

October 10, 2000 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF OCTOBER 10, 2000

512th Meeting

Present were: Messers. Poland, Gerstein, Fisher, Jeanne Boyle (staff), Zac Gordon (staff), William Conley, City Solicitor, and Tim Chapman, Asst. City Solicitor

I. SEATING OF ALTERNATE MEMBER

II. APPROVAL OF PLANNING BOARD MINUTES

A. Minutes of August 8, 2000

Ms. Boyle noted that these minutes would be forthcoming.

B. Minutes of September 12, 2000

Ms. Boyle noted that these minutes would be forthcoming.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

IV. NEW BUSINESS

A. Public Hearing - Draft Recreation Plan

Mr. Gordon gave the staff presentation of the draft "Recreation, Conservation and Open Space Plan (RCOS) " to the Board. He noted that this Plan is also on the City's website.

Mr. Gordon explained that State regulations require that each municipality submit an RCOS plan. Mr. Gordon also noted that the plan is needed in order for the City to apply for Federal or state grants and loans and that the plan will serve as the basis for the update of the RCOS chapter of the City's "Comprehensive Plan". Mr. Gordon explained that the RCOS Plan is broken down into nine (9) sections and represents a comprehensive

treatment of recreation, conservation and open space issues in the City of East Providence. These sections are as follows:

Introduction

Context for Planning

RCOS Inventory & Assessment

Recreation Programs

Parks Division & Maintenance

Needs Analysis

Policies & Strategies

Action Program

Appendix

The Introduction covers the scope and objectives of the plan, which is followed by the Context for Planning, which provides a brief overview of the City's history, topography and general characteristics. The Inventory and Assessment section provides a detailed analysis of all the recreation, conservation and open space resources found in the City. Included in this assessment are all the park and open space facilities within East Providence. The Recreation Program section overviews all the programs offered by the City, as well as those provided by private recreation facilities. The Parks Division and Maintenance section gives a perspective on how the City actually maintains its recreation and open space facilities. Within the section entitled Needs Analysis, the City's RCOS needs are assessed and identified. Mr. Gordon explained that in conducting its analysis, the City uses the standards set forth by the National Recreation and Park Association, which gives standards for the number of acres of recreation space needed per capita. He noted that the City does meet the standards set forth by the NRPA, with the only exceptions being nine (9) areas that are located more than one-half mile from a recreation facility. Mr. Gordon identified these areas, which are noted on Figure 6-1. Mr. Gordon added that any residential development within these areas should require the associated development of recreational facilities to serve the population. The Policies and Strategies section sets forth the goals and objectives for RCOS planning in the City of East Providence. The section entitled Action Program contains the proposed RCOS capital improvement projects for the six-year period from 2000-2006. The list of projects includes a description of each project, its cost and projected funding sources. Finally, the Appendix includes a survey of City residents, which contains responses to what they believe the City's recreation needs are. Mr. Gordon summarized by noting that the City of East Providence does currently meet the minimum requirements for recreation facilities, but that there are several areas where facilities will be required, if new development

occurs. Mr. Gordon mentioned the Leonardo Subdivision as one area which would require such new facilities to meet the recreation needs of both current and future residents. With respect to the need for additional recreational facilities, Mr. Gordon stated that there were three (3) major areas of focus in the plan. The first was the need for more soccer fields. Mr. Gordon noted that there had been a great deal of growth in youth, as well as adult, soccer league participation and the demand for new fields continues to grow. The plan does note that several fields have either been developed or rehabilitated over the past few years, including ones behind Martin Junior High School (Rosegarden) and at the Silver Spring playground site. A second major focus of the plan is the need for a "Multi-purpose Indoor Recreation Center". Mr. Gordon explained that the City has hired a consultant, Edwards & Kelsey, to prepare an analysis of the City's need for such a facility. The consultant is currently assessing the City's needs and will be putting together recommendations on the size and location, as well as the programs to be offered by this facility.

Mr. Gordon noted that as part of its assessment, the consultant has prepared and sent out a public opinion survey to determine the public's opinion on the need for a recreation center and the type of facility which is desired. The third major "needs" focus of the plan is the redevelopment of the former Forbes Street Landfill site. Mr. Gordon explained that this site is an area of 225 acres which was previously used, in part, as a municipal landfill and now is an area for yard waste and the composting of other organic materials. The City has hired the consulting engineering firm of Vanesse, Hangen, Brustlin (VHB) to investigate the potential reuse of this site for recreational purposes. The study has commenced and will be completed sometime in the spring of 2001.

With regard to the goals of the RCOS plan, Mr. Gordon stated that they had not changed significantly since the plan was last updated in 1992.

