

# **May 9, 2000 - Regular Planning Board Meeting**

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF May 9, 2000

508<sup>TH</sup> Meeting

PRESENT WERE: Messers. Poland, Cunha, Medeiros, , Sullivan, Gerstein, Jeanne Boyle (staff), James Moran (staff), Zac Gordon (staff), and City Solicitor Conley.

## **I. SEATING OF ALTERNATE MEMBER**

Mr. Cunha and Mr. Gerstein were both seated in place of Mr. DiTraglia and Mr. Fisher. It was noted that Mr. Fisher would be coming in later.

## **II. APPROVAL OF PLANNING BOARD MINUTES**

A. It was noted the minutes of April would be forthcoming.

## **III. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

## **IV. NEW BUSINESS**

A. 401 Wampanoag Trail (LDP) Appl. #99-17

Ms. Christine Engustian, attorney for the applicant, went through the proposal for this land development project. She discussed the existing entrance of Wampanoag Trail that is currently in place at the building at 501 Wampanoag Trail, and the recorded access easement agreement which is also in the package with the preliminary plan submission.

Ms. Engustian stated the easement satisfies the requirements of the regulations that the project has "adequate and permanent physical access to a public street and that the project shall "provide for the safe circulation of pedestrian and vehicular traffic". Due to the fact that this proposed construction mirrors the construction of 501 Wampanoag Trail, that the uses are identical and the nearby access to the East Shore Expressway is the same, that the egress to and from the site via Wampanoag Trail is shared, that the 501 building has not generated any traffic problems, safety concerns or nuisances, the applicant respectfully requests that a waiver from the general impact and traffic assessment be granted by the Board. She stated that it is her understanding that the Planning Department

agrees with the request for a waiver of these assessments and the Planning Board may grant these waivers pursuant to Section 5-13 of the Regulations. She asked that the Planning Board approve these waivers.

With respect to whether the proposed plan is consistent with the City of East Providence Comprehensive Plan and the Land Use 2010 Plan, Ms. Engustian stated that this development is consistent with both. The proposed project is mixed use which encompasses office use as long as that office use is compatible with existing and adjacent usage. She stated the proposed use is an office use and the parcel abuts to major highways, the East Shore Expressway and the Wampanoag Trail. Immediately abutting the surrounding uses to the subject site are office and industrial and therefore the proposed office use is compatible with these uses. In addition, the Zoning Board of Review when granting the four-dimensional variances found that the granting of these variances would not alter the character of the surrounding area nor would it "alter the general intent of the City's Comprehensive Plan". Ms. Engustian noted that this project brings real and potential advantages to the City by eventually increasing its tax base, by generating in the neighborhood of 100 or more jobs if we are to use 501 Wampanoag Trail as a comparative model and also increasing business at local establishments presumably during lunch and after work hours.

Ms. Engustian stated the proposed construction, once completed, would greatly enhance the subject parcel itself aesthetically and the construction will generally improve that particular stretch of land on Wampanoag Trail.

In closing, Ms. Engustian stated that the preliminary plan is defined in the City of East Providence Land Development and Subdivision Review Regulations as "the required stage of land development and subdivision review which shall require details, engineering drawings, and all required state and federal permits. She stated, the applicant has received all necessary permits from the State of Rhode Island, and the applicant has attempted to meet all other City requirements for the approval of its preliminary plan. The applicant has submitted what it has considered to be the detailed engineering drawing requiring this particular review stage.

Ms. Engustian stated on April 18, 2000, the City's Planning Department issued a Certificate of Completeness, however, it has most recently come to our attention that the City Engineer is still looking for some engineering details with respect to the plan.

Ms. Engustian stated at this time the applicant wishes the City to know it would do whatever possible to remedy any and all deficiencies in the plan. The applicant respectfully requests that the preliminary plan be approved by the Board subject to any conditions that the City deems necessary.

