

April 11, 2000 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF APRIL 11, 2000

PRESENT WERE: Chairman Poland, Messers. DiTraglia, Fisher (7:55 PM), Cunha, Sullivan, Gerstein, Jeanne Boyle (staff), Zac Gordon (staff), Stephen Coutu (City Engineer), and Bill Conley, City Solicitor.

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha and Mr. Gerstein were seated as voting members. Upon Mr. Fisher's arrival, he took his place as a voting member of the Board, replacing Mr. Gerstein.

II. APPROVAL OF PLANNING BOARD MINUTES

- January 11, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes of January 11, 2000.

- January 25, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes of January 25, 2000.

- March 14, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes of March 14, 2000.

- February 8, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes of February 8, 2000.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

IV. NEW BUSINESS

A. Request by Eugene T. Voll for extension of time limit for subdivision approval - 153 Greenwood Avenue

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously, by roll call vote, to add this request to the agenda.

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously by roll call vote to grant a six (6) month extension for the subdivision approval.

B. Public Hearing - Application #99-7 Waterview Avenue Preliminary Subdivision submitted by Narragansett Improvement Company, Map 310, Block 7, Parcel 10 (enclosures)

Mr. Poland asked Ms. Boyle to provide the Board with an overview of the procedure for review of this proposal by the Planning Board. Ms. Boyle explained that the applicant's proposal is classified as a "Major Subdivision", which required three (3) stages of review. The first stage is Master Plan approval, which the Board granted (with conditions) on August 17, 1999. The next two (2) stages are preliminary and final. Tonight's public hearing is for preliminary plan review. Should the Board grant preliminary approval, final approval would follow, which the Board could delegate to the Administrative Officer (i.e. Planning Director). Ms. Boyle noted that the Board has 120 days from the granting of a Certificate of Completeness (COC) for this proposal (granted March 21, 2000) to render a decision (i.e. approve, approve with conditions or deny). Approvals are vested for one (1) year, with an extension of an additional year for due cause. Ms. Boyle concluded by noting that both the public and abutters were notified about this evening's meeting. The next stage of review would be final, which is normally ministerial in nature and does not require an additional public hearing.

Mr. Poland noted that the meeting this evening is a public hearing and that everyone would be given an opportunity to provide testimony regarding the proposed subdivision. Mr. Poland added that the normal process for public hearings involved the applicant and staff making presentations on the proposal followed by public input. Mr. Poland asked that respect be shown by all parties when someone is making comments.

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to make the Planning Department staff report, dated April 6, 2000 part of the record.

City Solicitor Conley swore in the following representatives of the applicant:

Bruce Beauchamp, Narragansett Improvement Co.

Dustin Everson, Narragansett Improvement Co.

Samuel Hemenway, P.E., Garofalo & Associates, Inc.

Mr. Poland asked the applicant to address the Board.

Mr. Beauchamp stated that the applicant is proposing a six (6) lot subdivision that was previously reviewed by the Board (in August of 1999). Mr. Beauchamp indicated that with regard to the proposed subdivision, the applicant was satisfied with the conditions imposed by the Board as part of the Master Plan approval granted in August 1999 and furthermore had incorporated all of the changes required by City staff as part of the preliminary plan review. Mr. Beauchamp offered to answer questions from any member of the Board.

Mr. Poland asked Mr. Beauchamp if he had the chance to review the staff memo, including recommendations for this stage of the Board's review and was he in agreement with them? Mr. Beauchamp indicated that he did review this information and that there were some technical issues to be worked out with the City Engineer with regard to the water line tie-ins. He also noted that there were some changes to the sewer tie-ins on Bergin Street and that Narragansett Improvement was willing to comply with the City's wishes regarding the preservation or removal of trees along the subdivision frontage. In response to a question by Mr. Poland, Mr. Beauchamp indicated that there was nothing in the staff memo that he was not willing to comply with. It was noted by Mr. Poland and Ms. Boyle that the Conservation tree planting was to take place prior to any work commencing on the subdivision. Mr. Beauchamp expressed that his only concern was the availability of trees from suppliers (i.e. some would not be available until the fall). Ms. Boyle noted that the trees proposed to be planted (i.e. red maples) would be available for spring planting.

