

March 14, 2000 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF MARCH 14, 2000

505th Meeting

PRESENT WERE: Messers. Poland, DiTraglia, Fisher, Medeiros, Sullivan, Alternate Member Gerstein, City Solicitor William Conley, Diane Feather (staff), and Zachary Gordon (staff).

I. SEATING OF ALTERNATE MEMBER

The alternate member was not seated since all five regular Board members were present.

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of December 14, 1999

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the December 14, 1999 minutes were unanimously approved and made part of the Board's official record.

It was noted that since the minutes of January 11, 2000 and the minutes of the Special Meeting of January 25, 2000 were just distributed at this meeting, the Board would vote on them at the April 11th meeting. It was also noted that the minutes of February 8, 2000 would be forthcoming.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

On a motion by Mr. DiTraglia, seconded by Mr. Medeiros, the Board unanimously voted to accept this correspondence and make it part of the Board's official record.

A. Letter dated 2/15/2000 from Chairman Poland to Ronald Rodrigues, Re: Mason Street Subdivision.

IV. NEW BUSINESS

A. Election of Vice Chairman

On a motion by Mr. Medeiros, seconded by Mr. Sullivan, the Board voted to nominate Mr. Bruce DiTraglia as Vice Chairman.

Roll Call Vote to nominate Mr. Bruce DiTraglia as Vice Chairman.

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

There were no other nominations. At this time, Mr. Medeiros moved that nominations be closed, seconded by Mr. Sullivan. The Board voted unanimously to close the nominations.

The Board congratulated Mr. DiTraglia with a round of applause. Mr. DiTraglia thanked everyone.

B. Appl. #00-4 Hazelwood Ave. Minor Subdivision

Michael and Terry Viveros, 88 Hazelwood Avenue, owners of the property were sworn in by City Solicitor Conley.

Attorney Martin P. Sleprow, attorney for the petitioners, explained the subdivision to the Board. He noted that this is a minor subdivision with one additional lot being created. He noted that they presently own a parcel on Hazelwood Avenue that contains 12,537 square feet, and the proposal is to divide the parcel into Parcel 1, which will be a vacant buildable lot, and Parcel 2 which will contain the existing dwelling. He noted that the property is zoned R-4, which requires a minimum lot area of 5,000 square feet. He noted that both parcels contain the required area. Mr. Sleprow noted that the lot does not meet the minimum required depth of 100 feet. He noted that this is an existing condition that they can do nothing about. He noted that if the Board approves the Preliminary Plan, they would be on the March 29th Zoning Board of Review docket for a variance for lot depth. He noted the petitioner is asking for a waiver from having to install sidewalks, since there are no sidewalks on that side of the street.

Mr. Sleprow referred to the March 7, 2000 memorandum from the Planning Department to the Planning Board, which noted that the general purposes of the subdivision regulations are met, and that the proposal is consistent with the Comprehensive Plan. Mr.

Slepkow asked the Board to approve the plan and to delegate final approval to the Administrative Officer.

Mr. Gerstein asked Mr. Slepkow how many dwellings would be on the property. He answered there will be one new dwelling on Parcel 1 and one existing dwelling on Parcel 2, and noted that the new dwelling would not be a rental. He estimated it would sell for

\$ 119,000. Mr. Gerstein asked if there are many children on that street. The property owners answered it was mostly elderly.

Mr. Fisher asked about the existing sold sign on the property and if they just sold it. Mr. Viveros said yes and noted they are moving to Coventry. Mr. Fisher said there is 60 feet of sidewalk across from the property and curbing is already there which is consistent with the area with the exception of a couple of front yards that do not have curbing.

Mr. Poland asked if the new line was on a prior recorded lot line. Mr. Slepkow answered no. It is only 91 feet in depth and this is the reason they are at the Board meeting tonight. Other than that, the lot meets all of the subdivision regulations for this district. Mr. Slepkow explained that are representing to the Planning Board and Zoning Board that no variances will be sought for the construction of the new house on Parcel 1 and noted that all of the City regulations that apply to an R-4 lot will be met.

Mr. Fisher stated that the new construction in that neighborhood should only enhance the values of the existing properties because it is new value and additional tax revenue for the City.