Action Program

Mr. Gordon stated that for the years 2000-2006 there is a total of \$8,150,000 of proposed recreation programs and/or facilities for redevelopment of sites to which the City will share half and other funding accounting for the other half. With the aid of photographs he showed the Board each proposed project for the first year (2000-2001) the Crescent Beach Park Master Plan which includes Bayside Park across the street from the Carousel. He said the City has acquired six acres from several sources and additional lands which will serve for expansion of the Crescent Beach at Bayside Park and still need a master plan and study to determine exactly how it will be used. This area will include passive recreation uses such as walking trails, picnic areas, a parking area, and a concession area/information booth which will cost a total of \$30,000. He stated that next study is the Multi-Purpose Recreation Planning Study that will cost \$25,000.

Another project is the rehabilitation of the Silver Spring Playground. Mr. Gordon explained that the rehab of this area is projected to cost \$140,000 and will include the construction of two new basketball courts to replace existing courts, pedestrian system,

redesign play equipment, recycled benches, softball field rehabilitation, signage and shade trees.

A master plan for the Grassy Plains Playground is also proposed for Years 1 of the Six-Year Plan. This Master Plan will detail what the City what is needed and what is desirable and in the best interest of the people of the City for this site. The plan will cost \$25,000.

A master plan for Squantum Woods is also included in the first year of the Capital Improvement Plan.

This master plan will cost \$25,000 and will focus on what this form of passive recreation should take.

A total of \$40,000 is recommended for renovation of that soccer field area and construction of a parking area at the Senior Center site. This is 50 percent to be funded by other funding sources.

Mr. Gordon said we would conclude Year 1 projects with the Forbes Street Landfill Feasibility Study in the amount of \$120,000. This study will include what should be done with this facility and look at possible recreation uses for the site, including a golf course, or possibly a site for recreational facilities or passive recreation.

In summary, Mr. Gordon stated it is necessary to apply for federal and state funds for renovation of different facilities and that the Plan identifies needs, sets goals, and there is an implementation schedule. He noted that City staff seeks citizen input on the plan and would welcome any suggestions or recommendations.

Mr. Poland asked that the draft Recreation Plan be part of the Board's official record.

Motion

On a motion by Mr. Fisher, seconded by Mr. Gerstein the Board voted to make this draft Recreation Plan part of the Board's official record.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

A copy of the powerpoint presentation was also given to the stenographer to be part of the Board's official records.

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board voted to make the powerpoint presentation of the draft Recreation, Conservation and Open Space Plan part of the Board's official record.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

Ms. Boyle stated we have excerpts of the Plan available for the general public and stated that if anyone from the public wants to receive a copy of the full plan, staff will send it to them. She said that in that full Plan, what Mr. Gordon has presented is the schedule for this year. There are a number of out years, but a number of other recreation needs are also proposed to be addressed in those out years. She stated it does take a while since there is the design stage and the implementation stage. Sometimes there can be a lag of one to two years or sometimes even more between the planning portion of it and the implementation of it.

Mr. Poland stated that since this is a public hearing anyone who wishes to speak will be sworn in by the City Solicitor.

Ms. Boyle stated that there are comment sheets in the back of the room if anyone wishes to write down their comments. She noted any comments would be incorporated or you can e-mail us at City Hall.

Mr. Conley swore in everyone who wished to speak.

Ms. Shirley Winter, 19 Griffith Drive, President of the Riverside Youth Football Association, and a member of the East Providence Youth Sports Alliance asked if this was is a six-year project and asked about the DelleFemine Playground. She said the field has been in deplorable condition and realizes the City has done some renovations. She said six children have been hurt on that field falling into some of the holes which resulted in broken arms, sprained ankles and a slight concussion and that the field really needs to be fixed. She noted the Plan talks about the basketball courts being renovated, but it does not say anything about the football fields.

Ms. Boyle responded that the Public Works Department did submit a request in this year's Capital Improvement Program for work to be done at the football field itself. In the justification by the Public Works Department submitted they noted that the field had become convex and they asked for requested funds through the City Council for this year. She stated that item was not funded though. She stated that if it continues to be a problem, then this is what we need to hear by listing your comments on the sheet.

Ms. Winter stated that she works closely with the AYSO and noted the East Providence Youth Sports Alliance is for all the children of East Providence and not just Riverside. She stated she is speaking on behalf of the Riverside Youth Football about her concerns. Ms. Richard said there is a lot of feasibility in the Riverside fields and that the School Department owns a lot of the field around the school. She stated that the City and the School Department should work together. Also she said a lot of the schools in other areas let the youth groups utilize their fields and they have made fields abutting their land. She would like to see East Providence do this also. There have been numerous complaints from football organizations that they cannot park their cars near DelleFemine Field because of their cars being ransacked. Ms. Richard suggested that the City work with the School Department to open up the property next to the Middle School to increase field usage.

Ms. Richard also questioned why the Parks Department is not under the Recreation Department since the Recreation Department gives out the permits for the fields. She stated she does not think the Parks Department is doing enough on the fields since they are busy doing other jobs around the City. Ms. Richard commented that staff has a great proposal with this Plan and it is a good idea of reuse of the landfill, but she and other people feel this plan will not go ahead.