Ms. Engustian stated that last time they were before the Board, the project engineer, Mr. Richard Hunt, testified among other things to the nature of the design of the subsurface stormwater drainage and disposal system and to the rates of the stormwater runoff. She stated he also testified that the proposed project had adequate and permanent physical

access to the site to the granting of the 35 foot easement, that there was safe circulation of pedestrian traffic, and further, he testified in his professional opinion there would be no negative impacts created by the new construction.

Ms. Engustian also stated Mr. Hunt and Mr. Ralph McGonigle, who is President of Commercial Development for the applicant is also present tonight to testify.

For the record, Mr. Poland stated Mr. Fisher had just arrived, but will not be voting on this particular proposal and that he will be seated as a voting member after the testimony for the next new business item.

Ms. Boyle stated that City Engineer Coutu had a conflict and could not attend this meeting. He felt that most of the comments he had on this matter in his May 3 memo would be self-explanatory.

Mr. James Moran went through the staff memorandum. He stated this is a preliminary plan submission, which is subject to a public hearing. It was advertised in the Providence Journal as a display ad on April 26. All abutters within a 200-foot radius were notified by certified, registered mail.

As the attorney for the applicant has indicated, Mr. Moran stated this proposal is subject to detailed engineering drawings and meets all the requirements of state and local permitting. He said many of the details that are discussed in the staff memorandum have already been discussed earlier and he would only go through any elements that were not included and specifically discuss portions the Planning Department's recommendation that will require updating as part of the recommendation in the final page of the recommendation.

Mr. Moran stated that off-street parking has already been discussed, and the Zoning variances have also been touched upon. A Physical Alteration Permit has been obtained from the Department of Transportation. This building will be identical to the 501 Wampanoag Trail building. In discussions with the Fire Chief, also under his Master Plan memorandum, he had said he had wanted all the fire prevention code requirements to be met for this building since they may be different than what was constructed in the original 501 building as new Fire Code regulations will apply. Other than these issues, he expressed no other concerns in terms of the building's layout and from a life safety standpoint.

Mr. Moran stated drainage and utilities have also been discussed. The plans were completed by Holmes Engineering and the UIC permit indicates they are going to be treating the facility through leach pipes and it has been accepted by the RI DEM as acceptable as proposed.

Shade Coverage

Mr. Moran stated there will be 17.4 percent coverage provided. The Zoning Board of Review did allow for a maximum 10 percent which they exceed by about 7.4 percent. He stated this is more than enough to meet the Zoning variance requirement. He said this is an office development and staff finds that this development is completely compatible with the surrounding uses in this area and in compliance with the Comprehensive Plan. Mr. Moran stated that one of the elements that is missing are signature blocks. Sheet C-1.1 contains the necessary signature blocks, however, each plan sheet will require signature blocks that are going to have to be placed on each sheet on the final plan submission. There are five stipulations that have been put forth by the City Engineer through the Public Works Director that would be required on final plan.

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 LDP preliminary plan submission subject to the following conditions of preliminary plan approval be incorporated into the final plan submission.

1. That all comments of the technical staff memorandum and any and all conditions of the Planning Board approval be reflected in the preliminary plan submission which includes all the comments included in this memorandum as well as all the attachments provided by other departments and City staff;
2. That the final plans and supporting documentation be based upon this preliminary plan approval.

Relative to the recommendation on requested waivers, Mr. Moran stated that the Department of Planning believes that this development roadway seems to support the current load of office use and believes the impacts in this area will generally not be affected by the development. As such it was recommended that the waivers for the general impact assessment and the traffic impact assessment be waived. He stated this will be a positive impact on the City from a tax standpoint. This type of office development, especially if it is developed as an A-class office space will develop some good tax revenue for the City. The roadway itself appears to support the traffic load that would be generated under this office development.

### *Final Plan Review*

Mr. Moran explained that this portion of the preliminary plan approval generally creates a ministerial approval for the final plan review. The Department of Planning believes that the issues associated with this preliminary plan recommendation can be resolved at final plan and recommends that the Board grant Final Plan approval to the Administrative Officer as described under Section 9-10 of the Land Development and Subdivision Review Regulations.

