

December 12, 2000 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of December 12, 2000

514th Meeting

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

I. SEATING OF ALTERNATE MEMBER

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of September 12, 2000

It was noted these minutes were not available and would be forthcoming.

B. Minutes of October 10, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board unanimously voted to accept the minutes of October 10, 2000.

C. Minutes of November 14, 2000

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to accept the minutes of November 14, 2000 with the correction that Mr. DiTraglia made the motion and Mr. Fisher seconded the motion to accept the Communications as listed on the November 14 Agenda.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted unanimously to accept the correspondence listed below:

A. Memo dated November 16, 2000 to the City Council, Re: "Year 2000 Recreation, Conservation and Open Space (RCOS) Plan - City Council Approval"

B. Memo dated November 16, 2000 to the City Council, Re: "Request for Rezoning, Assessor's Map 404, Block 4, Parcel 1, Centre Street and North Broadway"

C. Letter dated November 20, 2000 to Councilman Patrick Rogers from Chairman Peter Poland, Re: Maintenance of Open Space Land by Agawam Hunt Club"

IV. NEW BUSINESS

A. Public Informational Meeting - Appl. #2000-20 LDP, 950 Warren Avenue, Marshall Land LLC

Attorney Christine Engustian, attorney for the petitioner, explained that the property is located on Warren Avenue, Map 507, Block 13, Parcel 1 and Map 607, Block 17, Parcel 1 is a 6.5 acres which is in a Commercial 1 zoning district. The proposed development consists of a 72,000 sq.ft., four-story office building and a 100 room hotel with approximately 15,000 sq.ft. per floor. The application will require five dimensional variances. She states they recommend the installation of a traffic signal on Warren Avenue opposite Evergreen Drive. Ms. Engustian noted there was a preliminary traffic analysis performed by the engineering firm of Garofalo and Associates, and stated the Traffic Analysis concludes that the office hotel development in conjunction with office development will not adversely impact or affect the traffic operations of Warren Avenue. As noted in the Planning Department memorandum of December 8, 2000, Ms. Engustian stated that further traffic analysis must be performed to address issues including roadway widths, the traffic impact signal of Evergreen Drive and also the potential of left-turn lanes. She stated the City's Public Works Department has noted that there is sufficient sewer and water available for the proposed development.

Ms. Engustian states a Letter of Findings indicates there are no existing wetlands that exists on the subject property. This was part of the submission to the RI Department of Environmental Management who gave wetland review and verification of this Letter of Finding.

Drainage

Ms. Engustian stated the State of RI and City regulations required zero net increase in stormwater runoff due to development. In order to make this requirement a stormwater management facility design, the site would direct a runoff from the impervious portion of the site to on-site infiltration facilities that are designed for 25-year storm events. The

report continued by stating that the runoff from events larger than a 25-year storm event will surcharge the proposed facility and discharge overland to the same location as the current location on the site. The needed permit or permits for this drainage system will be submitted to the State.

Ms. Engustian further stated this is a Land Development Project under the City's Zoning Ordinance. The applicant submits that under the criteria of these articles the development is compatible with adjacent districts and uses and a promotion of safe circulation of vehicular traffic the lack of significant negative environmental impacts, the traffic control of erosion and drainage and there is adequate and physical access to the public street. In addition she stated this proposal is compatible with the East Providence Comprehensive Plan including the Land Use 2010 Plan. Ms. Engustian stated the development covers the office category and the mixed use category where the hotel is proposed. Each building falls within the types of uses identified for a specific land use category and each is compatible with the adjacent land uses. She noted to the west of the site is a Commercial-1 and across the site on Warren Avenue is light industrial, retail and multi-family residential.

Ms. Engustian stated this proposal fosters and promotes economic development by broadening the tax base and by providing an anticipated number of 300 to 500 jobs and by increasing the business volume of local establishments in that vicinity. She stated that on behalf of the applicant, Marshall Land LLC, she respectfully requests that the Planning Board adopt the Master Plan as proposed with certain conditions that the Board deem necessary as stated in the Planning staff recommendation of December 8, 2000.

Mr. Sam Hemenway, Professional Engineer, Garofalo and Associates, 85 Corlis Street, Providence, RI was present and sworn in. He stated he is a registered professional engineer for Garofalo and Associates and has practiced in Rhode Island for six years. He stated he has provided information to the City's Planning Board in the past on other projects.