Mr. Gordon asked Ms. Richard if she planned on submitting something in writing? She answered she has written to the City Councilmen and said she would forward her written comments to Planning Director Jeanne Boyle so that they can be included in the Plan.

Maryann Matthews, 51 Outlook Avenue, East Providence stated the sports equipment for small children at Martin Junior High School is much more decrepit than that for the older children and needs to be replaced.

Marilyn McDonald, 90 Grassy Plain Road, Riverside said she is involved with AYSO soccer and with the East Providence Youth Sports Alliance. She asked if the City would be receiving the money for the Grassy Plain area very soon? Ms. Boyle stated that at this time it is not budgeted, but that staff is recommending that it be budgeted. Ms. McDonald asked if the \$40,000 to renovate the Senior Center is in the budget? Ms. Boyle stated no, that this is all part of the next fiscal year which begins November 2001. Ms. Boyle explained that the City's current fiscal year begins November 1, 2000 and that the City Council just approved the budget for this year. Ms. Boyle stated there are other possible funding sources available which may permit work on this project to begin. There should be State bond funds available prior to that time. There are also some funds available through the Community Development Block Grant (CDBG) program funds.

Mr. Poland asked if there were some soccer fields that the City would be building this year through CDBG funds. Ms. Boyle answered that there were not. Fields that are to be rebuilt include the fields at Kent Heights Field and the fields behind Martin Junior High, but that is City bond issue money. Ms. Boyle explained to Ms. McDonald that any state money requires a 50/50 match, 50 percent State and 50 percent City funds and that CDBG funds are 100 percent without a required match. Ms. Boyle stated the City was

able to use those funds for soccer fields at Kent Heights because they were located within the CDBG eligible area.

Ms. McDonald asked that the new soccer field at Martin Junior High School not be used too soon because the fields could be wet and they would be wrecked if used when wet. She asked that they wait to next fall. Ms. Boyle answered that the policy is that no one is to use that field until next year. She said the City has asked all the members of the soccer leagues to be sure that they do not use them.

Ms. Shirley Winter asked if Kent Heights is going forward? The City Engineer, Mr. Coutu stated the City is currently getting the plans and specs together and will go out to bid in the spring, and that field will have grading and an irrigation system.

Ms. Winter stated that her two concerns are that we need to get a study done on Grassy Plains in Riverside to have a place for soccer fields there. Her second concern is the rehabilitation of DelleFemine Field and asked if that the renovations to the field could be moved up and not have to wait for the next fiscal year. She said she will write a letter to the Director of Planning so that her comments can be incorporated in the Plan. She asked about turf management. Mr. Poland stated he thought the Parks Superintendent was going to school for this type of management.

Ms. Winter stated she does not understand why the fields in East Providence cannot look like Pierce Field. Mr. Poland explained that Pierce Field does not get the abuse that the other fields do. It is also noted that a full-time maintenance staff maintains Pierce Field.

Ms. Boyle stated staff is going to take into account the public comment and try to incorporate some of the changes into the Plan. We are also open to other comments from people who are not at the meeting tonight. She noted staff has already incorporated comments of the Planning Board and the comments from other City Departments, and noted that the final Plan will be submitted to the City Council for their ultimate approval.

Ms. Winter asked Ms. Boyle if she really thought it was feasible to have something done at the Forbes Street Landfill. Ms. Boyle responded that we wouldn't be hiring a consultant if we did not think so. There are a lot of questions that need to be answered such as if it is big enough for a golf course, is there too much settlement for things like soccer fields and football fields etc. The purpose of the engineering and landscape and environmental study would be to get an answer to those questions. She noted there will be public participation and staff will convey any comments that we receive today to the consultants who are working on that feasibility study.

Ms. Boyle stated that the proposed six-year plan may not be a solution to all our recreation needs, but it will accommodate some of them and we can put the Forbes Street site to a better use than what it is right now. She said the time frame on this is very similar as to what is being done by the consultants, Edwards and Kelsey which is about a six month timeframe.

Ms. Winter asked what requirements would need to be met in order for a project to be eligible for a Community Development Block Grant? Ms. Boyle explained it has to be within a Community Development Block Grant area in the City. There are areas in the City that are designated by the Department of Housing and Urban Development which is the Federal funding agency and the criteria must be met. They have to meet income eligibility. Some of the areas are surprising to people such as the Kent Heights area. Because of the way the Census Tracts lines are drawn, it is an eligible area. When they look at the population figures there, they find that 51 percent of the people to benefit from the project meet the low and moderate income criteria. Ms. Boyle explained the City can also use the money for specific programs where they can demonstrate that 51 percent of the participants in the programs once again meet that 51 percent criteria. The money can also be used for planning studies, but there are a number of conditions associated with that. The purpose of the money is to benefit low and moderate income people. She noted that on Griffith Drive that is not an eligible area. CDBG funds were used for the Providence Avenue Playground. Ms. Boyle noted that the City has used CDBG funds to do the rehabilitation at Sabin Point Park, Central Avenue, Agawam, Kent Heights fields, and that these funds can be used which the City has done.

