

November 13, 2001 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES of November 13, 2001

Present were: Messers. Cunha, Fisher, Gerstein, Poland, Sullivan, Jeanne Boyle (staff), James Moran (staff), City Solicitor Conley.

I. SEATING OF ALTERNATE MEMBER

Chairman Poland noted that Mr. Cunha and Mr. Gerstein would be seated as voting members in place of Mr. Almeida and Mr. Robinson.

II. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Fisher, seconded by Mr. Sullivan, the Board voted to accept the minutes of September 11, 2001 with the noted stipulations below:

That since Mr. Cunha's name was omitted from the listing of attendees, his name will be added.

On page 2 of the September 11 minutes, Ms. Boyle noted it should state: "that he realized that he had the major responsibility". This will be corrected to reflect the change.

It was noted that the minutes of October 23, 2001 would be forthcoming.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. Fisher, seconded by Mr. Sullivan, the Board voted to approve the correspondence listed below:

A. Memo dated 10/30/01 to the City Council regarding the Comprehensive Plan Amendments Change to Low Density Residential Use Guidelines;

B. Memo dated 10/30/01 to the City Council regarding the Proposed Zoning Ordinance Amendments.

IV. NEW BUSINESS

A. Application #2001-09 - Minor, Greenville Enterprises Inc.

Ms. Judith Browster, Esquire, Adler, Pollock and Sheehan, was present and noted she is here representing the petitioner, Greenville Enterprises Inc.

Mr. Larry Smith, Waterman Engineering, 450 North Broadway, East Providence was sworn in by City Solicitor Conley.

Mr. John Robert Wahlberg, President of Greenville Enterprises Inc., 51 Crocus Drive, Cranston, RI was also sworn in by City Solicitor, Conley.

Mr. Smith gave the presentation. He noted this is the ADP site near Route 195. The property also has an entrance off of Morris Lane. Mr. Smith noted that the applicant, Mr. Robert Wahlberg decided to divide the piece so he could market it. He plans to build and lease the property. There are a number of small low wetlands. Mr. Smith noted he had a very productive meeting with DEM indicating they may allow him to relocate the wetlands into a more favorable position on the property. Regarding the building size and parking and what should be located, these are questions that will be answered when Mr. Wahlberg decides what the use will actually be. At that time, they will return to the Planning Board for a site plan review. He noted there is a sewer line that services the ADP building, second lot which will be protected through an easement on the second lot. There is a detention pond. We will look at that for the future to see if it can be expanded or utilized. Mr. Wahlberg will also consider driveway easements in the future which would allow people to exit Morris Lane from the ADP building. Regarding drainage, there are some catch basins which tie into and go through the property without benefit of the easement, but we will cover that with the easement when we do the sewer also. Mr. Smith states he would appreciate the Board's approval tonight and requests that the Board give final plan approval to the Administrative Officer.

Chairman Poland asked the Board if they had any questions. There were none at present.

At this time, Mr. Moran went through the staff memorandum.

Mr. Moran explained that this is an industrial subdivision with a long history. There was some discussion of a build-out on parcel 1. Mr. Moran stated the engineer did prepare a buildout design. City staff concluded because of the speculative nature of the development, that a build-out would not be logical and it would be more logical to address development issues under a land development project review. He said staff agreed that it would be in the best interest of the review to maintain it as a parcel that does not show a build out and this is what the Board sees today. There is a need for an easement once the parcels are separated. It will need to be taken care of as part of this submission.

Mr. Moran also stated there is some discussion relating to access from Morris Lane and the potential also to provide access through parcel 2. There is potential to create a loop to allow for better traffic movement through that development and if you go to the site you can see it is set up in a manner that would allow that to occur.

Mr. Moran stated that in terms of the zoning, the parcel is split between an I-1 and a C-5. Everything to the front is zoned C-5, which basically means that the portion that fronts on Pawtucket Avenue could generally be a retail character. Anything to the rear would be an I-1 or light industrial or office. ADP is utilizing most of parcel 2 as an accessway, so it is unlikely that you will see anything occurring on that parcel with the exception of potential expansion of the existing industrial facility. There is potential for limited expansion on that parcel in the future which means parcel 1 is pretty much an I-1 parcel which could see light industrial development and the character could be wholesale, storage, repairing, fabricating, processing and/or assembly of goods. That particular use would be allowed within that I-1 District.

