

May 21, 2001 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of May 21, 2001

518th Meeting

Present: Mr. Fisher, Mr. Gerstein, , Mr. Poland, Mr. Robinson, Mr. Sullivan, Jeanne Boyle (staff), James Moran (staff), and William Conley (staff),

I. SEATING OF ALTERNATE MEMBER

Mr. Gerstein will be seated as a voting member. Mr. Poland introduced the newest member of the Board, Mr. Michael Robinson, who will also be seated as a voting member.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of September 13, 2000 (to be submitted);

Mr. Fisher stated there was one correction. That Mr. Cunha was seated in place of him at the September meeting. It was noted that it would be corrected.

On a motion by Mr. Sullivan, seconded by Mr. Fisher the Board approved the minutes.

B. Minutes of March 13, 2001

It was noted these minutes were not finalized as yet.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

IV. NEW BUSINESS

A. Public Hearing - Appl. #2000-20 LDP Preliminary, 950 Warren Avenue by Marshall Properties (Hotel and Office building)

Ms. Christine Engustian, 1 Grove Avenue, East Providence, attorney for the petitioner, Marshall Land LLC, was sworn in. She thanked the Board for holding the special meeting tonight for the petitioner. The parcel contains of two parcels. Map 507, Block 13, Parcel 1 which is the western portion of the site and Map 607, Block 17, Parcel 1. Both of these parcels adjoin one another on the north side of Warren Avenue, west of the Massachusetts state line. It was explained that there is plan for a four-story 72,000 square foot office building. On the eastern portion is planned a hotel. In December of 2000 when this first came before the Board an office use was a permitted use in the C-1 zoning district. The hotel was permitted by a special use permit. However, in January of 2001, the City Council made some changes to the Zoning Ordinance and made a hotel a permitted use as well in the C-1 zoning district. Therefore, the applicant just had to apply for a dimensional variances from the Zoning Board. The only remaining zoning issue relates to signage and this will be addressed in the final plan phase for this project.

Ms. Engustian stated the Department of Planning has accepted the shade coverage and the landscaping plan for this development. She said instead of asking the Board to review the plan for both the hotel and the office building, the applicant is respectfully requesting that the submission at this state be considered Phase 1 and that the review is limited to the plans for the office building only. The plans for the hotel will be considered phase II and reviewed under another preliminary plan submission. The reasons for this are that the underground injection control permit from the RI Department of Environmental Management has not yet been received for the hotel portion of the development although it is expected. At the preliminary plan decision on this portion of the Land Development Project cannot be made by this Planning Board without the final UIC approval from RI DEM. In addition the building design plans for the hotel have not been submitted for review. The applicant requests that this Board accept the Planning Department's recommendation that the Board establish a phased review and approval process for this LDP.

Mr. Conley states that the Board should make a motion at this time.

On a motion by Mr. Fisher, seconded by Mr. Sullivan, the Board voted to consider this a two phase development. All actions tonight will be on Phase I which is the building.

Roll Call Vote

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

Ms. Engustian stated she realizes the Board has received a substantial amount of information on this LDP and asked if she could go over the major changes that have occurred in the submission since the master plan approval.

Regarding drainage, Ms. Engustian stated this is covered in the April 2001 Project Narrative Report which states that the State of Rhode Island and City of East Providence both require that there be no net increase in stormwater runoff due to the development. In order to meet this requirement a stormwater management facility was designed for this site that will direct the runoff from the impervious portion of the development to three on-site infiltration facilities. These facilities are designed for 25 year storm events. Individual systems were provided for each of the two uses associated with the project. A third system was designed for the common entranceway to the parcel. In February of this year, Marshall Land LLC submitted an application to the Rhode Island Department of Environmental Management for an underground injection control permit for these three proposed stormwater leaching or infiltration facilities. By a letter dated April 10, 2001 DEM granted approval for the two stormwater subsurface disposal systems to be located on Assessor's Map 507, Block 13, Parcel 1; the portion of the site where the office building is proposed.