Ms. Winter asked about the Leonardo Farm. Ms. Boyle noted that we have the City divided into planning districts and that based on national standards the Leonardo area is one of those areas that is not adequately served with recreation facilities as there are no such facilities located within walking distance of this area. Ms. Boyle stated that in this location, the City will be looking for the developer to set aside space for recreation.

It was asked how much the study would cost for Grassy Plains? Ms. Boyle stated the cost would be \$25,000, with a \$500,000 construction budget.

Chairman Poland asked the Board if they had any comments.

In regard to more soccer fields, Mr. Gerstein said that nothing belongs in a school budget, but a child's education. That should be number 1. He commended the City Departments and City Manager on what a good job they do for the budget they have. He stated he goes out to the playfields and sees the City staff cleaning them up and then the next day they are in a shambles again.

There were no other comments by the Board.

Mr. Poland asked the Board for their unanimously consent to move Item I under Continued Business up to be heard next.

On a motion by Mr. Gerstein, seconded by Mr. Fisher, the Board unanimously voted to move Item I under Continued Business regarding the Bridgham Farm Bond Release up one on the Agenda.

For the record it was noted that Assistant City Solicitor Tim Chapman would be present for this part of the meeting.

B. Bridgham Farm Bond Release

Ms. Boyle stated this item was discussed at the August 8, 2000 Planning Board meeting in which the Board considered the request of Christopher Morra for final release of the remaining \$60,000 Performance Guarantee at the Bridgham Farm Subdivision. She said at the time the Board approved a partial release of funds and held \$15,000 to cover several outstanding items. There was at that time, some discussion about required clarification on the issues of street trees and some other items and clarification has been submitted since that time. She went through the staff memorandum and stated there was an issue on street trees. The plant schedule showed 56 trees and on the actual sketch it showed 46 so there was some confusion as to how many street trees were actually required. The Parks Superintendent, at the request of the Board, has prepared a sketch describing the number, type and location of the trees and has confirmed that the number should be 46 required rather than the 56 shown on the schedule. The 46 trees is the number that we are going with. A copy of the recommendation by the Department of Public Works (DPW) was sent to Mr. Morra and Mr. Morra pointed out that one of the islands has been subsequently shortened making it impossible for him to plant a tree at that location as was originally called for. Mr. Morra has agreed to plant eight trees which will bring it to 45 trees.

Ms. Boyle stated there was also an issue on driveway aprons. The Board had asked for clarification as to whether the developer was responsible to provide those aprons as they were shown on the plan and what had been required on other subdivisions. The Board received a memorandum from Mr. Coutu confirming that in the other subdivisions the developer has taken responsibility for construction of those aprons. Also the Assistant City Solicitor, Mr. Chapman, provided a memorandum confirming that the developer is responsible for the public improvements depicted on the approved subdivision plans. The aprons have not been constructed as of this date, however, based on my discussion with Mr. Morra, it became clear that the majority of the subdivisions where those aprons have been placed were constructed of asphalt. I discussed this with Mr. Morra and the Department of Public Works and we have no objection to those being constructed in asphalt at this time rather than the concrete shown on those plans. In the future there are covenants that are associated with the subdivision and the property owners may choose to construct them in concrete.

Ms. Boyle said there is also some questions of the 18 required survey boundaries. Mr. Coutu had been unable to locate all of them. Mr. Morra has located 15 of those 18 granite bounds and those will be located in the field by Mr. Morra for Mr. Coutu. Ms. Boyle also said as-built drawings were submitted to the Planning Department, which have been reviewed by the Engineer Division and there are some deficiencies in those plans. Mr. Morra will have his surveyor make the necessary corrections.

Ms. Boyle stated there is also the issue on final cleanup and the sidewalk areas. Mr. Morra has pointed out that those sidewalk areas are associated with lots that have been

sold to private property owners now and it is outside of his authority to even clean those up. She noted that staff does not insist on this being incorporated under those circumstances. In summary, Ms. Boyle stated that staff is recommending approval of the final release of the entire \$15,000 to Mr. Morra with the following conditions:

1. that the eight street trees be planted per the recommendation of the City Engineer;
2. that six asphalt, rather than concrete, driveway aprons to be installed;
3. that the City Engineer be shown all eighteen granite bounds;
4. that the as-built drawings be corrected per the requirements of the City Engineer.

Ms. Boyle said staff is recommending to the Board that they vote to approve the final release of the remaining \$15,000 and provided all the above conditions are met, I would in the capacity of Administrative Officer direct the Finance Director to release the remaining funds to Mr. Morra or inform the bond company that those bonds may be released.