Mr. Poland asked if the only recommendations are the five that are there and the signature block. Mr. Moran stated no there is one other minor item in the recommendation that he did not mention. He said on page 4 under *shade coverage* it is noted that the final plan submission for this development should provide a modification to Sheet C3.1, more specifically to the paved and shading calculation in order to be consistent with Sheet C1.1. The percentage notation should be provided adjacent to the total shaded area description sheet on C3.1. This way they will match and there will be no confusion.

At this time, Mr. Richard Hunt, Architect, West Greenwich, RI was sworn in by Mr. Conley.

Ms. Engustian stated Mr. Hunt had contacted Stanley Engineering about the water main and he provided him with that information. This was an issue Ms. Engustian said because it was an error in the location, but it can all be worked out, and that they would do everything to comply with any City requirements.

Mr. Hunt said the information that he is looking for because the structure is so close to the road we would normally put these devices within the building. He wants this information on the site plan even though it is within the building, so we will transfer this information.

There were no questions from the Board.

Chairman Poland stated the first motion will be to make the Planning Department memorandum part of the Board's record.

*First Motion*

On a motion by Mr. Medeiros, seconded by Mr. Sullivan the Board voted to make the staff memorandum part of the Board's official record.

Roll Call Vote

Mr. Cunha            Aye

Mr. Gerstein        Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

*Second Motion* - Waivers for the general impact assessment and traffic impact assessment.

On a motion by Mr. Medeiros, seconded by Mr. Sullivan, the Board voted to approve both requested waivers.

*Roll Call Vote*

Mr. Cunha           Aye

Mr. Gerstein        Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

*Third Motion - Subdivision Approval*

Based upon the finding that the proposed development is consistent with the East Providence Comprehensive Plan and meets the general purposes stated in Article 1 with the Regulations, and further that the required findings of Section 5-4 of the Regulations are met, the Board's recommendation is to give conditional approval of the Land Development Plan preliminary plan submission subject to the following conditions of preliminary plan approval be incorporated in the final plan submission.

1. that all comments in the technical staff memorandum, and any and all conditions of the Planning Board approval, be reflected in the Preliminary Plan submission;
2. that all conditions of Planning Board approval be reflected in the final plan submission; and
3. that the final plans and supporting documentation be based upon this preliminary plan approval.

On a motion by Mr. Medeiros, seconded by Mr. Sullivan the Board voted to approve this proposal.

Roll Call vote

Mr. Cunha           Aye

Mr. Gerstein        Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland      Aye

*Fourth Motion - Final Approval to the Administrative Officer*

On a motion by Mr. Medeiros, seconded by Mr. Sullivan, the Board voted to give final plan approval to the Administrative Officer.

Roll Call Vote

Mr. Cunha              Aye

Mr. Gerstein            Aye

Mr. Medeiros            Aye

Mr. Sullivan             Aye

Chairman Poland        Aye

Mr. McGonigle thanked the Board and commended the staff for all their hard work.

At this time, Mr. Fisher was seated and Mr. Gerstein will not be voting for the Curtis Lane Subdivision which is next on the agenda.

B. Curtis Lane Minor Subdivision, Appl. #2000-5

The applicant, Mr. Tobias Freitas, 174 First Street, East Providence was sworn in by City Solicitor Conley.

Attorney Martin Sleprow who represents Mr. Tobias Freitas, Anthony Andreozzi and Theresa Bellamy, gave a brief background of the proposal. Mr. Sleprow said the applicant owns the subject property which is located off Curtis Lane, which has historically consisted of two Assessor's lots with two homes being occupied at one time. On the old Assessor's map, one of the lots is very very small, about 6,000 sq. ft. and the other lot contains the remainder of the land. Mr. Sleprow noted that from the outset, this subdivision plan was intended to create two lots of even size meeting all of the zoning R-2 regulations of the City allowing a house that exists in the back of 17 Curtis Lane to remain and to allow Mr. Freitas to demolish the abandoned structure which is 15 Curtis Lane and to build a new house there. Mr. Sleprow noted that the proposed subdivision could have been an Administrative Subdivision, but became a minor subdivision because these two lots historically have never been on an accepted public street. Mr. Sleprow added that the applicant is asking that the Board grant a waiver from the requirement that these lots have frontage on a city street.

