

June 13, 2000 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF JUNE 13, 2000

PRESENT WERE: Chairman Poland, Messers. DiTraglia, Cunha, Sullivan, Gerstein, Jeanne Boyle (staff), Zac Gordon (staff) and Bill Conley, City Solicitor.

The meeting was called to order by Chairman Poland at 7:35 p.m.

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha and Mr. Gerstein were seated as voting members.

II. APPROVAL OF PLANNING BOARD MINUTES

Mr. Poland noted that the Board was still waiting to receive copies of the April 25, 2000 and May 9, 2000 minutes.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

IV. NEW BUSINESS

A. Application #2000-11 Minor Subdivision - Ferris Avenue

Mr. Poland asked the applicant to come forward and address the Board. Mr. Leo DeLisi, 8 Scott Drive, Lincoln, RI, was sworn in by the City Solicitor and proceeded to explain his proposal. Mr. DeLisi noted that he would like to move the house at 10 Barney Street, located in a C-2 Commercial zone, to Lot 1, which is proposed to be created on Ferris Avenue. Mr. DeLisi added that he was moving this home to create more parking spaces for the office building located at the corner of Newman Avenue and Ferris Avenue. Mr. DeLisi noted that the proposed subdivision would involve the creation of two (2) lots which would measure less than the 5,000 square foot minimum area required. He added that the adjacent parcels on Barney Street were the same size as the lots he is proposing to create (i.e. 50 feet wide, 94.59 feet deep), with a total area of 4,730 square feet.

Mr. Poland asked for the staff to review its memorandum to the Board.

Mr. Gordon noted that the applicant's proposal is for a two (2) lot minor subdivision having frontage on an existing street and that notices were sent to abutters on June 8th. Mr. Gordon added that a Certificate of Completeness was issued on June 7th and that the Board must make a decision within 65 days of this date. Mr. Gordon noted that the applicant's proposal was to subdivide an existing 9,460 square foot lot into two (2) equal lots of 4,730 square feet. Mr. Gordon noted that the minimum lot size requirement for the R-4 District is 5,000 square feet (50' wide by 100' deep). Mr. Gordon noted that the proposed lots would meet all other dimension requirements (setbacks) with the exception of area and depth. Mr. Gordon noted that should the Board grant approval, the approval would have to be made subject to a variance being granted by the Zoning Board. Both proposed lots are served by City water and sewer. Mr. Gordon noted that the applicant is requesting waivers from the requirements for topography and sidewalks. Mr. Gordon stated that the Planning Department is concurring with the recommendation of the City Engineer that sidewalks be required in front of both lots, should Planning Board approval be granted. Mr. Gordon noted that the Planning Department's recommendation to deny is based upon the proposal's inconsistency with the Comprehensive Plan. He noted that Planning has been consistent in recommending denial of proposed subdivisions where the lots to be created do not meet the minimum required square foot requirement and in this case where the density called for in the Comprehensive Plan is exceeded. Mr. Gordon cited several recent applications where the Planning Board has followed the Planning Department's recommendation to deny a subdivision request because of insufficient lot area. Mr. Gordon concluded by reiterating the staff recommendation for denial based on inconsistency with the Comprehensive Plan and non-conformance with the Zoning Ordinance.

Mr. Poland asked if any member of the Board had questions.

Mr. Gerstein asked if there were any other homes in the area located on undersized lots, such as being proposed by the applicant? Mr. DeLisi responded by presenting an assessor's map showing two (2) lots abutting the proposed lots to be created which were the same size (4,730). Mr. Poland noted that the lots which Mr. DeLisi was referring to were recorded lots. Ms. Boyle noted that in 1966 the City passed a zoning lot merger ordinance which required that undersized lots under contiguous ownership would be merged in order to create conforming lots and that therefore the existence of recorded plats was irrelevant under current zoning and subdivision regulations. Ms. Boyle added that contiguous undersized lots were also treated as one lot for assessing purposes. Ms. Boyle reiterated that the Comprehensive Plan reflects this policy decision by setting for the specific density requirements which are consistent with this merger provision. Mr. DeLisi referred to a 1980 Assessor's Plat which showed the subject parcels as separate. Mr. Poland stated that the City created all new tax maps in 1966 and that the 1980 date on these plans was incorrect.

Mr. Gordon noted that as a matter of law, all substandard contiguous lots under common ownership were to be merged as a matter of law and that even if the Assessor's map showed the lots as separate, they were actually merged. Mr. Poland reiterated that the map being referred to by Mr. DeLisi was an old map and therefore not relevant. Mr.