Chairman Poland asked Mr. Morra if he concurs with Ms. Boyle's report. Mr. Morra stated yes, and that at the Francis home they will be putting in concrete and stone in that apron. He said on the lot corner next door to them they will be taking out a building permit and putting in that lot as well. He said he does not see the need to put an apron in there if it ultimately has to be removed and replaced with concrete as required in the covenants. He said when we proposed them in our plan, we never meant for the developers to install them, but that the homeowner would install them once they put their concrete driveway in. He said the asphalt is reasonable to him and he does not mind doing the other four lots. Ms. Boyle asked when the two other aprons are going to be constructed? Mr. Morra answered that at the Francis home they are trying to get someone to do it, but it is a small job and they haven't had much luck in putting in nine cobblestones in there. Regarding the other lot, Mr. Morra stated the owners have taken out a building permit and will be starting construction soon, but he felt they should not have to put the apron in yet. We are just going to put a concrete apron in accordance with our covenants. He said we do not want asphalt driveways in those driveways because of a certain look we want to achieve.

Mr. Poland asked Mr. Morra to contact the property owners and get a commitment that they will do it in a certain amount of time. Ms. Boyle stated it might make sense to give the Francis two weeks to complete their driveway in concrete, otherwise the asphalt is going to go into that property.

Mr. Morra said the reason the Parks Superintendent got involved with this project was that Public Works was concerned about maintaining the existing older trees in the subdivision so they wanted me to remove all the trees within the 50 foot right-of-way. He said he saw this as a negative impact on the project so I agreed to let the Parks Superintendent decide which trees would be removed and which ones could stay. He said

he let the Parks Superintendent choose the trees that he would like to see in the subdivision. Unfortunately the Zelcove trees that he had wanted are fall hazards which means they can only be planted in the spring and that is why we do not have a high success rate with these particular trees. Mr. Morra said his concern is that he wants to make sure the City is responsible for the trees if they should die. Mr. Coutu stated the City would replace these trees if they should die. Also Mr. Morra asked Mr. Coutu when the street sign on Bridgham Court would be installed? Mr. Coutu stated he would look into it. Mr. Morra stated a sign was knocked down at the south entrance of Morra Way and he said the normal street light needs to be replaced because people making the turn are hitting the curb line at the intersection there.

On a motion by Mr. Fisher, seconded by Mr. Gertsein, the Board voted on the approval of the final release of the bond provided the following conditions are met and to the satisfaction of the Administration Officer, with exception to Item #2 on the asphalt aprons; the four aprons vs. six aprons so that Mr. Morra has an opportunity to get a commitment from the property owners. If there is not sufficient commitment, that we have the option to exercise the additional apron or two. This we will leave open to be established at a later date. Also as an addendum to this motion, Mr. Morra agreed that he would post \$2,000 cash in lieu of planting the trees himself. This money will be released to Mr. Morra provided the trees are satisfactory planted in the spring of 2001.

Mr. Morra said the issue with planting the trees is that they cannot be installed until the spring because of their fall hazards and asks if the Board could reduce the bond from \$15,000 to \$5,000 to cover the trees, aprons, and as-builts.

Ms. Boyle stated staff could recommend that the Board do a complete release of the bond and have Mr. Morra post a cash guarantee just for the amount attributed to those eight trees. It was calculated at \$2,000.00 for the replacement. Mr. Coutu stated that when Mr. Morra replaces those trees the nursery will warranty the trees. Mr. Morra suggested he pay the City \$2,000.00 to install the trees that way the City is responsible for those trees. Mr. Coutu stated he would look into that also, but that he just wants to make sure that the City gets those eight trees.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

At this time, Mr. Conley replaces Mr. Chapman

B. Application #2000-15 Blanding and James Street Minor Subdivison

Mr. Gordon went through the staff recommendation. He explained this is a minor two-lot subdivision on existing street frontage. He noted this is not a public hearing, but a public informational meeting. Notice has been sent to the abutting property owners.

Mr. Gordon explained that this particular parcel currently measures about 12,500 square feet. The proposal is to create two lots, parcel 1 - 6,499; parcel 2 - 6,000 square feet; both having the required frontage, lot depth and lot area. In this case he stated the R-6 zone is 50 feet width; 100 feet of depth, and 5,000 feet of area. There is a proposed house to be placed on parcel 2 and that will meet the setbacks required for this zone. He stated a Certificate of Completeness has been issued for this application, and that planning has received comments from other Departments which have centered on the issue of sidewalks and curbing. Mr. Gordon said the applicant is requesting waivers from both of those requirements. The plan itself is consistent with the Comprehensive Plan which calls for medium density residential in this area and allows up to 15 units per acre. This area of R-6 does permit up to two family by right and then three family if there is sufficient lot area. In this case only a maximum two family residence would be permitted. The proposed subdivision conforms with the Zoning ordinance, and the environmental impact will be insignificant since there will not be any problem with the placement of a structure on the lot to be created.