Mr. Slepchow stated there was a problem with utilities in that the previous existing house did have an accepted approved septic (i.e. ISDS) system. At one point, there was an attempt to put through a plan where there would be a sewer connection through Curtis Lane, but to do that would have involved crossing under land that the applicants do not own, which belongs to the Rose family. There was no easement to allow that and initially Mr. Rose had expressed reservations among allowing any sewer line to be built under his property. The applicant solved that problem by getting approval for an ISDS system. Regarding water supply, currently the house at 17 Curtis Lane is served by a line which connects to the City water line in Pawtucket Avenue. The water line from the applicants property to Pawtucket Avenue is served by what is called an easement by prescription, which means it has been there for well over 10 years and no one, including Mr. Rose, has expressed to us any problem with that. He added that water for 15 Curtis Lane will be provided by a well and connection as shown on the plans. Mr. Slepchow reiterated that the applicant's proposal is to convert one very small lot and one large surrounding lot, into two even lots including a buildable lot which will meet all of the East Providence zoning setbacks and minimum lot sizes requirements. Mr. Slepchow noted that most of what the applicant agrees to do is covered in the staff memorandum which acknowledges the proposal of creating the two lots, discusses the utilities, and indicates that there is approval of the ISDS system. Mr. Slepchow stated he has comments from the City Solicitor and has offered proof that there was an easement by prescription, and also prepared an indemnity agreement in favor of the City to hold the City harmless from all the owners if there are any legal claims relative to this easement.

Mr. Slepchow also stated that the applicant is asking for a waiver from Section 8.4(e) of the Subdivision Regulations "Access to a Street". Mr. Slepchow concluded by stating that his client has read the four findings of the staff memoranda and does not have a problem with any of the four conditions of approval issued by the Planning Department staff.

### *Staff Report*

Mr. Zac Gordon went through the staff report and explained the procedure for a minor subdivision. He stated this is a two lot minor subdivision, which but for the complication of the frontage on a private right-of-way, would have been an Administrative Subdivision. There are two stages for a minor subdivision with no street creation, preliminary and final. There was no need for a public notice because there is no public hearing requirement. Notice was sent to the abutters within a 200 foot radius and the Certificate of Completeness (COC) as issued on April 4. The Board will have to make a decision within 65 days of the issuance of the COC.

Mr. Gordon explained that there are two existing lots totaling 44,871 feet, 6,500 sq. ft. for lot 94 and 38,371 feet for lot 93. The adjustment between these parcels will increase lot 94 to a total square footage of 17,661 sq. ft. and decrease lot 93 to 27,210 square feet. The proposal complies with all the subdivision and zoning requirements. For the record he stated there was a zoning variance granted to the owners of lot 93 last year for a variance from dimensional requirements for side yard setback for a garage addition and that was granted on July 25, 1999 by the Zoning Board of Review which is in place at this time.

Mr. Gordon stated that he spoke to Mr. Slepko this afternoon regarding a notation on the plan referring to the waterline servicing lot 73. This note states "*proposed waterline easement for the benefit of lot 93*". Mr. Gordon noted that the easement already exists and it should be modified to state "*existing easement for the benefit of lot 93*", as is not proposed, already in place.

Mr. Gordon continued by noting that an ISDS approval has been granted for lot 94 (to be developed with a new structure on it). With respect to water for that lot, a well is proposed to be located on the westerly portion of lot 94 adjacent to the driveway which comes in and serves existing lot 93. The proposal well will have the minimum distances required by DEM from both the septic system as well as the tank and property line. One issue that the Public Works Department raised is that they, prior to final approval, want to see the well drillers report as well as water quality testing done on that well. The engineer for the applicant has indicated that this information will be provided once the Board grants the preliminary approval.