Mr. Gordon made the staff presentation on the proposed subdivision. He noted that this was not a public hearing because it is a subdivision on existing frontage, with no street creation. He noted this is a two-lot subdivision, and but for seven feet of depth, the proposal complies with all other subdivision and zoning regulations. He noted that they are requesting two waivers, those for having to show topographic contours on the plan, and for a waiver from sidewalk construction. Mr. Gordon noted that the proposal meets the general purposes of the subdivision regulations and is consistent with the Comprehensive Plan. Mr. Gordon noted that the zoning setbacks (the building envelope) and area for off-street parking were not shown on the Preliminary Plan as required and will have to be shown on the Final Plan, and noted that he had informed the surveyor of this requirement this afternoon. He said the house would be constructed consistent with all dimensional regulations.

Mr. Gordon noted that staff recommends conditional preliminary approval and asked that the Board delegate final approval to the Administrative Officer. He noted that staff is recommending approval of the two requested waivers. He noted there is no proposed change in the topography and therefore there is no reason for showing topography, and also noted that there are no sidewalks on this side of the street, but there is granite curbing.

Mr. Sullivan asked Mr. Viveiros about the sales prices of the house and lot. Mr. Viverios noted that the house was under agreement for \$138,000, and the land would be sold for \$42,000.

Chairman Poland noted that lot depths on both sides of this street are in the 90-foot range, as are a majority of lots within a 200 to 400 foot perimeter of this area, so the proposed lot will blend right in. He stated the neighborhood is a nice neighborhood and the lot looks like a vacant lot waiting to be developed on an existing street. He noted that it does not look like there are trying to shoehorn a house in on a 20 foot lot.

Mr. Poland asked the audience if they would like to comment. There was none.

First Motion - To Make Staff Recommendation Part of the Record

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to make the staff report part of the Board's official record.

Roll Call Vote

Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Medeiros	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Second Motion - Request for Waivers on Topographic Contour and Sidewalk Installation.

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board votes to grant the requested waivers from topographic contours and the installation of sidewalk.

Roll Call Vote

Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Medeiros	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Third Motion - Subdivision

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to recommend approval of the proposed minor subdivision application subject to the petitioner obtaining the necessary zoning variance from the Zoning Board and that the building envelope be shown on the Final Plan.

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

Fourth Motion - Delegation of Final Plan Approval

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to recommend that Final Plan Approval be designated to the Administrative Officer.

Roll Call Vote

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Medeiros Aye

Mr. Sullivan Aye

Chairman Poland Aye

C. Appl. # 00-3 Gois Minor Subdivision

Attorney Brian Fogarty, 1454 Main Street, West Warwick, RI, representing Mr. and Mrs. Gois was sworn in by City Solicitor Conley. He noted Mr. & Mrs. Gois were not available for this meeting.

Mr. Fogarty explained that this application is a minor subdivision involving three parcels of land. He said that Parcel C fronting on School Street has a strip of land that extends to Warren Avenue (approximately a 4' x 100' foot strip). He noted that Parcel C contains a two-family residential structure and consists of 5,520 square feet. Mr. Fogarty stated that they want to square off the parcels, so the strip of land would be added back to the Warren Avenue parcel. He noted that Warren Avenue property currently consists of one lot containing a single-family residence and a commercial building, and said he is asking that the Board approve a division so that each of these two structures would be on its own lot. He said that with the subdivision, all three parcels would conform to the 5,000 square foot lot area requirement. Mr. Fogarty also asked that the Board give final approval to the Administrative Officer, and noted they are asking for a waiver for topography. He noted that they are not planning on modifying any of the buildings or any of the three parcels. He said we do not need a waiver regarding curbing and sidewalks since the existing condition satisfies the requirements on all three parcels.

Mr. DiTraglia asked if the petitioner agrees to the stipulations listed in the staff report. Mr. Fogarty answered yes.

Mr. Fisher commented that the reconfiguration of all three lots is in compliance with the Comprehensive Plan, and noted that the subdivision benefits not only the seller but future purchasers, and noted that we are protecting the rights of not only the existing taxpayer, but the future taxpayers. Mr. Fisher said that based on the physical observation today that it makes sense to reconfigure the lots.