Poland did point out that there were several lots adjacent to the applicant's property which were larger than the minimum 5,000 square feet required under zoning.

Mr. DeLisi pointed out that the placement of the existing house on Lot 2, clearly indicated an intent to build a new home on the area encompassed by the proposed Lot 1. Mr. Poland noted that the proposed relocation of the house at 10 Barney Street to the proposed Lot 1 could easily be done without disrupting traffic and that it seemed a shame to have to tear down this house for the sake of not having 5 of lot depth.

Mr. Gerstein asked what kind of house would be built on Lot 1 if the Board approved this request for subdivision. Mr. DeLisi answered that he would move the house (a small cape) from 10 Barney Street onto the newly created lot.

Mr. Sullivan pointed out that while it would have been possible prior to 1966 to locate another house on the lot proposed to be created on Ferris Avenue (Lot 1), the current zoning laws do not allow for this. Mr. DeLisi asked if there were any "grandfathered" rights to develop on lots of record. Mr. Conley noted that under the terms of the ordinance adopted in 1966, substandard contiguous lots under common ownership were to be merged. Under these circumstances, there would be no grandfathered rights to develop substandard lots.

Mr. DiTraglia asked Mr. DeLisi what was the parking requirement for the office building located on Newman Avenue (i.e. is the parking to be created to expand the existing business uses?). Mr. DeLisi noted that this parking was to serve the existing uses and that he had lost 10 parking spaces as part of a road reconstruction project by the State DOT and needed the additional spaces to make up for this loss. Mr. DiTraglia reiterated how many spaces are required? Mr. DeLisi noted that none were required but that he currently has 10 spaces to serve 237 Newman Avenue (Crugnale Bakery). Mr. DiTraglia asked Mr. DeLisi what he would do with the house he proposes to move? Mr. DeLisi indicated that he would rent this home along with the house at 21 Ferris Avenue.

Mr. Poland noted that there was currently no parking around the house at 10 Barney Street, except parking for the house. Mr. Poland also pointed out that the 8 parking spaces serving the Bakery along Barney Street were illegal as they extended into the traveled way and the 2 in front of 237 Newman Avenue extended into the sidewalk area. Mr. Poland noted that the new parking which would be provided on Barney Street would serve both 225 and 237 Newman Avenue. Mr. Poland asked about regulations pertaining to joint use of parking spaces and whether Zoning Board approval was needed. Ms. Boyle responded that this would only be required if there were a formal arrangement needed. Ms. Boyle added that she was not certain what the parking requirement was for the existing commercial use at 225 Newman Avenue.

Mr. Poland asked how many spaces would be gained? Mr. DeLisi responded that there would be an additional 10 spaces made available.

Mr. DiTraglia asked about parking for the proposed Lot 1? Mr. DeLisi pointed out that there would be a double-wide driveway on this lot.

Mr. Poland asked if there were any members of the public who wished to address the Board.

Nancy Butler, 24 Barney Street was sworn in by the City Solicitor and addressed the Board. Ms. Butler asked why other neighbors did not receive notice about this meeting. It was explained that only immediate abutters were required to be notified. Ms. Butler expressed her concern with the traffic impact of the proposed parking lot on the neighborhood. She indicated that there are approximately 20 children that the traffic was already bad because people use Barney Street as a cut-through and that this parking lot would only worsen the situation. Ms. Butler suggested that other neighbors be notified about this proposal (up to Bishop Avenue). Mr. Poland explained that if the Board approved this subdivision, the applicant would be required to go to the Zoning Board, where all abutters within 200 feet of the property would be notified.

Public comment closed.

Mr. Poland indicated that he was not in favor of the proposed subdivision and indicated that he would suggest not moving the house but going to the Zoning Board to get permission to pave the area which is shown as Lot 1.

Mr. DiTraglia stated that he agreed with the staff recommendation to uphold the Comprehensive Plan density standards.

Mr. Poland noted that there were two waiver requests before the Board; topography and sidewalks.

First Motion - Request for waiver from topographic contours

Mr. DiTraglia moved to grant a waiver from the requirement for topography, motion seconded by Mr. Sullivan.

Roll Call Vote:

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

Waiver granted 5-0.

Second Motion - Request for waiver from requirement to install sidewalk

Mr. Sullivan moved to deny the request for a waiver from the requirement to install a sidewalk in front of the proposed subdivision; seconded by Mr. Cunha.