Mr. Gordon stated that the proposal is consistent with the Comprehensive Plan and 2010 Land use Plan, as stated in the staff memorandum. Regarding the issue of the frontage on a public street, the applicant is asking for a waiver from that requirement. Section 8.4(e) "Access to a Public Street" and the Planning Department is recommending that the waiver be granted by the Board.

#### *Recommendation*

In conclusion, Mr. Gordon stated the subdivision is consistent with the East Providence Comprehensive Plan, it meets the general purposes of Article 1 of the Regulations; and if the required findings of Section 5.4 can be met, the Department of Planning recommends conditional approval of the requested preliminary plan submission subject to the following:

1. that all comments and amendments in the technical staff memoranda from the Planning Department as attached be incorporated in the plans as submitted and any and all conditions of the Planning Board be reflected in the final plan submission;
2. that the applicant provide all technical documentation regarding the proposed well to the Department of Public Works, that final approval for the proposed well be obtained from the RI Department of Health be submitted to the City prior to final subdivision approval;
3. that the Affidavit and Hold Harmless Indemnification Agreement be executed and recorded in the Land Evidence Records with the final submission;
4. that the final plans and supporting documentation be based upon this preliminary plan approval and that final plans meet all City Subdivision Regulations and ordinances and all applicable state and federal regulations be met; and

5. that the notation referring to the "proposed water line" benefiting lot 93 be changed to state the "existing easement" for benefit of lot 93 by way of identification.

The Department of Planning recommends that final plan review be delegated to the Administrative Officer as covered under Section 9-10 of the Land Development and Subdivision Review Regulations contingent upon the preliminary plan being acceptable to the Planning Board.

Mr. Poland asked if the Board had any questions. Mr. Gerstein asked what type of house will be constructed. Mr. Mateus answered a raised cape. He asked what the cost would be to build the home. Mr. Mateus said approximately \$100,000. Mr. Gerstein asked if the applicant had any children and if those children get picked up by a school bus and where they get picked up. Mr. Freitas indicated that his nephew gets picked up at the corner of Pawtucket Avenue.

Mr. Poland asked if they were adding on to the old house because it appears that the plans show such an addition. Mr. Freitas answered that the original plan was to add on because of the cost and condition of the house, but now he feels the smartest thing to do is to knock it down and build new since some of the foundation would not meet the current building code.

Mr. Fisher asked if the driveway leading to the property was currently being maintained by Mr. Andreozzi, the owner of lot 93. Mr. Conley explained that the City engages in what would be characterized as "Minimum maintenance". Minimum maintenance would mean that the City, based on Hold Harmless agreements that have been granted by those landowners residing on Curtis Lane, clears snow and provides trash pickup. Mr. Conley noted that the City has hold harmless agreements from all of the property owners on Curtis lane, which include an acknowledgement that over the course of time, minimum maintenance will not change into any full-time maintenance. Since it is not going to become a City street, the City will not become responsible for it.

Mr. Fisher stated that one of the neighbors informed him today that the road was paved over by Mr. Andreozzi and Mr. Freitas. Mr. Fisher stated these neighbors were very pleased with the good job they did in paving it since it cut down on all the dirt and dust.

There were no other comments by the Board or staff.

#### *First Motion*

On a motion by Mr. Fisher, seconded by Mr. Cunha, the Board voted to incorporate the staff report into the Board's official record.

#### Roll Call Vote

Mr. Cunha                      Aye

Mr. Fisher            Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

*Second Motion - Waiver without access to the street*

On a motion by Mr. Fisher, seconded by Mr. Cunha, the Board approved the requested waiver.

Roll Call Vote

Mr. Cunha            Aye

Mr. Fisher            Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

*Third Motion - Subdivision*

On a motion by Mr. Fisher, seconded by Mr. Cunha, the Board voted to grant conditional approval with the five stipulations listed in the staff report.

