but had he known he would have gone to the Board to begin with.

Mr. Poland stated he understands this and feels that the Zoning Officer at the time should have told you that you needed to go before the Planning Board first. Mr. DaSilva explained he wants to tear down the walls in the back and fill in that jagged space. It would be on the same lot.

Mr. Poland stated he is familiar with the building and feels the change will make the building look a lot nicer, but one of the stipulations in the memorandum is that you not intensify the use of the building and if you were just putting a new roof on the building and fix it up, that is not intensifying the use but, by asking to expand the building you would be intensifying the use. Mr. Poland stated the plans they received only show the roof overhang and does not show a wall. Mr. DaSilva stated these plans are the original plans, but that the plan he has with him tonight shows the changes. The new plan shows the squaring off of the building and the garage door will be facing west on the side of the building. Mr. DaSilva gave Mr. Poland a copy of the plan. He passed it along to the other members. Mr. Poland asked that the plan be made part of the Board's official record through a motion.

On a motion by Mr. Sullivan, seconded by Mr. Cunha the Board unanimously voted to make this plan part of the official record.

Ms. Boyle stated the plans staff has seen and have submitted to the Board do not reflect any of what is on the plan Mr. DaSilva just presented to the Board. Staff should have received the revised plans to review before the meeting. Mr. Robinson stated the Board and Planning Department has not had an opportunity to review these plans to make a determination as to their recommendation regarding this. Mr. DaSilva stated the Zoning Board has the amended plans.

Ms. Boyle asked if an amended site plan was created at the Zoning Board meeting? Mr. DaSilva stated yes. She asked Mr. DaSilva if the petition he submitted to the Zoning Board was not what he proposed. She noted it would have been helpful for the process if Planning had received an amended site plan or an annotated site plan.

Mr. Poland states he wants to see a site plan that more closely resembles exactly what he is going to do as far as accommodation for the parking and how you will enter and exit the new overhead garage door. Mr. Robinson agreed and stated he wants to reserve his comments until he has all the information in front of him. He would like to see this matter continued until the next meeting. The Planning Department then can make a proper recommendation to the Board after reviewing the amended site plan.

On a motion by Mr. Robinson, seconded by Mr. Sullivan, the Board voted unanimously to defer this to the July meeting until an amended site plan and floor plan is available.

Roll Call Vote

Mr. Almeida Aye

Mr. Cunha	Aye
Mr. Robinson	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

B. Surplus Property - Warren Avenue School Property, Map 507, Block 12, Parcel 1

Ms. Boyle explained that the School Department recently voted to declare that property surplus for their purposes and to turn it over to the City of East Providence for City use. The next action is that the City Council has referred to the Planning Board the matter of whether or not the City should declare this property surplus for City uses and whether or not it can be put up for sale to an outside party. She noted that city staff has reviewed the matter and has no objections to declaring the property surplus. The property contains an older school building and a steel maintenance type of shed. It does not serve any City purposes. The Comprehensive Plan calls for that area to be developed for commercial uses such as office development. The industrial/heavy commercial use that is taking place now through the School Department is not consistent with the Zoning or with the City's Comprehensive Plan. Under those circumstances, the City does not see any use for it. The value of the property has not been determined yet, but the City has retained an appraiser who is examining the property to come up with a fair market value for it. Staff recommends that the Planning Board find that this property is surplus and recommend to the City Council to dispose of this property at fair market value. That fair market value would be established by the appraisal that is being conducted right now. It would then be available for commercial development. It will become a tax generating use rather than one that is off the tax rolls as it is now.

Chairman Poland asked the Board if there were any questions.

Mr. Cunha asked about the value of the property. Ms. Boyle stated that it is being appraised by an outside appraiser retained by the City. The City Council will use that assessment of fair market value in deciding the sale price. Ms. Boyle stated that as part of their establishment of value that the City's Tax Assessor will also look at the property and see whether or not he concurs. Mr. Cunha stated he heard rumors that the land was landlocked. Ms. Boyle stated no it is not landlocked; it has frontage. The frontage will enhance its value.

Chairman Poland asked why the City is not declaring Revere Street surplus property at the same time. Ms. Boyle stated it cannot be declared surplus. It would have to go through a different process which would be the street abandonment process. Through this process it would be split 50/50 between the adjoining property owners. One of the issues that staff had thought about was if the City were to abandon Revere Street while it still owns the property then it would pick up 50 percent of that square footage. The abandonment process is fairly time consuming and expensive however, and would not be

worth doing that prior to disposing of the lot, just to pick up a fairly small amount of money.

Mr. Sullivan asked if Revere Street was the emergency road to get in the back of the property? Ms. Boyle explained there was an easement that was just conveyed. It is City land and the way the easement is written it gives the right to the developer to use that for emergency purposes. It is still considered City land. If, in the future, the abutting property owners are one and the same and they request abandonment of that street, another easement would have to be drafted that would actually give the City the continued right to pass and re-pass for emergency vehicles.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Almeida, the Board voted to recommend that the City Council declare this land surplus and dispose of it for commercial use at its fair market value.

Roll Call Vote

Mr. Almeida	Aye
Mr. Cunha	Aye
Mr. Robinson	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

V. CONTINUED BUSINESS

1. Staff Report

A. IGUS Development

Ms. Boyle told the Board that the IGUS plans are in for review which is the 200,000 sq.ft. manufacturing facility located off of Ferris Avenue behind Handy and Harmon company. They are requesting that preliminary and final approval be combined by the Planning Board. This will be on the July agenda.

B. TACO Development

Ms. Boyle stated we have the revised plans and have a meeting scheduled next week with TACO to review the plans that have been revised in response to a lot of the staff comments. It is a complex development and noted she doubts staff can review it and get it to the Board by the July meeting. It will probably be at the August meeting. Ms. Boyle stated they need to discuss what the date of the meeting should be and also where to hold the meeting since there will probably be a lot of people in attendance.

Ms. Boyle stated that once a COC (Certificate of Completeness) is issued for this project, it is the developer's intention to schedule a neighborhood meeting to be held in the Riverside section of the City.

C. Redevelopment Plan

Ms. Boyle noted that Ms. Feather is in the process of putting together a redevelopment plan for the waterfront. It is a very complex and difficult task and will take us some time to have it before the Board. This will be a more specific plan than what we have had in the past. It would show what the land uses will be, what the extent of the redevelopment area should be, and what type of parcel arrangements and density controls.

VI. COMMUNICATIONS

On a motion by Mr. Almeida, seconded by Mr. Sullivan, the Board voted to accept the following correspondence:

- A. Memo dated May 25, 2001 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on May 30, 2001 (copies previous submitted);

VII. ANNOUNCEMENT

The next meeting will be held on Tuesday evening, *July 10, 2001*, Room 306, 7:30 p.m.

VIII. ADJOURNMENT

The meeting adjourned at 8:15 p.m.