Mr. Moran explained that in terms of impacts the applicant has indicated they had discussions with DEM to allow for the movement of the wetlands. If this is the case it would still require that at the time of submission of the land development project application, they would need to have all permits in place indicating that they could move the wetlands. It would require TapeA 171 a DEM review as part of the land development project status. We understand what they have said, but they would have to need to indicate that at the land development project stage they would have to move those wetlands. He noted that as these wetlands currently stand, they are in the middle of the parcel would definitely have an impact on development if they could not move those wetlands. This is indicated under the consistency with the Comprehensive Plan and is noted in Item C which discusses that issue.

Mr. Moran noted that everything else conforms with the Comprehensive Plan in terms of supporting economic development as well.

Department Recommendation

Based on the finding that the proposed subdivision is consistent with the East Providence Comprehensive Plan, that it meets the General Purposes of Article 1 of the Regulations, and that the required positive findings of Section 5-4 can be met, the Planning Department recommends Conditional Approval of the requested Preliminary Plan submission subject to the following stipulations:

1. That all comments in the technical staff memorandum to the Planning Department be incorporated into the plans as submitted; and that any and all conditions of the Planning Board approval be reflected in the Final Plan submission;
2. Due to the presence of private sewer lines running through the parcels this approval should be subject to the establishment and recording of formal easement agreements for ownership and maintenance purposes as stipulated by the Department of Public Works;

3. That the Final Plans and supporting documentation be based upon this Preliminary Plan approval, and that the Final Plans meet all City regulations and ordinances, and all applicable State and/or Federal Regulations:

Final Plan Review

The Planning Department recommends that Final Plan review for this minor subdivision be delegated to the Administrative Officer as covered under Section 9-10 of the Land Development and Subdivision Review Regulations.

On a motion by Mr. Fisher, seconded by Mr. Sullivan, the Board unanimously voted to accept the staff recommendation dated November 8, 2001 and all its technical attachments be made part of the Board's official record.

At this time, Chairman Poland asked if the Board had any questions or comments.

Mr. Fisher asked if there was going to be a public road running through the property or is it just a convenience for the applicant? Mr. Smith answered there would be a cross easement between the two parcels. Mr. Fisher suggested that it might be appropriate to include a speed bump to slow traffic. Mr. Poland stated he thought the Fire department would also want access in there.

Mr. Sullivan asked if they would split this between parcel 1 and parcel 2 and if the applicant was going to sell it off? Mr. Smith answered no, he will not sell it off, but build on it then he would be able to market it as a freestanding building and secure a tenant. He states that whatever the tenant wants to do at that time will drive what we will do with the wetland area that exists at the site. Mr. Smith states it is more likely that Greenville Enterprises will be building it through one of the entities that was spun off.

Mr. Poland stated he viewed the parcel and described it as very nice parcel. He comments that this project and the type of industry would be a big benefit for the City. He said Ms. Boyle asked if they could demonstrate feasibility so that unbuildable parcels would not be created. Mr. Smith noted this was why we created the plan to show that as it stands now without relocating the wetlands, it is feasible. He said it is to our benefit to relocate our wetlands, but there was a concern that we had to show the City that some sort of project was possible. He noted that there is no tenant now, but there has been a lot of interest through word of mouth.

There were no further questions or comments.

Motion

On a motion by Mr. Sullivan, seconded by Mr. Fisher, the Board voted to recommend conditional approval of the requested preliminary plan subject to the three stipulations listed in the staff recommendation.

Roll Call Vote

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

Motion to Delegate Final Approval to the Administrative Officer

On a motion by Mr. Fisher, seconded by Mr. Sullivan, the Board voted to delegate Final Plan Approval for the minor subdivision to the Administrative Officer.

Roll Call Vote

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

V. CONTINUED BUSINESS

Ms. Boyle stated the two items that were referred to the Board by the City Council regarding the zone changes were approved by the City Council.

Mr. Poland asked if that took effect the night they approved it? Ms. Boyle answered yes. She noted that in the past the Zoning ordinance amendments required two passages, but under State Zoning Enabling Law that has changed. It is now just one passage.