Roll Call Vote

Mr. Cunha            Aye

Mr. Fisher            Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

*Fourth Motion - Delegation of final plan approval to Administrative Officer*

On a motion by Mr. Fisher, seconded by Mr. Cunha, the Board voted to delegate Final Plan Approval to the Administrative Officer.

## Roll Call Vote

Mr. Cunha           Aye

Mr. Fisher           Aye

Mr. Medeiros        Aye

Mr. Sullivan         Aye

Chairman Poland    Aye

## **V. CONTINUED BUSINESS**

### A. Staff Report

Ms. Boyle stated she is glad to report we now have the last four months of the Planning Board minutes on a CD ROM. We have been working with a company called ClerkBase which the City Clerk's office also uses. She noted that the CD ROM format is more convenient than spending time going through the Planning Board books. She said if any members would like to research anything within the last six months, please let us know. This also includes the latest correspondence, and we are getting the productions of the plan sets on the CD ROM.

### B. Comprehensive Plan

Ms. Boyle said the update is not moving as quickly as she had hoped. We thought there would be a draft available on the Recreation Plan Element tonight, but it is not quite ready. Hopefully it will be on the June agenda. After the Board reviews it is important that we have a separate general public meeting to get it wrapped up since there has been a lot of interest in recreation matters.

Mr. Poland stated he has been getting a lot of good comments on the City's web page and that a lot of people have been telling him how nice it is. He commended Zac Gordon for the upkeep of it and stated the Superintendent of Schools when advertising for principal jobs has been including the website address to his attachments. He feels it is a big success.

Ms. Boyle stated we have gotten a lot of cooperation from other City Departments especially the City Clerk is very enthusiastic and works with us in getting a lot of the docket material on the web page. Also, Public Works has been very cooperative in getting press releases on it and other items.

### C. Joint Meeting with Zoning Board

Ms. Boyle stated there was a request from the Zoning Officer to the Planning Director which was received by us on April 27 requesting there be a joint meeting with the Zoning Board of Review. The Zoning Board wanted the meeting on tonight's docket, which given the length of some of our public hearings did not seem like a reasonable approach. The other aspect of it was that the Board had discussed this possibility in the February meeting, and had expressed a preference that this be held in a separate workshop format which makes more sense for that time of meeting. She said in correspondence of January of 2000, the Planning Board had sent a letter to the Zoning Board of Review in response to questions that had been asked about zoning and expressed a willingness to meet. However, the Board did want some clarification as to exactly which items of zoning would be discussed and matters of concern.

Ms. Boyle stated that the Planning Department has not yet received clarification from the Zoning Board. She recommended to the Planning Board that prior to setting that meeting up, a specific agenda was needed in order to have a productive meeting. The Planning Board has held other joint meetings with the Zoning Board and they were very helpful and useful, but the participants knew exactly what was to be covered. Also staff will provide background information to the Planning Board so that we can lay something out to the Board in a coherent package.

Ms. Boyle stated we need to discuss a time for the meeting and prior to that we need to get that clarification from the Zoning Board as soon as possible so we can move forward with the planning of this meeting.

Mr. Poland stated he would like to give Ms. Boyle some items to be talked about at that joint meeting also.

Mr. Fisher stated he would like to have it on a separate night since there are other items on the agenda and it would take too long to go through all of it. Mr. Poland agreed with Ms. Boyle in that the Board needs some input on what will be discussed. Ms. Boyle stated she would send a letter to the Zoning Board from Chairman Poland requesting some specific agenda items for inclusion on an agenda for a separate meeting.

Ms. Boyle stated there are other areas that we are currently looking at as part of the Comprehensive Plan update. Some of that may be folded into some of these other items that the Zoning Board is looking at.

Ms. Boyle stated the meeting will be coordinated once the Zoning Board sends us back their issues of concern. Mr. Poland stated he would like Mr. Conley to attend the meeting also.