Mr. Samuel Hemenway noted that the applicant had not seen the conservation area tree planting recommendation nor the April 6th memo from the Planning Department. This information was provided to the applicant for their review.

Ms. Boyle asked Mr. Gordon to present the staff report on the proposed subdivision. Mr. Gordon explained that the proposal by the applicant was for a six (6) lot subdivision on existing frontage at the intersection of Waterview Avenue and Bergin Street. Mr. Gordon noted that the proposed lots ranged from 7,500 square feet to 21,000 square feet and that they complied with all minimum zoning requirements for the R-3 District (minimum lot size of 7,500 square feet). Mr. Gordon noted that fill had been brought in to the site and that as a result, Planning staff had requested that a Geotechnical Engineering Study be performed to determine the depth and condition of the fill. BETA engineered completed this study and found that the fill on the site ranged from a depth of as much as 10 feet on lots 2 & 4 and as little as none on lot 1. Mr. Gordon explained that the report made recommendations on where and how foundations were to be installed on each of the lots

and that upon completion of each foundation, an engineer would be required to verify that each foundation was properly installed.

Mr. Gordon provided the Board with a brief overview of the terms of a "Conservation Easement", encompassing the former location of a paper street (Hillcrest Avenue), located immediately to the east of the subdivision. The City Council approved abandonment of this paper street in 1996, with the condition that it be graded, loamed and planted with nine (9) foot red maples. This planting was to be done by the applicant prior to the commencement of any on or off-site improvements.

Mr. Gordon reviewed the drainage analysis for this site, explaining that at the Master Plan stage, the Planning Board had granted a waiver to permit a small (less than 1 cfs) increase in stormwater. Mr. Gordon added that as part of the proposed subdivision off-site improvements, the applicant is proposed to install a new catch basin and a "stormceptor" device which will filter out sediments and other pollutants before discharging the runoff to a stream.

In terms of traffic, Mr. Gordon pointed out that the applicant's engineer had calculated an additional 70 vehicle trips per day to be generated on Waterview Avenue as a result of this subdivision. Mr. Gordon added that the Planning Board had not required any traffic control devices to be installed in conjunction with this subdivision.

Mr. Gordon stated that the Planning Department had found the proposed subdivision to be consistent with the Comprehensive Plan and proceeded to review the required findings of fact that the Board was required to make.

Mr. Gordon concluded his remarks by indicating that the Planning Department staff was recommending conditional approval of the proposed subdivision, subject to the following conditions:

- 1. That the applicant add an approval block to the final plans.*
- 2. That the final plans include a prominent simplified note on the sheet to be recorded which alerts potential lot purchasers of the subsurface conditions on this site and the need for certification by a geotechnical engineer that foundations have been installed in conformance with the technical recommendations contained in the "Subsurface Exploration Report" prepared by BETA Engineering, Inc., dated October 30, 1998.*
- 3. The final plans incorporate the landscaping recommendations contained in the April 5, 2000 memo from Stephen H. Coutu, P.E., City Engineer, to Julia A. Forgue, Public Works Director, including preparation of a street tree planting plan in accordance with Section 13-11 of the "City of East Providence Land Development and Subdivision Review Regulations".*
- 4. That the applicant flag all trees to be preserved and those to be removed and that this flagging be reviewed and approved by the Department of Public Works.*

5. *As part of the proposed development of this subdivision and planting of the Conservation easement area, the unimproved portion of the public right-of-way located south of Upland Road and immediately north of the Conservation easement area (measuring approximately 85' x 45') shall be left undisturbed in its natural state. Flagging of this area shall be done under the direction and supervision of the Department of Public Works. Furthermore, this flagging shall be approved by the Department of Public Works before the commencement of any site improvements, with work on the Conservation easement to be the first improvements to be undertaken.*

6. *That the grading and planting of the Conservation easement area be completed prior to the commencement of any on or off-site improvements associated with this subdivision. Such improvements shall be completed by October 1, 2000. In the event that such improvements are not completed by that date, the Planning Board may request the Department of Public Works to have the improvements completed using the funds set aside in the improvement guarantee.*

Further, that access to this Conservation easement area not occur over the public right-of-way located south of Upland Road and immediately north of the Conservation easement area, previously designated as an area to be left undisturbed.