Roll Call Vote:

Mr. DiTraglia Aye

Mr. Sullivan Aye

Mr. Cunha Aye

Mr. Gerstein Aye

Chairman Poland Aye

Waiver request denied 5-0.

Third Motion - Subdivision

Mr. DiTraglia moved to deny the request for subdivision, based on inconsistency with the Comprehensive Plan and Land and Subdivision Regulations; second Mr. Sullivan.

Roll Call Vote:

Mr. DiTraglia Aye

Mr. Sullivan Aye

Mr. Cunha Aye

Mr. Gerstein Aye

Chairman Poland Aye

Subdivision proposal denied 5-0.

B. Final Release of Performance Guarantee of Newport Avenue Plaza/ Vermont Avenue Waterline (First Bristol Corp.)

Ms. Boyle explained that the request before the Board was for a release of the performance guarantee for the Newport Avenue Plaza Land Development Project, in the amount of \$22,000. Ms. Boyle noted that the City Engineer had recommended that this amount be released, subject to retaining \$2,000 to cover the cost of remaining work to be completed and that the Planning Department was endorsing this approach. Planning staff was also recommending that the Board grant final administrative release of the \$2,000, pending completion of the remaining work to the satisfaction of the Public Works Department.

Motion to Release Performance Bond

Mr. Sullivan moved to release the \$22,000 performance guarantee, with the provision that the developer post a \$2,000 cash bond with the City to insure completion of remaining site improvements and to delegate final release authority of this amount to the administrative officer once the remaining work has been completed to the satisfaction of the Public Works Department; second Mr. DiTraglia.

Roll Call Vote:

Mr. DiTraglia Aye

Mr. Sullivan Aye

Mr. Cunha Aye

Mr. Gerstein Aye

Chairman Poland Aye

Bond reduction granted, 5-0.

V. OTHER BUSINESS

Mr. Sullivan informed the Board that the sidewalk work related to the Mason Street subdivision had been completed and that the remaining \$3,000 performance guarantee could be released subject to the City Engineer verifying that the homeowner is satisfied with the work done.

VI. STAFF REPORT

Ms. Boyle referred to memos from the Zoning Officer, Edward Pimental, pertaining to a meeting between the Zoning Board and Planning Board, regarding amendments to the Zoning Ordinance. Ms. Boyle noted that the Zoning Board was still not providing any specifics as to proposed changes and asked if the Planning Board wanted to meet with no agenda or continue to insist on specifics before a meeting is set. Ms. Boyle did point out

that the Zoning Office had sent her a memo with detailed items to be discussed, but that these items were submitted by Chris Morra, who is no longer on the Zoning Board.

Ms. Boyle introduced to the Board two (2) planning interns who will be working in the Planning Department over the summer: Jason Pezzullo and Melissa Kaplan. Jeanne asked each intern to overview the projects they would be working on.

Jason Pezzullo informed the Board that he was working on the "Hazard Mitigation Plan", which would be incorporated as part of the Comprehensive Plan update; a Taunton Avenue study to identify revitalization strategies and a redevelopment plan for Warren Avenue with a "Little Portugal" theme.

Melissa Kaplan explained that she would be working on the Capital Budget and also assisting with the Taunton Avenue Study. In addition, Melissa said she would be involved in a housing inventory and assessment project (also to be incorporated as part of the Comprehensive Plan) and a sidewalk inventory and assessment plan.

VII. COMMUNICATIONS

The following communications were received by the Board:

A. Memo dated 5/26/00 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on 5/31/00

B. Letter dated 5/11/00 to Eugene Saveory, Chairman of the Zoning Board from Peter Poland, Chairman of the Planning Board in response to a request by the Zoning Board to hold a joint meeting to discuss the Zoning Ordinance

C. Memo dated 6/7/00 to Jeanne Boyle from Edward Pimental, RE: "Joint Meeting between Zoning Board of Review and the Planning Board

D. Letter dated 5/12/00 to Julia Fogue from Chairman Poland regarding the accessibility of the public to City-designated rights-of-way.

Mr. DiTraglia moved to accept all communications; second Mr. Sullivan. Vote: 5-0 to accept communications.

VIII. NEXT MEETING

Chairman Poland announced that the next meeting of the Planning Board would be held on Tuesday, July 11

IX. ADJOURNMENT

Mr. DiTraglia moved to adjourn; second by Mr. Sullivan.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Joseph Medeiros, Secretary

JM/ZG/sac