Mr. Fogarty said in May 1980 the Zoning Board of Review granted variances relating to off-

street parking and at that time the petitioner proposed utilizing a portion of the building for an antique and used furniture business, which is not permitted in the C-2 and R-6 districts. He noted that the 1980 variance was apparently allowed because one of the two tenants of the building owned the adjacent parcel of land, and that tenant gave permission for parking on his adjacent parcel. Mr. Fogarty noted that his client never owned the adjacent parcel. He said they would be seeking a variance from the Zoning Board for off-street parking.

Ms. Feather provided a brief overview of the staff recommendation. She noted this is a minor subdivision on existing frontage, and the immediate abutters were notified. She noted that one of the abutters, Mr. Moniz, came into the office to review the subdivision for any impact to his property. Ms. Feather stated that Mr. Moniz noted that at some point in time, the School Street lot shown on the plan did not have any actual physical access, so they needed a right-of-way in from Warren Avenue. Regarding the off-street parking variance, Ms. Feather noted that both the residential parcels have available off-street parking. She noted that for the commercial use, there is on-street parking along Warren Avenue, but noted that any commercial uses in this building should be those with lower parking and traffic generation rates.

Ms. Feather noted that staff did not believe a waiver from topography was necessary since the engineer has provided elevations across Parcels A and B. She noted that at the time this subdivision was initially proposed the plan showed only two lots, but it had to be changed to three lots since the lot lines for Parcel C (on School Street) were being changed. She noted that any lot line change requires subdivision approval of some form. She noted that Parcel C is developed with no changes proposed, so staff did not believe it was an issue. Ms. Feather noted the proposal is consistent with the general purposes of the regulations and is consistent and noted the recommended conditions of approval.

Mr. Poland asked Ms. Feather why there were no recommendations on waivers. Ms. Feather stated that there are existing sidewalks and curbing for all the lot frontages, and staff did not believe a waiver from topography was required since elevations are shown on the plan for Parcels A and B.

Mr. Poland asked if the Engineering Division is satisfied there are no pipes in through these properties and whether they are satisfied if that there are no easements. He noted that the proposed square-off lot configurations make sense rather than the current irregular lot configuration. He stated the proposal would increase the value of the property since each parcel now becomes marketable by itself.

Ms. Feather noted that DPW did not have any concerns regarding the proposal. She noted that the applicant's representatives have a responsibility to disclose the existence of any pipes, easements or restrictions, and normally these would be disclosed on the title report that is required of each applicant. Mr. Conley stated that any encumbrances, such as easements, should be disclosed, but noted that there are those occasions in which pipes are installed for various things without getting the appropriate easements. Mr. Poland noted that in this case an easement would not have been required since one person owns all the property. He said if the City Engineering Division is satisfied that the City services come from School Street for Parcel C, that he has no problems with the plan, and noted the only other thing would be some type of a drain or gas line.

Mr. Sullivan asked about the tenants in the commercial building and about building setbacks. Mr. Fogarty noted that the plans show Olga's Boutique as a tenant, but that was the former commercial use and noted that a new commercial use is in there. Ms. Feather noted that the setbacks for the commercial building were listed in the staff recommendation, and the side setback can be zero. She said that the Zoning Officer had no issues with the proposal other than the need for a variance from off-street parking. Mr. Sullivan asked if the residence on Warren Avenue was also in the C-2 district. Ms. Feather answered no, that this property was zoned R-6 and the final plan must be corrected. Mr. Sullivan asked if there is open land on the west side of what was the boutique. It was answered it remains an open paved area.

Mr. DiTraglia asked if there should be a notary on the Certificate of Title (report) on the property. Mr. Conley answered no.

Mr. Poland asked if anyone in the audience would like to comment on the proposal.

Mr. David DaSilva, who owns property abutting the subdivision said that he heard that the narrow strip of land from Warren Avenue extending to the School Street property was initially given as a right-of-way to a handicapped person who lived on School Street many years ago. He had no other comments on the proposed subdivision.