7. *The Final Plan be revised to incorporate all of the technical changes set forth in the memo dated April 5, 2000 from Stephen H. Coutu, P.E., City Engineer to Julia A. Forgue, Public Works Director.*

8. *Final language be approved by the City Solicitor for the proposed 10' utility easement.*

9. *The Public Works Department review the proposed off-site performance bond estimate for off-site improvements proposed by the applicant's engineer and establish a final bond figure for the Board's approval. The form of the Bond shall be acceptable to and approved by the City Solicitor and Finance Director.*

10. *All public improvements shall be completed by November 1, 2001. In the event that all public improvements are not completed by November 1, 2001, the Planning Board may request that the Department of Public Works have the improvements completed, using the funds set aside in the improvement guarantee.*

11. *That the Final Plan be based upon this Preliminary Plan approval and meets all City regulations and ordinances, and that all applicable State and/or Federal permits required be secured.*

12. *That the Final Plan submission reflect and incorporate all comments and requirements contained in the staff memorandum (attached) and any conditions imposed by the Planning Board as part of any Preliminary Plan approval granted.*

Mr. Gordon asked if the Board had any questions?

Ms. Boyle advised the Board of an additional piece of correspondence, dated 4/11/2000 from Julia A. Forgue, Public Works Director to Jeanne M. Boyle, Planning Director, relative to the time frame for planting trees in the Conservation easement area (i.e. that they could be planted in either the spring or fall) and for planting trees along the street frontage (which must be planted in the spring). This information was provided to Mr. Beauchamp. Mr. DiTraglia moved to accept this correspondence and make it part of the record as an addendum to a memo dated April 6, 2000 from Stephen H. Coutu, P.E., City Engineer to Julia A. Forgue Public Works Director, seconded by Mr. Sullivan. Voted unanimously to accept.

Mr. Poland noted that Mr. Fisher had arrived at 7:55 p.m. and would be taking his place as a voting member, replacing Mr. Gerstein.

Mr. Poland noted that page 2 of the April 6th staff memo noted that no new water or sewer lines were proposed and asked for clarification from the staff since a new water line was being proposed as part of this subdivision. Mr. Gordon noted that the "new" water line was actually an upgrade and that is why the memo was written in the way it was.

Mr. Poland also asked about item #2 under the staff recommendation, pertaining to the addition of a "prominent simplified note" on the plans which would alert potential purchaser of these lots to the subsurface conditions on the site. Mr. Poland stated that at the Master Plan public hearing he had asked that this notification be also carried onto the deeds to make certain that no one would purchase a lot without full knowledge of the subsurface conditions. Discussion followed, with Ms. Boyle noting that condition #9 of the conditional Master Plan approval included a requirement that a reference to subsurface conditions be included in the deeds. Mr. Poland indicated that he would like to see the specific mention of this requirement in the current recommendations. Mr. Gordon noted that the Preliminary Plan recommendations included forwarding all conditions of the Master Plan, including the notice in the deeds but that we could certainly add this specific item to the list of recommendations. Mr. Conley added that the proposed deed reference would be in the form of a restrictive covenant and would serve to insure that a title examiner did not miss this information in the course of their title review. Mr. Poland expressed his satisfaction with this arrangement.

Mr. Poland asked if there were any members of the Board that had questions for the applicant or staff.

Mr. Gerstein asked what type and size of trees would be planted in the Conservation Easement area. Mr. Beauchamp indicated that the trees would be 9' red maple trees.

Mr. DiTraglia asked Mr. Beauchamp to address the issue of the water table insofar as it has bearing on the construction of home foundations. Mr. Beauchamp indicated that in general the water table would only come into play if individual septic systems were being installed (which is not the case with this subdivision). Mr. Beauchamp added that if water

is encountered during the course of constructing foundations, the site would be "dewatered" and the foundation backfilled with crushed stone and perimeter drains.

Mr. DiTraglia indicated that he was concerned about the water table being raised not only on the site of the new homes but also in the surrounding area and asked the developer to address this issue and whether or not this subdivision would lead to water in the basement of these new homes? Mr. Beauchamp stated that he did not believe that this subdivision would affect the water table at all. In fact, he indicated that in the case of subdivisions where underground utilities are installed, the water table is lowered. Mr. Beauchamp added that since this subdivision is lower than the surrounding area, it should have no impact on the water table.