Mr. Poland asked if they find the comments made by City staff insurmountable. Mr. Hemenway stated no there would be no problem with addressing the comments on traffic issues. He stated they have done a broad brush review of the traffic issues and have done a physical inventory of the site including a number of traffic counts and have anticipated traffic from the project development as well as looked at the existing traffic patterns in looking at both record information. He stated they identified a system that they felt was the general direction they were going in and will do a complete traffic analysis including the intersections in the area.

Mr. DiTraglia stated he is very excited about this plan, but has concerns about the traffic. Mr. Hemenway stated that the physical accounts were done by the staff at Garofalo and Associates. Mr. DiTraglia stated he is concerned about the two lanes of traffic heading into this piece of property for the hotel. There is expected to be about 100 vehicles going in and out of the hotel at peak hour. Mr. Hemenway stated the traffic analysis performed was for the intersection itself, which is based on the peak hour movements through that

particular intersection. He stated they looked at the specifics for a hotel use as well as an office park during this peak hour period. We looked at the distribution of that particular roadway as to how many vehicles were going eastbound and westbound during those peak hour periods and utilizing that information we looked at the flow of traffic in the peak hours to make sure that at a worst case scenario the intersection functions properly. Mr. DiTraglia asked if the engineer thought the two lanes on Warren Avenue were enough to accommodate the traffic for a hotel? Mr. Hemenway answers they will run two 12 foot lanes in each direction of the entrance to the development.

Regarding the drainage runoff, Mr. DiTraglia asked if a lot of the drainage would be routed to I-195? The engineer responded the western portion of the project discharges to a culvert that goes under I95 and then the runoff goes on into the Runnins River. The eastern portion of the project discharges on Interstate I95 corridor, but does not cross under the highway. He stated they have maintained those two watersheds with two individual systems for infiltration so that the overflow from this system will follow that same path under the highway and to the Runnins River. He feels the 600 linear feet is accurate enough to take care of the 25 year rainfall, and stated they will continue to look for any existing programs and if there were conditions that were not doing something more than the 25 year storm, then that would be addressed. He said all the calculations for this will be submitted to the State.

Mr. Medeiros asked if they anticipate putting in dedicated left-hand lanes? Mr. Hemenway stated that the calculations do not specifically state that specific lanes have to be required as yet and that more analysis would have to be done.

Mr. Sullivan asked about the left turn coming into the site from Warren Avenue. Ms. Boyle stated that staff did not recommend necessarily that there be a dedicated left-turn lane, but that we just asked that this be one of the considerations to be addressed at the preliminary stage when they do the more detailed traffic analysis. Ms. Boyle stated they will look at this more at the preliminary stage.

Mr. Sullivan said the area that the water runs into is a very wet area and asked how much the applicant would be displacing with these buildings and the parking lot which will generate more water running into that direction? Mr. Hemenway stated it would be no more. Based on the review of the soil conservation data and a review of information that was performed by another engineer on this project in years past, we believe and it is our intent that the soils will accommodate the large majority of the runoff without a significant problem. Mr. Sullivan said when you put more buildings down there you generate more runoff. He said there is a lot of flooding in that area of the Runnins River and asked if this would generate more of a problem in the rainy weather? It was stated that all of the runoff would be handled on-site.

At this time, Mr. Poland stated this is a public informational meeting and the public is allowed to ask questions of the developer, attorney or city staff.

At this time, Mr. Jim Moran went through the staff recommendation on this development.

Mr. Moran stated the property is zoned C-1 and one of the discussions that is within this recommendation describes an issue relating to a rezoning which occurred on that property ten years ago. It was at one time rezoned to I-1 for a restaurant facility that was proposed at the site. Even though the attached zoning map indicates an I-1 district, the Zoning has reverted to a C-1 category. This was advertised for a public informational meeting which required an advertisement with the Providence Journal. Certified letters to the abutters went out within 200 feet of the property. The zoning permits and parameters of the building have been covered. Landscaping elements would be provided for shade requirements. It appears that there will be no difficulty in landscaping this property, providing adequate buffers and a shade coverage plan that exceeds the requirements of the DPR review requirements.

Regarding traffic impact assessment, Mr. Moran explained that the DPR Committee expressed some concerns over the width of this roadway and this is why in the staff recommendation that we describe some of the elements that need to be looked at at a more detailed level for preliminary study. One of those issues was a left turn lane for that particular area. The issue of Evergreen Drive becoming a two-way road at some point as a result of this traffic signalization is also a possibility. The owners of that particular development could come in and ask for a return to two-way traffic at that location which could also have an impact on that intersection as well. Those issues will be looked at in much more detail at the preliminary stage.