Motion - To Make Staff Recommendation Part of the Record

On motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to make the recommendation by the staff part of the Board's official record.

Roll Call Vote

Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Medeiros	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

Motion on Condition Approval and Delegation of Final Plan Approval

On a motion by Mr. Medeiros, seconded by Mr. Fisher, the Board voted to grant the conditional approval of the subdivision with the six staff conditions listed, and voted to delegate give final approval to the Administrative Officer.

1. that any and all required variances be obtained from the Zoning Board of Review;
2. that there will be no new construction and that there be no further intensification of the uses on these parcels;
3. that the final plans show the driveway and off-street parking area for Parcel C, and that the title block be revised to indicate Final Plan status;
4. that the zoning district line between Parcel A and B be corrected;
5. that the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision review Regulations; and
6. that the proposal shall meet all applicable City, State, and/or Federal regulations and requirements.

Roll Call Vote

Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Medeiros	Aye
Mr. Sullivan	Aye
Chairman Poland	Aye

V. CONTINUED BUSINESS

1. Staff Report

A. Ms. Feather informed the Board that Director Jeanne Boyle is out of town due to a family illness, but will be back on March 20.

B. RCOS Plan - Ms. Feather noted there may be a public hearing on the Recreation, Conservation and Open Space (RCOS) Plan in April, depending on whether internal staff review is completed in time.

C. Business Expo - Ms. Feather informed the Board that the City would not have a booth at the Business Expo this year, but will help the East Providence Chamber of Commerce staff their booth.

D. Trailside (Leonardo) Subdivision - Ms. Feather stated that revised master plans have been submitted and staff will review them next week. She noted that if they are acceptable, they will be sent to Camp, Dresser & McKee. She said at some point there will be a public informational meeting on the Master Plan.

E. Joint Planning Board - Zoning Board Meeting - Mr. Poland asked about the meeting with the Zoning Board that was supposed to be on this docket. Ms. Feather said that her understanding of this after speaking with Ms. Boyle was that we were waiting for a letter from the Zoning Board on particular issues for discussion. Mr. Poland stated that he would like to have the members of both Boards polled for a possible initial meeting date. Ms. Feather stated she would speak to Ms. Boyle about this before the next meeting of the Board.

F. Mr. Poland asked about Woods gas station being closed at the corner of Pawtucket Avenue and Warren Avenue. Ms. Feather noted that based upon a sketch shown to the Planning Department, the proposed redevelopment of the parcel as a "Mobil On-the-Run" station was not subject to the Development Plan Review ordinance. She noted that she had not seen the plans submitted to the Building Inspector.

VI. COMMUNICATIONS

A. Letter dated 2/24/00 to Chairman Poland from Ronald Rodrigues in response to Mr.

Poland's letter to Mr. Rodrigues dated 2/15/00 on the Mason Street Subdivision ;

B. Copy of memo dated February 18, 2000 to the Zoning Board of Review from the Department of Planning Re: Requests for Variance and Special Use Permits on February 23, 2000.

The following communications were deferred from last month's meeting:

C. Copy of Letter dated 1/12/00 to Jeanne Boyle from Ronald J. Rodrigues regarding the bond reduction of the Mason Street Subdivision, Appl. #96-7;

D. Copy of letter dated 1/18/00 to Ronald Rodrigues from Stephen Coutu regarding the repair of the concrete driveway at 45 Fleming Street at the Mason Street Subdivision development.

In regard to the letters that have been received from Mr. Rodrigues, Mr. Poland stated that Mr. Rodrigues keeps calling his house, but he has not spoken with Mr. Rodrigues. Mr. Conley said a letter was sent to Mr. Rodrigues from the Board after last month's meeting of the Board correcting any misconception that Mr. Rodrigues may have had as a result of the prior correspondence from the City Engineer.

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted unanimously to accept the communications and make them part of the record.

VII. ANNOUNCEMENTS

A. Next Meeting - April 11, 2000, 7:30 p.m., Room 306.

B. Ms. Feather announced to the Board that the National APA Conference will be in New York City this year, and asked that any Board member inform the Department if they are interested in attending the conference.

VIII. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Joseph Medeiros, Secretary

JM/DF/sn