Mr. DiTraglia reiterated his question, that in the opinion of the developer, there should be no problem with these homes getting water in their basements? Mr. Beauchamp responded "not from this subdivision".

Mr. Poland asked the applicant what was the depth of the water table on this site? Mr. Hemenway responded that the boring data showed that the closest water was found to the surface was 14.5' down on Lot 3, which was approximately 10' below the Waterview Avenue street grade.

Mr. Poland announced that the Board would now receive testimony from the public and or questions to the staff and asked that anyone who may want to speak stand and be sworn in by the City Solicitor. Mr. Poland stated that "back and forth" exchanges between the public and applicant would not be allowed.

Mr. Sullivan asked Mr. Poland for the chance to address Mr. Beauchamp. Mr. Poland consents and Mr. Sullivan asks Mr. Beauchamp if he was familiar with City Council Resolution 31 from 1996? Mr. Beauchamp indicated that he was. Mr. Sullivan made reference to that portion of this resolution calling for the Conservation Area to be graded, loamed and planted with 9' red maples and asked why this work had not yet been done? Mr. Beauchamp responded that the intention was to incorporate this work as part of the subdivision and that it had not been done yet since the approval process has taken so long. Mr. Beauchamp added that generally when a paper street was deeded to an abutting property owner, there is no requirement for the land owner to make improvements such as those being required by the City in this instance. Mr. Beauchamp also noted that when he agreed to do the Conservation easement plantings he did so as a favor to the neighbors in response to a request by the Mayor and that these plantings were not a "legal" requirement. Mr. Beauchamp reiterated that the delay in installing these trees was due to the length of time it has taken to get the development started. Mr. Sullivan asked the City Solicitor to give his opinion on whether the condition imposed by the City Council that these plantings be installed was legal and also who owns the easement area? Mr. Conley noted that while it is true that a city or town cannot "charge" a landowner for the abandonment of a highway, they can impose conditions to such an abandonment. Mr. Conley reviewed the terms of the abandonment (i.e. grading, loaming, seeding and planting of the Conservation Easement area) and noted that since the terms of this

transfer had not yet been fulfilled, it could be argued that the abandonment of this right of way had not yet been executed and therefore not vested with Mr. Beauchamp and was still owned by the City of East Providence. Regarding the resolution itself, Mr. Conley stated that the City Council was completely within its "legal" rights to impose the Conservation planting requirement and that the transfer of the conservation area to the abutting property owners was not effective until these plantings were installed.

Mr. Sullivan noted that after the August 17, 1999 meeting he was under the impression that nothing was to be done on this subdivision until this Conservation area was planted.

Mr. Poland asked if there were any members of the public who wished to offer public comment?

Mr. Conley swore in all members of the audience who wished to address the Board.

Mr. William Robinson, 21 Cumberland Road, addressed the Board and indicated that he had a petition signed by neighbors of this subdivision and asked that it be made part of the record. On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted unanimously to make this petition part of the record. Mr. Robinson raised the following points in his comments:

1. He (along with those who signed the petition) would like to see a light installed at the corner of Waterview Avenue and Pawtucket Avenue to facilitate current as well as future traffic flow and traffic safety from the neighborhood. Mr. Robinson noted that this issue will also be raised with the City Council at their next meeting on April 17th.
2. The neighbors would like to see a playground established in the area where a paper street (Dighton Place) currently exists.
3. Has a performance bond had already been posted for this project? Mr. Poland indicated that one had not been posted to date but that after Public Works has reviewed the proposed off-site improvements, a bond would be posted for this amount, prior to final approval?
4. What is the extent of the upgrade to the Waterview Avenue sewer line?
5. Mr. Robinson asked for explanation of the proposed off-site drainage improvements (i.e. catch basin & stormceptor). Mr. Robinson also noted that there was a serious problem with runoff, referring to 9 Upland Road. Mr. Robinson also indicated that prior to the filling of this lot there was standing water and underground springs which run along the subsurface rock formations.
6. The applicant had represented that the proposed subdivision would generate 70 vehicle trips per day, but that there should be 22 more trips added to the total because of four (4) new homes being built in the neighborhood.