Mr. Gordon added that the subdivision will continue to have access to an improved public street and there will be sufficient pedestrian and vehicular access. Water runoff will not be an issue since these are essentially flat parcels and there is no problem with topography on either site. There should be no problem with erosion.

Mr. Gordon stated that staff is recommending denial of both requested waivers (i.e. sidewalk and curbing). There is a map attached which depicts the existing sidewalk layout in the neighborhood. There are sidewalks which lead to and from these lots. Mr. Gordon noted that across the street from this particular lot there was a home constructed for which granite curbing was installed he added that it is the City's desire to eventually see that this curbing is connected to the existing system and not just left as an island. Staff also recommends that preliminary and final approval be combined and that final approval be delegated to the Administrative Officer. He told the Board staff recommends approval subject to the three conditions:

1. That the Title Block must be revised to indicate final plan;
2. That the final plan be based upon the preliminary plan and incorporate any changes at this preliminary stage, and meet the requirements of the Land Development and Subdivision Regulations; and
3. That the development of parcel 2 be limited to a single family dwelling due to the lack of available parking for a two family dwelling.

Chairman Poland stated he sees no reason to delegate this to the Administrative Officer if they are going to vote on both of them.

Ms. Boyle stated if the applicant is asking for both approvals tonight, then the Board would be looking for delegation to the Administrative Officer.

Public Comments

Ms. Eileen Cooney, Attorney for the petitioner, Mr. Silveira who was not present, introduced Mr. Barosso, the present owner of the property. She said she would answer any questions.

Mr. Poland asked if the Board had any questions.

Mr. Fisher asked about the single family home. Attorney Cooney stated that it is here understanding that the plans submitted tonight are for a single family home.

Mr. Poland stated that he agrees that curbing and sidewalks should be installed since most of the area is curbed and has sidewalks. He stated that after receiving the plan he took a ride over to the subdivision and noticed that a lot of children were walking in that area and that it is a busy street. Mr. Poland stated that because of these conditions, he feels this area should have curbing and sidewalks. If this was a different area, Mr. Poland stated he may have voted against curbing and sidewalks, but noted he would vote against the waiver.

First Motion - Sidewalk Waiver

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board votes to deny the waiver for the sidewalk.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

Waiver denied 3-0

Second Motion - Curbing Waiver

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board voted to deny the waiver for the curbing.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

Waiver denied 3-0

Third Motion - Subdivision for Preliminary and Final Approval

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board voted to approve the preliminary and final combined subject to the three conditions below:

1. That the title block be revised to indicate Final Plan status;
2. 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 Regulations; and
3. That development of Parcel 2 be limited to a single-family dwelling, due to the lack of available parking for a two-family dwelling.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

Conditional Preliminary and Final Plan approval granted 3-0.

C. Oakdale Estates Minor Subdivision Final Release of Performance Bond

On a motion by Mr. Fisher, seconded by Mr. Gerstein the Board voted to approve the final release of the Performance Bond for the Oakdale Estates Minor Subdivision.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

D. Request for Extension of Master Plan Approval for Igus Bearings

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board voted to approve the one year extension of the Igus Bearings project.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

E. Proposed Zoning Ordinance Revisions

Mr. Poland complimented Ms. Boyle for all the work she did on these revisions and the timely fashion that it was done. Ms. Boyle commended Ms. Diane Feather, who Ms. Boyle said was on vacation this week was the author of all these changes. She said Diane has spent countless hours not only reviewing the City's Zoning Ordinance, but also ordinances from other locations as well as researching extensively on the Internet.

Ms. Boyle stated a number of revisions were before the Board a year ago and we will continue to come before the Board with other revisions.

Ms. Boyle stated that with the Board's recommendation, staff will refer these recommendations to the City Council at their meeting of October 23, 2000. She stated there will be some discussion on changes that will be made because of the Waterfront Vision Plan which was presented to the Council and will be presented to the Planning Board. Although the changes that are being proposed are not specifically geared to the waterfront, many of them, particularly changes to the Use Schedule are in anticipation to changes in the Waterfront Zoning District, but this is just the beginning. There will be much more extensive revisions as we do the waterfront project.

Ms. Boyle stated the City has been approached by developers who were interested in siting uses on our waterfront that we found very much objectionable. They are uses that are prohibited now, but staff wants to make it clear without any doubt whatsoever that these are not the types of uses that are beneficial to the City they are not welcome here and in fact they are known to hinder economic development activities.

We had to be very careful that we did not hurt any of the existing businesses and uses. The uses that we are listing as prohibited uses are uses that are prohibited now. She stated

we went to great lengths not to create a situation where an existing business is placed in the situation of being a non-conforming use. There are a number of uses that will fall within this Prohibited Use Definition. They are presently non-conforming uses so by being more explicit in the ordinance, we are not affecting their liability whatsoever. Their status does not change. Ms. Boyle stated they had hoped to have before the Board some changes to the Telecommunications Ordinance, particularly in regard to making a distinction between antennas and towers. Unfortunately we could not package it all in here, but it will be before the Board by the next meeting with some changes.