Mr. Moran stated that the signalization will greatly benefit this development. With signalization the conditions are dramatically improved.

Secondary emergency access

Mr. Moran stated that during the review the applicant had provided a secondary access point on the western side of the property. In getting into that property for emergency access the Fire Department would need to cross over Revere Street to get into the site from that location. They have provided a general idea of how that particular property would be accessed through the emergency access. There will need to be an easement or other mechanism put in place to allow for emergency access at that location. The Fire Department does not have a concern relating to the location of it or how they would be able to access it.

Comprehensive Plan

Mr. Moran stated we have reviewed the surrounding uses in that location. The general uses surrounding that particular property, in the Planning Department's opinion, are compatible with the proposed uses. We have reviewed the Comprehensive Plan and as the report indicates there are two different categories; office service and mixed use which based on other discussions, the compatibility uses from a land use standpoint are excellent. He stated one thing that is not mentioned in the report is that the development is compatible with the Economic Development Element of the Comprehensive Plan when you look at the amount of tax generation, job growth benefits and you take a look at some

of the goals and strategies of our economic development element, they do fall within those guidelines and recommendations of our economic development element.

Recommendation

Based upon a finding that the proposed development is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations and further that the required findings of Section 5-4 of the Regulations are met, staff recommends Conditional Approval of the Land Development Project Master Plan submission as proposed subject to the following conditions of Master Plan approval being incorporated into the Preliminary Plan submission:

1. That all comments in the technical staff memoranda, and any and all conditions of the Planning Board approval, be reflected in the Preliminary plan submission;
2. That the applicant obtain all necessary Zoning Variances and Special Use permits prior to the submittal of the Preliminary Plan submission;
3. That a detailed Traffic Impact Analysis be prepared at the Preliminary Plan Phase that addresses the traffic issue concerns expressed by the Development Plan Review Committee as described within the Master Plan recommendation;
4. That the applicant develop, prior to the Planning Plan Review phase, an acceptable arrangement for emergency access in the form of an easement or other acceptable land instrument through the abutting paper street, as well as a plan for improvements to provide access for emergency vehicles to Warren Avenue; and
5. That the Preliminary Plans and supporting documentation be based upon this Master Plan approval.

Ms. Boyle stated she would like to emphasize that in terms of land use this is the type of use that the City had envisioned for this property, both in the Land Use Element and the Economic Development Element of the Comprehensive Plan. There are other uses that might have been permissible within that C-1 zone. She stated this is the most beneficial combination of uses both in terms of job creation, which is one of our primary goals as well as the tax benefits associated with it. She stated this is the type of use that has no negative impacts associated with it.

Chairman Poland asked the Board if there were any questions.

Mr. Medeiros states this is wonderful development and states that the School property on Warren Avenue may be for sale some day which will probably be developed. South Revere Street will become very important then. He stated the City has to look at the whole picture in regard to traffic when it comes to that area. He asked if South Revere Street be the main access at the intersection because Chelo's Restaurant is across the street or will it be Evergreen? He states if we do not look at the whole picture, we will be

back here in six to eight months and going through this exercise again. He strongly feels that the emergency access in the form of an easement on this paper street should be looked at very closely.

Public comments

Mr. Alfred T. Morris stated he owns the property across the street, Morris Box Co., which is 176,000 sq. ft., about four acres of land . He notes he has been there since 1978. He states he is in favor of this development and said all the Marshall properties are well kept up in the area and it is rare that we get a good property individual like Marshall that keep their properties up. He stated the land across the street from him is all gravel and if you look at Chello's on the other side, the ledge runs all the way through Marshall's property to the back of APC. There are no problems as far as runoff because it is all gravel from the back to the front so there should not be a problem with drainage. He states the only problem he does see is the trailer park and the school property should be all one parcel. Mr. Morris states this will be a big improvement for East Providence.

Ms. Margaret Cunningham, 219 Linden Avenue, Barrington, RI stated she owns some land on Warren Avenue adjacent to the School. She asked if they purchase the property are they going to use it for parking facilities and stated she is concerned about the drainage from the hotel because her land is a little lower than the property Marshall has purchased.

In answer to Ms. Cunningham's drainage questions, the engineer Mr. Hemenway stated there would not be a problem with drainage runoff. He stated all the runoff that goes near her property is somewhat limited because it will be collected before it is discharged from the site and will be infiltrated into the ground so there will not be any increase in water discharged. Mr. Poland stated Mr. Hemenway will be designing the system and Mr. Stephen Coutu, the city engineer will be checking all the facts and figures to make sure this system will work.