7. What was the drainage impact onto Carolina Avenue and Boyden Boulevard?
8. What is the grading plan for the Conservation easement area.
9. Narragansett Improvement should be required to repave all of Waterview Avenue, since they will be adversely impact the road surface during construction of this subdivision.

Ms. Jane Argentieri, 3181 Pawtucket Avenue stated that the Subsurface Exploration Report for this subdivision was done in October 1998 and questioned whether the results accurately depict existing conditions as we have been in a drought situation. She also asked if the applicant has given any consideration to the style of homes to be built in this area, noting that she would prefer to see homes that were compatible with the existing architectural styles in the neighborhood. Finally, she stated that there is a real traffic problem at the corner of Pawtucket Avenue and Waterview (where she lives) and suggested that this area be designated as a "no parking" zone.

Francis J. Bergin, Cranston, addressed the Board and asked if the right of way for Waterview Avenue was 40 feet? Mr. Bergin also provided an historical overview of the property. He noted that his grandfather had owned all of the land surrounding the subdivision between Pawtucket Avenue and Narragansett Bay and had built the Vue de l' Eau Hotel which subsequently burned to the ground.

Ms. Laura Butler Johnson, 45 Waterview Avenue, informed the Board that water was draining through her house and that the stormwater runoff was mixing with effluent from her septic system, resulting in a discernible odor.

Ms. Renee Ziobrowski, 14 Waterview Avenue, reiterated that there was a water problem in the area, noting that she had installed French drains below her home's lower level. Ms. Ziobrowski expressed her desire to see the entire length of Waterview Avenue repaved, not just the area in front of the proposed subdivision. Ms. Ziobrowski stated that the truck traffic on this road from the filling of the subdivision site had deteriorated the road and therefore it should be repaved by the applicant who caused the problem. Ms. Ziobrowski indicated her concern over traffic safety, noting that traffic comes around the curve on Waterview Avenue and endangers anyone walking along the road. With respect to the proposed installation of cape cod berm along the frontage of the subdivision, Ms. Ziobrowski stated that the neighbors who signed the petition requested asphalt berm did so believing that it was equivalent in function to granite curbing, but that is apparently not the case. Ms. Ziobrowski informed the Board that as a result of drainage down Waterview Avenue there are erosion problems.

Other issues of concern to Ms. Ziobrowski were the delay in planting the Conservation easement (Mr. Beauchamp had promised to complete these plantings by the Fall of 1999); the completion of the foundations for these homes in a "timely" fashion; water

pressure. Ms. Ziobrowski added that she would like to see the City address the existing water pressure problem in the neighborhood. Ms. Ziobrowski also stated that she wanted to make sure that children from this neighborhood would not be sent to another school. Ms. Ziobrowski concluded her remarks by stating that she wanted to make sure that the applicant did not disturb the portion of public right-of-way located across from Highland Avenue in front of the Conservation easement area.

Ms. Ziobrowski presented the Board with pictures which showed the condition of the roadway and drainage patterns. On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to make these pictures part of the record.

Councilman Rolland Grant, 126 Rice Avenue addressed the Board. Mr. Grant indicated his displeasure with the applicant for not having planted the Conservation easement area with trees. Mr. Grant noted that he had negotiated this condition while Mayor and that the applicant had agreed to the work and should move quickly to complete it. Mr. Grant stated that he would like to see the light in front of Bayview Academy moved to the intersection of Boyden Boulevard and Pawtucket Avenue and that he would be recommending this to the full City Council at its next meeting (April 17th). Mr. Grant expressed his concern with the long-term durability of the proposed asphalt curbing and asked if the Planning Board has the authority to waive the requirement for granite curbing? Mr. Conley indicated that the Board did have this authority.

Mr. Grant also expressed the need to maintain the "character" of the neighborhood in the design and construction of these six (6) new homes. With regard to water pressure, Mr. Grant felt that there would be problems for the neighborhood after a portion of the existing 6" water line is replaced with an 8" line in front of the subdivision, which will then tie into a 6" line above the subdivision. Mr. Grant concluded his remarks by noting that the Board needed to impose a deadline for completion of the subdivision improvements.