Ms. Engustian explained that Ecotone Inc. had made a determination that no wetlands existed on the property and that the applicant would be submitting to RIDEM an application for wetlands review and a verification of Ecotone's findings. In a letter to the applicant DEM stated that "there are no freshwater wetlands regulated by DEM on or immediately adjacent to the subject property". Since we were last here any structures on the subject parcel have been removed. The whole parcel is now vacant and grading has commenced.

Traffic Impact Assessment

Ms. Engustian provided a synopsis of the Traffic Impact Assessment. She stated access is located in the middle of the parcel opposite Evergreen Drive. During the Master Plan phase of this project there was a preliminary Impact Analysis Report prepared and submitted by the engineering of Garofalo and Associates. The existing traffic patterns and conditions on Warren Avenue in the vicinity of the subject site were first established. The next step was projecting what the number of vehicle trips would be for this development once the development was complete and the buildings fully occupied, and the impact this traffic would have on the immediate roadway network surrounding the vicinity of the subject site. The Traffic Impact Analysis concluded that the proposed commercial development in conjunction with the signalized access to that site would not adversely affect the traffic operations of Warren Avenue. The Master Plan submittal for this project showed the installation of a signalized intersection at the entrance to this site directly opposite Evergreen Drive. As part of the conditional approval, the Board at that time required a detailed Traffic Impact Analysis be prepared as a preliminary plan phase to take into consideration all concerns expressed by the DPR Committee. After the conditional approval was granted for the Master Plan, representatives of Garofalo and Associates and the applicant met with City personnel to identify and consider all traffic related issues generated by the proposed development. Garofalo conducted a number of traffic counts and analyses including the projected impact on traffic operations on a roadway network immediately surrounding the development for the conversion of

Evergreen Drive back to a two-way street. The actual traffic counts conducted at an office building located in Warwick, RI that is similar to the development that is proposed at this location for the office use. They found that a traffic signal is warranted at the intersection of Warren Avenue and Evergreen Drive, and if the signal were installed, the levels of service during peak morning hours and afternoon hours would be at levels A and B respectfully. A. being the highest level of service and B being the second level out of a possible six levels of service.

Garofalo reviewed the results with RIDOT. RIDOT's engineering division forwarded a letter to Stephen Garofalo, Garofalo Associates which stated *"that the State of Rhode Island does not typically approve a traffic signal based solely on projected volumes since projected volumes may never actualize thus a traffic signal will create unnecessary delays on Warren Avenue"*. Once the development is completed and the building is occupied then a new traffic study of actual vehicle counts can be submitted for consideration. Ms. Engustian noted that the City of East Providence has made it clear to the applicant that they would like to see a traffic signal located at the entry way opposite Evergreen Drive. She noted they would work with the City to achieve this goal.

Access to and from the site will be provided through a non-signalized entryway off of Warren Avenue and located at the center of the parcel again opposite Evergreen Drive which will serve both the office and hotel buildings.

Easement Agreement

Ms. Engustian explained the applicant has submitted an easement agreement to the City Solicitor's office. The City Solicitor has approved the agreement in form. In addition the City's Fire Department has approved the configuration of the emergency access to the development.

The development will be served by water and sewer facilities. Public Works has indicated that there is sufficient water and sewage capacities available for the proposed development. Public Works has proposed design modification to the utility plan which will be incorporated in the final plan submission. Ms. Engustian states that the project is compatible with adjacent districts and uses. The lack of significant and negative environmental impacts, the property control of erosion and drainage and adequate and permanent physical access to a public street. The uses for these buildings are compatible with the East Providence Comprehensive Plan and Land Use 2010 Plan.

To the west of the site is a C-1 zoning district. On the opposite side of Warren Avenue is a mixture of light industrial, retail and multi-family residential. No adverse effect on surrounding properties or businesses if foreseen.

Ms. Engustian stated that this is a very exciting land development project because it promotes economic development of the City. It also meets the goals under the Economic Element of the City's Comprehensive Plan. Specifically, it will broaden the City's tax base, will increase job opportunities and increase the business volume of local

establishments in that area. She respectfully requests that the Planning Board grant approval of the preliminary plan of the land development project as it relates to Phase I.