Mr. Medeiros asked why is Marshall a Limited Liability Corporation and what the advantages are?

Mr. Ralph McGonigle, Marshall Properties LLC explained that they use the Limited Liability Corporation as a type of legal entity. It is half way between a corporation and a private ownership. You have the protection of a corporation, but the flexibility of an ownership, but the responsibility does not decrease. He stated all owners are registered with the state.

Mr. McGonigle thanked Mr. Morris for also being a good neighbor in maintaining his property and said Marshall is very excited about this particular project because for so many years it was an eyesore and it gives them an opportunity to increase employment in the area and also upgrade the area. He also thanked the Board for giving them the opportunity to do this development.

Mr. Poland states that he is excited about the project and wishes it was bigger. He noted that when you come into East Providence from different areas, this particular site is probably the biggest eyesore. He looks forward to the improvement of having this development built to improve the area and states it will also generate more tax revenue, jobs etc. He feels it is a very good project, looks forward to working with Marshall Properties because of the nice buildings they have put up in the past and states he is not concerned about the traffic because he feels Marshall will take care of any traffic concerns. Mr. Poland states he will vote for this project.

Mr. Gerstein asked Mr. McGonigle who will run the hotel. Mr. McGonigle stated they do not have anyone to run the hotel as yet or have a tenant at this time for the building. Mr. McGonigle explained that they will demolish the buildings that are on the site, file a plan with the State Health Development because of the asbestos in the shingles and expect to have their approval within the next two weeks and through the City will continue to demolish the buildings and then grade the property. He stated there have been no attempts to market the property until the property is presentable for selling. They have two serious inquiries regarding the hotel which would be 100 rooms . One of the inquiries is a developer in the state who has been successful in developing hotels and the other is a national company which is very interested. Mr. McGonigle stated they are keeping them informed and will select the right operator when selling the property or lease the land to them. He noted that when putting up the building on Wampanoag Trail, they did not have a tenant until the building was started and now they have may tenants. There are leases pending on the entire building and they have one floor leased so far.

Mr. Fisher states he is very much in favor of this project and feels it will be a tremendous asset to the City of East Providence, will enhance other property values that adjoin it. He states he appreciates Mr. Medeiros comment about the access road, but feels the staff will be able to address the access road and make sure it is done properly. He noted that if you take a look around the City and see all the Marshall projects that have been done you don't find a bad one anywhere.

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to grant conditional approval of this Master Plan Land Development Project with the five stipulations as recommended below by the Planning Department.

1. That all comments in the technical staff memoranda, and any and all conditions of the Planning Board approval, be reflected in the Preliminary plan submission;
2. That the applicant obtain all necessary Zoning Variances and Special Use permits prior tot he submittal of the Preliminary Plan submission;
3. That a detailed Traffic Impact Analysis be prepared at the Preliminary Plan Phase that addresses the traffic issue concerns expressed by the Development Plan Review Committee as described within the Master Plan recommendation;

4. That the applicant develop, prior to the Preliminary Plan Review phase, an acceptable arrangement for emergency access in the form of an easement or other acceptable land instrument through the abutting paper street, as well as a plan for improvements to provide access for emergency vehicles to Warren Avenue; and

5. That the Preliminary Plans and supporting documentation be based upon this Master Plan approval.

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

B. Draft Revisions of Telecommunications Ordinance

Ms. Boyle introduced the proposed revisions by noting that Planning had hoped to incorporate these changes as part of the original draft of the ordinance several years ago but that time did not permit us to do so. Ms. Boyle noted that the impetus behind the proposed revisions was the present treatment of both antennas and towers in the same manner. Ms. Boyle explained that it was the position of Planning that this places an undue burden on antennas, which we would like to encourage, versus towers which would like to discourage because of their greater land use impact.

At this time Mr. Zac Gordon went through the staff recommendation.

He stated that staff is proposing to divide what is now an ordinance which groups antennas and towers together into one which treats these uses separately. Mr. Gordon explained that there are three types of uses for telecommunications uses in the City of East Providence. The first are those uses permitted by right and that would be allowed on any land owned, leased or controlled by the City of East Providence. Second, are those uses, which are allowed by Administrative approval which is within the I-3 District only. This includes both antennae located on existing towers and structures as well as new towers. Third, a special use permit for both towers and antennas in the O-1, C-5, I-1 and I-2 Districts. He stated that in reviewing the ordinance, staff has broken out antennas as a use which would be permitted on its own or located on an existing tower or existing structure. Those antennae would be allowed by right as they are now on any land owned, leased or controlled by the City of East Providence. He added that under the proposed

revisions, antennas would be allowed by Administrative approval in any district (which would be a change because currently they are only allowed by Administrative approval in an I-3 District). Finally, Mr. Gordon stated that under the revised ordinance, tower uses would still be allowed by Administrative approval within the I-3 District, however, special use permit would only be allowed by special use permit within the O-1, C-5 and I-1 and I-2 Districts.