Mr. Fisher stated that in recent conversations with members of the community, there was a concern about public access regarding the walkway around the Turner Reservoir and people being denied access where there is suppose to be a public right-of-way. He stated there have been some issues with that down on the Terrace down to the waterfront as well where property owners are denying people access. He asked what could be done about it

and could there be signs put up? He said there was some graffiti done in his neighborhood in the Bridgham Shire development on the sidewalks telling people to go away. Mr. Fisher stated in his conversations with Recycling Coordinator Steve Mutter how the department of Public works, in cooperation with MotoRing, put up a slit rail fence behind the Bridghamshire development next to the Turner Reservoir. After talking with the residents up there they made sure they left a four-foot wide access to get a canoe through. Mr. Fisher was informed by Mr. Mutter that someone up there took down a 30 foot section and put end posts on and discarded the pieces of split rail that Steve Mutter's crew put up. Mr. Fisher said he made it perfectly clear during the subdivision hearings that the area was to be allowed to go back to its original state, in that it was not to be fertilized, not to be mowed etc. He said the City should send the resident the bill or legal notice for destruction of public property.

Mr. Conley stated if someone takes a fence down, it is considered malicious damage and the City will charge them. Mr. Conley stated that on the Seekonk side of the Turner Reservoir we have sued two of the land owners. After suit one reached an agreement with us, they have essentially stopped encroaching and allowed us to remove the encroachments. The second suit, the City is in a Boston court with them on a motion for judgment against the landowner. On three other landowners on the Seekonk side the City has served notice upon them and prior to instituting suit have had those encroachments corrected. Mr. Conley said we would do no less on the East Providence side and would follow up on it. Mr. Fisher asked Ms. Boyle if we could put up signs. She said the City has not done that along the Terrace. Mr. Fisher said if we are going to address it in the Turner Reservoir area, then we should address it on the Terrace at the same time. She said we did not include anything within the subdivision itself requiring signage, but it certainly would be in the City's interest to do that immediately.

Mr. Fisher stated he discussed this with Mr. Conley before and there was a perceived right-of-way which originally was supposed to be a road that came through Caitlin Avenue and Don Avenue, but Mr. Conley has yet to locate them on the map. Mr. Fisher said it has created some hostility in his neighborhood. Mr. Conley stated that is a different issue, but Mr. Fisher said there is a situation right there on the bordering property where the City made an improvement of three steps through what was going to be a three foot wide path and when he was a child he used to go through that many years ago. He stated with the situation on the Turner Reservoir, we would be remiss not to address the issue. Ms. Boyle asked Mr. Conley if it is within the Board's purview to request that the right of way be properly signed. It was answered yes. Mr. Poland stated it was designated and deeded and more than just an easement.

Mr. Fisher makes a motion, seconded by Mr. Sullivan, the Board voted to send a memorandum to the Public Works Director by the Administrative Officer asking her to designate these rights-of-way with the appropriate signs being put up and make it applicable not only to what is around the Turner Reservoir, but also throughout the City.

Mr. Moran stated that in the 1992 Harbor Plan we had discussed some of the rights-of-way that have the better ability to provide access and the plan identified ones that were

certainly conducive to getting people to the waterfront. He said they could look at the Plan if they wanted to. Ms. Boyle stated there have been a couple that have been improved on the Terrace by the Department of Public Works and they went through the CRMC approval process. Mr. Conley stated there may be another in the works.

## **VI. COMMUNICATIONS**

On a motion by Mr. Medeiros, seconded by Mr. Fisher the Board unanimously voted to approve the following correspondence:

A. Memo dated April 23, 2000 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on April 26, 2000,

B. Memo from Zoning Officer to Director of Planning dated April 25, 2000 requesting joint meeting with the Zoning Board of Review regarding Zoning Ordinance.

## **VII. ANNOUNCEMENTS**

A. The next meeting will be Tuesday evening, **June 13, 7:30 p.m., Room 306.**

## **VIII. ADJOURNMENT**

The meeting adjourned at 8:55 p.m.