She stated Mr. Garofalo, Mr. Hemingway and Mr. McGonigle are present to answer any questions the Board may have.

Chairman Poland asked the Board if they had any questions. The Board stated they thought the presentation was an excellent one.

Ms. Boyle asked that James Moran go through the staff recommendation at this time.

Mr. Moran stated this is the preliminary plan phase of the development. This is a phase I development, for the office development of Phase 2 development for the hotel portion of this development based upon the fact that a UIC permit is forthcoming on the hotel portion of this development and as such from a legal perspective, the Board cannot take action on that particular phase in the development.

The project was advertised in the Providence Journal and notices of the hearing have been sent to all abutters within a 200 foot radius. A certificate of completeness was issued on May 1, 2001 which is within the regulation guidelines. It is in a Commercial-1 zone. At the master plan stage there was an issue relating to this particular property having a portion rezoned to Industrial-1 in light of a restaurant that was going to be locating at the hotel site. As a result of that restaurant not moving to that location and because of a reverter clause in that zoning, it has reverted to a C-1 status which brings the entire parcel in line with zoning in terms of the use.

Mr. Moran stated there have been some changes in our Zoning Ordinance which allowed a hotel in that C-1 district without using a special permit process.

Drainage and Utilities

Drainage and utilities have been covered fairly extensively. They are designed to handle a 25 year storm event. In the event of an overflow or storm in excess of a 25-year storm event runoff is designed to discharge overland to specific areas off site that are indicated on the plans. Steve Coutu, Acting Director of Public Works has reiterated that the fact that he cannot take any action on approving the hotel design at this time due to the drainage situation.

Zoning Permits

Mr. Moran stated the Zoning Officer has eight items indicated. All but one has been resolved. The signage issue is something that the City could look at final plan approval if that is acceptable to the Planning Board. Mr. Coutu has indicated that that would be acceptable to his office to review that at that time.

Shade Coverage

This development as indicated on the plans has more than adequate coverage of landscape elements and landscape design. It exceeds the shade coverage requirements of the City's regulations.

Traffic Impact Assessment

The City staff has worked with the developer to meet with the RI DOT staff to discuss what had occurred in terms of the traffic analysis and to consider a traffic signal at this location. The traffic warrants could not be met. Peak hours could be met, but RIDOT does not consider peak hour to be their standard factor. They need to see something that will meet the eight-hour warrant which did not occur for this particular development with the comparable development that they had chosen. As part of the City's recommendation, the developer should continue to try to work cooperatively with the RI Department of Transportation to determine if there is any way a light could be installed at this particular location.

Mr. Moran stated the Deputy Chief at RIDOT had sent a letter to the Director of Planning dated May 10, 2001. This letter indicated the policy of the engineering division in reviewing these particular developments and making decisions that are based upon actual traffic movements and not based upon projections. They said they are not discounting the possibility of installing a light, but do need to see actual traffic counts to see if it warrants a traffic light at this location.

Regarding returning Evergreen Drive to a two-way thorough-fare, in anticipation of this meeting the Planning Department sent out surveys to the residents of the Evergreen Apartments requesting their opinion on whether or not they would like to see it remain a one-way or return to a two-way thorough-fare. The Planning Department felt they were going to prefer a one-way thoroughfare, but the results were that 90 percent wanted to see it returned to a two-way thoroughfare with the possibility of installation of speed bumps.

Emergency Access and Easement

Mr. Moran stated a secondary emergency access and easement has been formulated and has been accepted by the City Solicitor's office and has also been prepared by the attorneys for the applicant.

Comprehensive Plan

Mr. Moran noted that this Land Development Project as office service and mixed use category for the hotel are compatible within those districts. This fulfills certain elements of the East Providence Comprehensive Plan Economic Development element, specifically Goal 3 which states that facilitating economic development of appropriate vacant or underutilized parcels of land within the City will broaden the tax base and create local and regional job opportunities. The Department of Planning feels this

proposal complies with all the recommendations and guidelines established in the Comprehensive Plan.

Recommendation

Phase I Preliminary Plan, Map 507, Block 13, Parcel 1.