Mr. Gordon noted that the specifics are set forth in the staff memorandum. The primary change in the ordinance would allow someone to locate an antenna to keep an existing tower or an existing building. These antennae are relatively small in size, relatively innocuous, and could be located on existing towers and structures subject to review by the City's Zoning Officer in consultation with the Planning Director. He noted the criteria which would need to be met. Once the information is provided, if the proposals meet these standards, then Administrative approval could be granted. If not, there is a feature on Page 2 of the memorandum, under subparagraph A, Item 7 that if the Administrative approval is denied, the applicant, prior to filing an appeal, shall first file an application for a special use permit pursuant to this chapter provided this use is to be located in a district where a special use permit is allowed. That is, within an O-1, C-5, I-1 or I-2 District.

Mr. Gordon also stated that in the staff memorandum it indicated that comments were solicited from the City solicitor as well as from the Zoning Officer. The Zoning Officer's comment pertained to screening and his desire to make sure that the antenna be in the same category as building or equipment, namely that if there is a need to screen, that they would be screened in all instances and not be excluded from this requirement. Mr. Gordon also noted that staff did receive several comments from the City Solicitor, pertaining to clarification on a few terms in the ordinance and this will be addressed by way of definition.

Ms. Boyle introduced Mr. Jim Bach from Metrocom Co. of Westerly, RI, a company that installs wireless communication antennae. Mr. Bach explained that the antennas installed by his company is called "Ricochet". Ricochet is a device that is mounted on telephone poles and measures 18 inches long. Ms. Boyle stated that under the existing Ordinances, the mounting of an 18 inch long antenna would be treated the same as placing a tower. Mr. Bach explained that Ricochet is a radio service that will be sold to customers. He distributed brochures to the Board and added that Ricochet is designed for high speed wireless internet access, which means that if you are in your car or in your car or in your boat, or at the beach and are within the coverage area, you have high speed wireless internet access. The transmission speed is 128KBS. Mr. Bach indicated that the Ricochet transmitter is a safe process and that Metrocom is planning to build a nationwide network. He said that Metrocom is backed by Microsoft and MCI and is publicly traded, having operated in Rhode Island for about six months. He noted they have permission from Narragansett Electric and Bell Atlantic to attach the Ricochet device to their poles. The Ricochet is low frequency and according to the FCC it is a Class 15 device which means it is in the same range as a garage door opener or baby monitor. Mr. Bach stated Metrocom will pay the City of East Providence five percent of the gross revenues which

is the same agreement that is paid to other cities. He also noted that Metrocom provides free subscriptions to the City based on population.

Mr. Poland stated there would need to be a change to the Zoning Ordinance for anyone who would want to install some type of device similar to this. He asked what the range is on them and how far apart would they be placed? Mr. Bach explained they are installed every quarter to a half mile and there would be 57 in total installed in the City. He added that the data to be transmitted will be sent to a tower and then carried on a high-speed "T" line for internet access.

Mr. Gordon noted that in reviewing the ordinances in the last few days from across the country, it is fairly clear that those who have adopted ordinances, permit this type antenna in every zoning district so this is not something that is unique. Mr. Bach stated that the agreement with the City would be a right-of-way use agreement which is the same concept by which phone companies have permission to operate within the public right-of-way.

Ms. Boyle stated that under the existing ordinance, in order for this type of antenna to be placed, it would be required that notice be sent out to everyone within a 200 foot radius for all 57 proposed antenna sites. She noted we are not making the proposed change for this particular company, but are doing so in recognition of other devices that will come up in the future. She added that it is our intention not to make the approval process burdensome, but to regulate land use impacts in a fair and reasonable manner.

Mr. Medeiros asked if these transmitting devices will get smaller and not bigger in the future? Mr. Bach answered yes.

Mr. Sullivan voiced his concern about the radiation coming from these units. Mr. Bach stated it is very minimal and very safe. Mr. Sullivan asked if they had any complaints in other cities. Mr. Bach stated there was a city in New York that challenged them and commission an analysis that concluded that Metrocom was, in fact, overstating the potential danger of exposure from these devices.