Ms. Boyle explained the strike-throughs are items that we are deleting and the shading is items we are including.

At this time she went through the summary memorandum.

In Section 19-1 there were a number of changes. Only the existing definitions are going to stay that way unless it is noted otherwise. Under *Heavy Manufacturing* we added a new definition, making it more in keeping with the Use Schedule. Under the Industrial or Manufacturing related office we deleted this definition. It used to be that you could only allow an office in an Industrial district if it had a certain size distinction. Staff would like to see a loosening of those regulations regarding placement of offices within an all industrial zones. We also came up with a new definition of *Limited Manufacturing*. We felt the existing definition was outdated in some respects and that the new definition is more accurate and takes into consideration more current uses. Ms. Boyle said we have also modified the definition of motel. It use to be limited to single story, now it can be whatever height is appropriate for that district and we have deleted the definition of motor inn because we felt that that was redundant with the definition of hotel.

Ms. Boyle further explained we have changed the definition of *solid waste* and changed the definition of *solid waste management facility*. She stated there is a new section called Prohibited Uses. We are very specific about prohibited uses. There will be uses that we have not anticipated and we are not making any currently permitted uses prohibited with the exception of hazardous waste facilities. We did do extensive research into these land uses and what their possible impacts were abutting land uses. We have changed the format of the Schedule of Use Regulations because of the difficulty of reading it under the old format where there were dots and dashes and blank spaces. The new format is clearer and simpler to understand which is Y for Yes and No for Prohibited Use, and S for Special Use Permit.

Ms. Boyle stated there is existing language in Section 19-4 which states: "that any use not specifically listed or otherwise permitted in a district hereinafter established by this chapter shall be deemed prohibited." She said we are not only keeping it in Section 19-4, but also adding it to Section 19-98 just to make it very clear that although we have specific prohibited uses that is not the universe of prohibited uses. It continues to be the policy that a use is not listed specifically in the Zoning Regulation, it is deemed a prohibited use. She stated the other changes to the 19-98 Schedule of Uses eliminated the motor inn category because it is redundant and have added child day care centers as a use

permitted by special permit. Also included is a category called *Communication Services and Broadcasting Offices* and this will be allowed in both the I-1 District and by Special Use Permit in the Business Technology Zone. Another category, which was added, is *Public Utilities* not otherwise mentioned and those will also be allowed by Special Permit in Commercial and Industrial Districts.

Ms. Boyle explained the category of *Limited Manufacturing Activity* and made it consistent with the new definition. She said another category eliminated the language that said "other manufacturing, storing, processing, fabricating, packaging or assembling activities" and replaced it with the definition of *Heavy Manufacturing* category which we find is more indicative of what we mean by heavy manufacturing. She said the only use that was once permitted that is now prohibited is the *Hazardous Waste Management Facilities*, and we also modified the *Industrial and Manufacturing Related Office* category and allowed it to be a permitted use in an I-2 and I-3 zones. It was already permitted in the B-T zone.

Mr. Boyle noted that staff will continue to look at this on an on-going basis at this Use Schedule as new uses and changes in land use present themselves.

Under the *Open Storage* category, Ms. Boyle stated staff has tried to make explicit what we always believed to be very much implied by both the application and by the Ordinance as it existed. When someone submits a request for an open storage special permit, they must specify exactly what type of an amount, commodity, equipment, supplies etc. are going to be stored. They have to specify exactly how it is going to be covered or treated to prevent erosion, specify exactly where on the site it is going to be taking place, and also specify how it is going to be screened from abutting land uses. In addition to that Ms. Boyle said we have asked that they submit a fire plan which will be subject to the review and approval of the Fire Chief. The Fire Chief has to be assured that they have safe passage within the facility.

Ms. Boyle stated the *Hazardous Waste Management Facilities* is going to be made a prohibited use. It used to be a permitted use with very stringent minimum dimension requirements. The lot area had to be 160,000 s.ft., the sizes of the lots and coverages were very limited and most significantly, it could not be sited within 500 feet or 1500 feet of residential areas or places frequented by the general public. It could also not be sited within any of the environmentally sensitive locations such as Central Pond or flood hazard areas. Essentially, there was no place in the City where you could put it and still meet those regulations. However, these are not the types of uses that we want in the City.