VI. COMMUNICATIONS

A. Memo dated 11/6/01 to the Planning Board from City Solicitor Conley requesting that the Planning Board, per the City Council directive, do a comprehensive review of all the fees related to land use development activities.

Ms. Boyle explained that the City Council has asked the Board to review all fees and not just the ones associated with the Planning Board. She stated Planning has received a document from Statewide Planning that was 1995 inventory of all the fees statewide who are going to be updating it and comparing where the City's fees compare to other fees in the State. She noted that we have not addressed the fees for a number of years and chances are they are ready to be updated. We will be looking at something that is fair and reasonable if increasing them is warranted. Ms. Boyle stated that the fees on zoning

will be reported to the City Solicitor who will be reporting to the City Council. She reminded the Board that it is the Board's decision as to whether to raise subdivision fees or not. She stated that staff will be reporting to the Planning Board as well as to the City Council, but will be up to the Board if they want to take action relative to subdivision fees.

Chairman Poland stated he thought the last time that the Board made a recommendation on fees the Council rejected it. Ms. Boyle stated that that was on zoning. Mr. Poland asked if there are looking for real high fees? Mr. Conley stated that if you saw the discussion before the Council, it is not limited to just the land use and development fees. It is going to be a City-wide comprehensive review of fees everywhere. He stated there is a sense that the fees are lower when compared with comparable fees throughout the state. The first instance is there is a goal to look around on our comparability basis and secondly there is also a sense that some of our fee structures don't accurately reflect the cost incurred by the City. The discussion came up in the context of ways that the City has lost revenue over the past few years, and that was one of the topics that came up was that they had not kept up with the pace in charting the fees for City services. Mr. Conley stated he would see how it goes and would get the information back to them.

Ms. Boyle commented that state law allows for the City to recoup the costs for advertising notice and also some of the review. Currently the land development fees are only set to recover the cost of the advertising and the notice. We do not have any of our review costs covered. She noted staff would look at the other communities and see whether it makes sense to increase ours. In some of the subdivisions we are not even covering the costs of advertising and notice because the Providence Journal continues to raise their fees and we have not kept pace with them on this.

There were no other questions.

B. Census memo dated 11/9/01 to the Planning Board from the Department of Planning (for info purposes only).

It was noted a couple of the Board members did not receive the 2000 Census memo dated 11/9/01 that was in the packet. Ms. Boyle and Mr. Moran gave them their copies.

Ms. Boyle explained the reason why she sent them this Census memo was for information only, and she will be sending more information as it comes in.

Ms. Boyle noted that Pg. 263 of the ordinance that was enclosed in the packet was given to them to be put into the their individual ordinance booklet. Ms. Boyle noted it was put in the packet to let the Board know that the ordinance was passed by the Council. She stated it was interesting to see how the population went down as much as it did, and if you compare it with what we projected in the Comprehensive Plan, and what Statewide Planning had projected, it is significantly lower. She noted we are foreseeing modest growth and will be able to do more analysis of it when the fine tuned data comes out.

Mr. Gerstein asked if the slight drop in population will have any affect on the City receiving more money in CDBG funds. Ms. Boyle answered that it does not affect the CDBG funds, but there was a time when the City went under 50,000 in population and we were in jeopardy of losing substantial amounts of CDBG funds. This was the case in 1990 and we were very alarmed when the initial counts came in below 50,000. Since then, HUD has changed eligibility requirements and we are now an entitlement city and will continue to enjoy that status. Ms. Boyle stated that the formula they use to calculate Community Development funds, population loss is one of the things that they may give you more money for because often times population loss is seen as an indicator of a community that is in distress.

On a motion by Mr. Fisher, seconded by Mr. Cunha, the Board voted unanimously to accept the communication below.

A. Memo dated 11/01/01 to the Zoning Board of Review to the Department of Planning
Re: "Requests for Variance or Special Use Permit to be heard on November 7, 2001

VII. ANNOUNCEMENT

A. The next meeting will be held on Tuesday evening, December 11, 2001,
Room 306, 7:30 p.m.

VIII. ADJOURNMENT

On a motion by Mr. Fisher, seconded by Mr. Sullivan the Board voted unanimously to adjourn at 8:10 p.m.

Respectfully submitted,

Peter Poland, Chairman

PP/JMB/sac