Mr. DiTraglia asked about the locations and if any would be put on a state road. Mr. Bach answered they would be located on municipal roads only. He noted that if there is an historic district where the City would not want it installed, they would move it to a side street.

Mr. Poland stated if the next tower that comes along is too large, then the Zoning Officer could deny it and the petitioner would have the right to appeal it to the Zoning Board for a special use.

Motion

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to recommend approval of the revised Telecommunications Ordinance to the City Council.

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

Ms. Boyle stated it will be advertised for the second meeting of the City Council which will be held on January 16, 2001.

C. Parking Ordinance Revision

Ms. Boyle explained that Planning is proposing a second ordinance revision, pertaining to off-street parking for Industrial, manufacturing and processing establishments. Ms. Boyle noted that the current ordinance requires "one space for each 270 square feet of gross floor area, or one space for each two employees on the largest shift, whichever is greater, subject to the approval of the Zoning Officer". In October, as part of a package of Zoning Ordinance revisions, Planning inadvertently changed this standard to read "whichever is greater". This has had the effect of requiring more parking than is necessary for these uses, as many industrial and manufacturing facilities consist of large buildings with few employees. Planning is proposing to return to the original definition which would provide the Zoning Officer with the discretion to determine the appropriate level of parking for these uses. Ms. Boyle also informed the Board that Planning is recommending that, should the Board choose to support this revision, that it be referred to the City Council for consideration at its January 16th meeting.

Ms. Boyle explained that the ordinance used to read one space for each 270 square feet and whichever is most appropriate subject to the approval of the Zoning Officer. When we did our changes we also changed this one to whichever is greater. The consequence in that is that you could have a situation where development is providing four times as many parking spaces as it actually needs. We wanted to go back to the way it was written before, which has worked very well. There are some buildings where you have very large machinery and they actually have very few employees given the space available so basing it on the square footage can be inappropriate. We are recommending that this also be referred (should the Board choose) to the City Council for them to hear at the January 16 meeting.

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to recommend approval to the City Council.

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

Ms. Boyle stated there was one other zoning change that staff did not submit to the Board in writing, but came to our attention as part of the review of the hotel development that was just approved for Warren Avenue. This change was in the definition for the current "Hotel" . The definition states: "a hotel means a building of more than two, but not more than 12 stories in height... located on a site of not less than three acres....". She said it goes on to say that "subject use shall contain accessory facilities including, but not limited to a restaurant, a swimming pool and other recreational facilities and shall be connected to municipal sanitary sewer facilities." Ms. Boyle explained that this means if and when Marshall Properties finds a developer for this hotel and they decide that they do not want to include a pool, the City could require them to obtain a use variance because technically they would not meet the definition of what a hotel is. She suggested that the Board make a minor change to that definition at this point and refer it to the Council for the same meeting. She suggested they change the word "shall" to word "may" contain accessory facilities...". This way it is permissive rather than requiring it. Ms. Boyle asked that the Board make a motion on this wording and change "shall" to "may".

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to recommend to the City Council changing the wording of the Zoning Ordinance on this particular sentence from the word "shall" to "may".

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

D. Discussion of dates to present plaque to Charles Goodwin.

The Board discussed a date of Friday, January 19, 2001 6:30 p.m.. The place would be determined.

V. CONTINUED BUSINESS

1. Staff Report

Ms. Boyle stated she wanted to have a presentation of the Waterfront Plan to the Board, but unfortunately the City Manager could not join us to make the presentation because of another meeting. We will try and get him to attend the next meeting if he is available. Ms. Boyle stated she would ask if Mr. Lemont would be available for the January 9 meeting.

Mr. Poland asked if the Board could still meet on this to get some background information and to discuss what is going on with the waterfront plan even if Mr. Lemont has a conflict. Ms. Boyle stated staff is already working on this to try and implement some of the recommendations of the Plan. She noted that the Comprehensive Plan states that the City create a Waterfront-Mixed Use District. One of the things that Diane Feather's research involves is coming up with the zoning standards which would be very design oriented for a Waterfront Mixed Use District.

VI. COMMUNICATIONS

A. Memo dated 10/13/00 from Michele Campbell, National Trust for Historic Preservation regarding the October 16-21 conference;

B. Memo dated 11/20/00 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on 11/29/00.

VII. ANNOUNCEMENT

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

VIII. ADJOURNMENT

Respectfully Submitted,

Peter Poland, Chairman

PP/JMB/sac