Mr. Moran stated that based upon a finding that the proposed office development portion of this submission is consistent with the East Providence Comprehensive Plan, meets the general purpose stated in Article 1 of the Regulations and further that the required findings of Section 54 of the Regulations are met, this Department recommends conditional approval of the Land Development Project Preliminary Plan Phase 1 submission as proposed and described under Item 9A of this approval recommendation subject to the following conditions of Preliminary Plan approval being incorporated into the final plan submission:

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. That the applicant update the final plans to indicate that the hotel development, Map 607, Block 17, Parcel 1 shall be reviewed under section phase review process which shall require the subsequent submission of a phase II preliminary plan for the hotel portion;
3. That the applicant continue in its efforts to secure a traffic signal at the entry to the development site through appropriate measures identified by the RI Department of Transportation.
4. That the final plans and supporting documentation be based upon this preliminary plan approval; and
5. Recommend approval to the City Council on the easement for the secondary road.

Final Plan Review

Mr. Moran stated the applicant has expressly requested that the final plan development review be delegated to the Administrative Officer as allowed under Section 9-10 of the Land Development and Subdivision Review Regulations. The Planning Department recommends that the final plan review process for the Phase I portion of this Land Development Project be delegated to the Administrative Officer as stipulated under Section 9-10 of the Land Development Subdivision Review Regulations.

The comments provided by the Acting Director of Public Works and the Fire Chief states that they would very much like to see a traffic signal at this location. The Planning

Department concurs with them in that opinion, but recognizes that RIDOT is the regulatory authority making the decisions on this process.

Mr. Conley stated that because it is an emergency access easement, it needs final approval by the City Council and that kind of interest in real estate would come before the Planning Board for its review and recommendation and then go to the Council. If the Planning Board is in favor of this evening, that would serve as the review and referral process and would be put on the City Council's Docket of June 5. He stated he would assume it will be a fairly proforma approval by the City Council at that time. This will be part of the staff stipulations.

On a motion Fisher, seconded by Mr. Sullivan, the Board accepted the staff recommendation along with addition, number 5 of the stipulations and make it part of the Board's official records.

Roll Call Vote

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

Chairman Poland congratulated Ms. Christine Engustian and Marshall Properties on their excellent presentation of this project.

Mr. Poland asked if there were any questions.

Mr. Sullivan said that if they decided to make Evergreen Drive a two-way drive there would be no problem with that but stated the need for a light. Ms. Engustian stated that Mr. Garofalo did provide information to the state that included the presumption that this would be converted to a two-way street and still with that information, RIDOT maintains the position that they do not approve of a signalized intersection at that point until actual traffic counts are made and submitted. Ms. Engustian stated that the developers did put a signalized entryway to this development on the master plan and noted how surprised they were that RIDOT did not want this. She stated the applicant is willing to meet with the City as to whatever goals the City has on this project.

Mr. Steven Garofalo, 85 Corliss Street, Providence, RI was sworn in by City Solicitor Conley.

Mr. Garofalo stated that RIDOT would entertain another application or revision to this application once the building was constructed and occupied to a point where we could justify meeting the warrant for a traffic signal. The peak hour warrant is the highest hour of the day between 4:00 p.m. to 6:00 p.m. He stated they submitted information to RIDOT that included Evergreen Drive and were able to meet an additional warrant which

is a four hour period. RIDOT is saying that at this point, before the project is actually developed, they were looking for us to meet an eight hour warrant. The numbers are not there yet to meet the eight hour warrant.

Mr. Poland asked Mr. Garofalo if the entrance opposite Evergreen Drive would be the entrance for all three buildings? Mr. Garofalo stated yes. The plan that the Board is reviewing tonight is designed to provide an entrance to that third building.

Mr. Poland asked Ms. Boyle once it is all approved, who will pay for the traffic light and who will do the traffic count since Marshall is going to sell or lease the hotel and the other properties? Mr. Garofalo stated that under DOT regulations they have indicated the developer is responsible for four years after the development begins operation or is completed. After the four years it is the State's responsibility and they would put it within one of their signal programs which would probably take four to five years. If there is a problem there with traffic, it will be Marshall's responsibility and they will have to purchase the light.