Ms. Elsie Metcalf, 3 Bergin Street questioned which trees would be removed and which would be saved in front of the subdivision. Ms. Metcalf indicated that she would like to see an evergreen saved which was located across from her house. Ms. Metcalf also wanted some clarification on the proposed water and sewer line improvements and who would monitor site construction and how this monitoring would take place, given Mr. Beauchamp's lack of credibility with the neighborhood. Ms. Metcalf also expressed concern over construction equipment accessing the subdivision and the impact on the neighborhood. Mr. Gerald Bessette, 50 Park Street (also owns property at 17 Bergin Street) questioned the water table figures, informing the Board that before the filling of this subdivision site, the property was below street grade and there was no off-site runoff. Mr. Bessette also noted the existence of springs through this area and recommended that the owner of this land address the runoff problem now since construction of this subdivision will only exacerbate this problem. Mr. Bessette reiterated that the property was very wet previous to being filled and that the whole drainage pattern was altered by this filling. Mr. Bessette also noted that Curve Avenue is a hazard in the winter with drainage across the street turning to ice. Mr. Bessette also suggested that minimum

basement foundation elevations be established. Finally, Mr. Bessette asked how much of the water line in the street in front of the subdivision would be replaced?

Mr. Adolph Littlefield, 15 Bergin Street, asked what the August 17, 1999 minutes indicated with regard to the installation of a new section of waterline. Specifically, did the applicant commit to installing a new waterline all the way up to Pawtucket Avenue.

Mr. Donald Ziobrowski, 14 Waterview Avenue wants assurance that the new home foundations will be secured to protect children.

Mr. Poland asked that the staff respond to the questions asked by the public.

Mr. Gordon noted that the issue of a light at Waterview and Pawtucket Avenue would be addressed by the City Council through Councilman Grant. With regard to a neighborhood park at Dighton Place, this issue was scheduled to be discussed before the City Council at their April 18th meeting. Mr. Gordon asked that Mr. Coutu provide an overview of proposed improvements to the water and sewer lines in front of this subdivision and the problem of low water pressure in the neighborhood. Mr. Coutu noted that the City had an engineering consultant look at the entire City to identify low water pressure areas as part of its infrastructure rehabilitation plan. Mr. Coutu stated that the Waterview area was not identified as one of these low pressure areas. Mr. Coutu added that after the August 1999 Planning Board meeting, City personnel specifically looked at this area and took water pressure readings from fire hydrants on the street. These hydrants had a pressure reading of 50-55 pounds/square inch (psi). An internal reading taken at 14 Waterview Avenue showed a pressure in the low 40's psi range. Mr. Coutu told the Board that the minimum acceptable standard range for water pressure for residential use is from 30-40 psi. As far as the water line improvements in Waterview Avenue, the City has recommended and the applicant is consenting to upgrade an existing 6" line to an 8" line along the entire subdivision frontage.

With respect to subsurface hydrology, Mr. Coutu did not refute the existence of underground water springs in the area. Regarding the condition of Waterview Avenue, Mr. Coutu noted that improvements would be made to the road's drainage pattern and that icing problems could also be addressed by the subdivision.

Mr. Coutu stated that he did not foresee water problems for basements in the proposed new homes, and reiterated that the runoff from this subdivision amounted to less than 1 cubic foot/second (cfs). The runoff from this subdivision would be caught by a catchbasin in Waterview Avenue and then directed to a "stormceptor" structure which would filter out sediment and pollutants such as oil and grease before being discharged into a wet area north of Curve Avenue.

Mr. Gordon noted that the Planning Board has no control over the style of homes that will be built by a developer.

Mr. Beauchamp stated that new homes are generally built in keeping with the character of existing homes. With respect to the impact on the neighborhood during construction, Mr. Beauchamp indicated that construction equipment will be in the street and that there will be brief disruptions but that the necessary safety measures (i.e. cones, barricades) would be installed. He also noted that there would be much less truck traffic during the subdivision development phase than there was during the filling of this lot.

Mr. Sullivan noted that the City's noise ordinance prohibits noise before 7:00 a.m.

Mr. DiTraglia stated that the proposed subdivision would result in improvements for the neighborhood and that this subdivision would not significantly alter the water table in this area.

Mr. Fisher indicated that, although they are valid and need to be addressed, some of the issues raised by members of the public tonight, were unrelated to this subdivision. Mr. Fisher expressed his unhappiness with the fact that the Conservation easement area plantings were not yet finished and urged that they be completed as soon as possible.