Mr. Fisher commended the applicant for the completeness of this application. He stated in looking at the memoranda that Mr. Coutu and Chief Bessette wrote he also agrees with the importance with the light. He asked Ms. Boyle what the Board could do on behalf of the City to help facilitate getting the state to put a light in there. Ms. Boyle stated that the Planning Department concurs that there is a need for a light and the developer's engineers did everything humanly possible to convince the DOT of that position. The DOT does have the responsibility to assure there is a free flow of traffic on the state roads. She noted staff would like the developer to continue their talks with DOT to have a light installed. She noted the City does have the authority to petition the state through the State's Traffic Safety Commission to try to install a light. There may be accidents there in the future that might justify installation of the light. We will continue to have a dialogue with the RIDOT during the construction of this project. Perhaps we will have success in the long term in convincing them to install a traffic light.

Public Comments

Chairman Poland asked if there were any comments.

Mr. Ralph McGonigle, 700 Narragansett Park Drive, Pawtucket, RI was sworn in. In respect to the traffic light Mr. McGonigle stated he feels it is important that we keep a unified effort going to RIDOT as opposed to approaching state representatives, which could have an adverse impact on what the City is trying to do. He noted for the record that Marshall Properties will cooperate until there is a light installed and said they want the light put in and they will defray the cost of the light. He commended City staff and the Board for their good work and their cooperation.

He noted they have a tenant by the name of American Arbitration out of New York who will be taking 45,000 feet. They have a lease that is signed and is loaded with penalties if

the applicant does not let them in by April 1st. He thanked the Board and staff for all their help and effort.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to accept the staff's recommendation for the conditional approval for phase 1 submission as described under Item 9A subject to the following conditions of preliminary plan approval being incorporated at the final plan submission:

1. That all comments in the technical staff memoranda as appropriate and any and all conditions of the Planning Board approval irreflective in the preliminary plan submission;
2. That the applicant update the final plans to indicate that the hotel development, Map 607, Block 17, Parcel 1 shall be reviewed under a second phase review process which shall require the subsequent submission of a phase II preliminary plan for the hotel portion;
3. That the applicant continue in its efforts to secure a traffic signal at the entry to the development site through appropriate measures identified by the RI Department of Transportation.
4. That the final plans and supporting documentation be based upon this preliminary plan approval; and
5. Recommend approval to the City Council on the easement for the secondary road.

Roll Call Vote

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

Motion

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to delegate final plan approval for Phase 1 to the Administrative Officer as stipulated under Section 9-10 of the Land Development and Subdivision Review Regulations.

Roll Call Vote

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

V. CONTINUED BUSINESS

1. Staff Report

A. Taco Project

Ms. Boyle stated this project is under review. We have not yet issued a Certificate of Completeness. Traffic is the issue and we are working with the applicant as they try to come up with solutions to how the traffic will be dealt with. The other issues are coming into place. Possibly, this will be on the July agenda. Beta Engineering was hired by the City to do an analysis of the traffic study that was prepared by VHB for the Taco development.

B. Igus Development

Ms. Boyle explained they have submitted both preliminary and final and are looking for combined approval by the Board.

C. Warren Avenue School Site

Ms. Boyle stated the School Department has voted to turn over the Warren Avenue School site to the City. The Planning Board will take action on that request as to whether or not that land should be considered surplus. This will be on the June agenda. It will be referred to the City Council prior to the Council taking any action to dispose of the property to the developer who has expressed interest in it.

D. Waterfront Redevelopment Project

Ms. Boyle stated we continue to work with CRIDCO, North American Realty Advisors and with some of the property owners in the area, various members of the City staff including the City Solicitor. There will be a group from the City going to Washington DC on Thursday to meet with the Congressional Delegation.

VI. COMMUNICATIONS

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

A. Memo dated March 21, 2001 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on March 28, 2001 (copies previous submitted).

B. Memo to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on April 25, 2001 (copies previously submitted).

VII. ANNOUNCEMENT

A. Next meeting - **June 12, 2001, 7:30 p.m., Room 306**

VIII. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Peter Poland, Chairman

PP/sac