Mr. Poland expressed his desire to see recommendations #5 & 6 in the Planning Department memorandum removed from the list of conditions and acted on separately by the Board.

Ms. Elsie Metcalf, 3 Bergin Street asked the Board when Conservation easement would be planted? Mr. Poland responded that the applicant, Narragansett Improvement Company, would be required to do this work before doing anything else. Mr. Poland added that a bond will be posted for this work, which must be completed to the City's satisfaction. If the work is not done according to City requirements, then the City would have the work finished, using the bond money to do so.

Mr. Sullivan asked if the date for the completion of the Conservation easement plantings should be changed from October 1st? Mr. Poland said no.

Motion on Proposal

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted unanimously to separate out items # 5 & 6 of the Planning Department's recommendation to the Board from the list of conditions for approval and further to require that the Conservation easement area planting work be bonded and completed prior to final approval being granted for the Subdivision.

As the proposed subdivision is consistent with the goals and policies of the East Providence Comprehensive Plan and that the required findings of Section 5-4 of the Land Development and Subdivision Review Regulations can be met, Mr. DiTraglia moved, seconded by Mr. Fisher to grant conditional approval to the proposed subdivision, subject to the following:

- That the applicant add an approval block to the final plans.
- That the final plans include a prominent simplified note on the sheet to be recorded which alerts potential lot purchasers of the subsurface conditions on this site and the need for certification by a geotechnical engineer that foundations have been installed in conformance with the technical recommendations contained in the "Subsurface Exploration Report" prepared by BETA Engineering, Inc., dated October 30, 1998. In addition, that this same reference be placed in the deeds for each lot in the form of a restrictive covenant to be reviewed and approved by the City Solicitor.
- The final plans incorporate the landscaping recommendations contained in the April 5, 2000 memo from Stephen H. Coutu, P.E., City Engineer, to Julia A. Forgue, Public Works Director, including preparation of a street tree planting plan in accordance with Section 13-11 of the "City of East Providence Land Development and Subdivision Review Regulations".
- That the applicant flag all trees to be preserved and those to be removed and that this flagging be reviewed and approved by the Department of Public Works.
- The Final Plan be revised to incorporate all of the technical changes set forth in the memo dated April 5, 2000 from Stephen H. Coutu, P.E., City Engineer to Julia A. Forgue, Public Works Director.
- Final language be approved by the City Solicitor for the proposed 10' utility easement.
- The Public Works Department review the proposed off-site performance bond estimate for off-site improvements proposed by the applicant's engineer and establish a final bond figure for the Board's approval. The form of the Bond shall be acceptable to and approved by the City Solicitor and Finance Director.
- All public improvements shall be completed by November 1, 2001. In the event that all public improvements are not completed by November 1, 2001, the Planning Board may request that the Department of Public Works have the improvements completed, using the funds set aside in the improvement guarantee.
- That the Final Plan be based upon this Preliminary Plan approval and meets all City regulations and ordinances, and that all applicable State and/or Federal permits required be secured.
- That the Final Plan submission reflect and incorporate all comments and requirements contained in the staff memorandum (attached) and any conditions imposed by the Planning Board as part of any Preliminary Plan approval granted.

Any party aggrieved by this decision may file an appeal in accordance with Title 45, Chapter 23 of Rhode Island General Laws and the East Providence Land Development and Subdivision Regulations, to the East Providence Zoning Board of Review, serving as the Board of Appeal, within twenty (20) days from the recording of this decision.

Roll Call Vote

Mr. DiTraglia - Aye

Mr. Fisher - Aye

Mr. Sullivan - Aye

Mr. Cunha - Aye

Mr. Poland - Aye

Conditional Approval granted 5-0.

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted unanimously to delegate final approval to the Administrative Officer. Vote, unanimous.

V. ANNOUNCEMENT

Next Meeting - May 9, 2000, 7:30 pm, Room 306.

VI. ADJOURNMENT

Mr. DiTraglia moved to adjourn, seconded by Mr. Fisher. Vote, unanimous.

Meeting adjourned at 11:10 pm.

Respectfully submitted,

Joseph Medeiros, Secretary

Editors Note: This Item was not part of the minutes but was supplied in the agenda packet.

JB/ZG