Ms. Boyle stated that regarding Off Street Parking Regulations the Board received a presentation from Diane Feather several months ago talking about some of her research in this. Ms. Feather has done a lot of observation of existing parking lots in the City as well as document searches of national and local regulations. The main item that we have looked at is not only how many parking spaces should be provided, but also how should they be designed and where should they be located. Ms. Boyle stated that staff did do on-site parking surveys for different land uses residential, retail, office, and industrial and

has done extensive research on the regulations in other communities. What we found was a big differential between the scale of the use. For the larger facilities, to a certain extent, we find that our regulations tend to be too stringent and for smaller facilities they seem to be more on the mark. For residential parking we compared ourselves with other RI communities and found that we were probably too lenient. The Board has probably noted that for most of the residential subdivisions that come in whether one family or two family they are providing enough parking for two per unit rather than the one and a third that we require. One and a third is a bit of an anachronism in our opinion. She stated staff is recommending in increasing the standard for the single and two-family residences from one and a third to two spaces per unit. We were concerned that by increasing space requirement that you might have the unintended result of forcing people to pave over their front yards. To try to avoid this we have also taken out the requirement that states that you cannot count stacked spaces. Given the small size of most of the lots in East Providence to try to keep both of those cars out of the front yard setback is virtually impossible. We will have a more realistic requirement, but more flexibility in terms of how people provide those spots.

Regarding three-family dwellings, Ms. Boyle stated we will continue to keep it at a one and a third requirement.

Ms. Boyle stated that when people were concerned about gas prices there were a lot of very small cars and the City changed its regulations in 1979 to allow for compact car spaces which could be as small as 128 sq. ft. There are virtually no cars that meet that requirement now because the vast majority of cars are much larger and no other communities allows such small parking spaces. What we are recommending is the elimination of that compact car regulation. They should all be the minimum of 180 square feet in the future. She said we have also tried to change the format so that it will be easier to read and we have also added a few new uses to the parking schedule consistent with the changes in the Use Schedule such as:

Assisted Living Facility

We did not have that as a specific use and require that there be one space for every three dwelling units.

Child Care Center and Nursery School

Ms. Boyle stated the parking for that use would be one space for every five persons plus three for unloading areas. That is based on our observations of the existing parking as well as the ones within the Zoning Board. She said staff checked with some of the day care providers to make sure this was reasonable. It is also consistent with what our document searches have shown.

Communication Services and Broadcasting

Ms. Boyle explained this would be one parking space for 100 sq.ft., nursing homes, one space for four beds. Office buildings are greater than 40,000 sq.ft.

We found that with the larger office buildings that the one for 200 which is the current requirement is too stringent. We have observed with both going out in the field and looking at some of the new developments coming in that a one for 250 seems to be a reasonable standard for those larger office lots.

Telemarketing Uses

Ms. Boyle explained that they are requesting parking spaces far in excess of whatever the minimum was. We have had people looking for space and seeking parking in the 7 per 1,000 range. With one space per 150 we hopefully will have enough to cover that use. The data processing center is the same sort of situation. They basically pack as many bodies as they possible can into a building. This is one area where our regulations are not stringent enough. We are also making a distinction in the public assembly areas; those with fixed seats and those without.

Video Rental Stores

Ms. Boyle stated staff felt the current regulations were probably too stringent because people come in they drop off and they move out. One for 200 without the employee requirement is reasonable for video rental stores as well as for the convenience stores.

Fast Food Restaurants

Based on our observations as well as the research that we have done, a one space per two seats or one per 250 as well as the drive-through is a reasonable requirement. Under the commercial or business use provided for we are allowing one space per 200 and excluding the general storage areas. That is a catchall category that the Zoning Officer could use for other uses that do not fall within the specific standards.

Ms. Boyle explained that the other thing we are looking at is some of the modifications to existing standards and not just the new categories. Under the existing ones we have also found that under publicly assisted elderly housing that the drivers are few and far between and that a half a space per unit should be more than enough to cover those requirements. The distinction would be the private market housing does seem to have a higher portion of drivers vs. the public.

The other thing that we found was that for the very large retail facilities, the community regional shopping centers of 200,000 or greater, that out one per 200 is excessive and we observed especially at the Wampanoag Mall. There was a lot of controversy with that in that the City tried to get them to abide by our existing standards and in reality it was too strict. That will dropped down to one per 250 standard which is consistent with what they provided as consistent with a lot of the other literature.

Industrial and Manufacturing category

Ms. Boyle stated we are still keeping it employee based and it seems to make sense whatever your higher shift is generally the number of parking spaces that you need to provide. The other thing we have observed is that the existing public and private high school category is that the existing public and private high school is too lenient. At the time it was based on years when most children did not have cars and we are observing a much higher ratio of students driving. Currently, it is one space for each 15 students which is not enough. We are requiring one space for each four students of driving age.

Hotels and Motor-ins

Ms. Boyle stated staff has changed this to one space for each guestroom rather than each bedroom. There are too many multi-bedroom motor-ins.

They need handicapped parking spaces. We do not want the commercial parking spaces used for dead storage, automotive repair work and dismantling which is something we have observed. We are also saying that in areas such as adjacent to the Runnins River, we are going to be discouraging of parking that exceeds the City requirements in an effort to address the environmental concerns there for stormwater runoff. We are also trying to provide for some flexibility in determining requirements for industrial uses and have clarified what we want to see submitted on a site plan for a parking lot of five vehicles or more especially in regard to drainage.

Ms. Boyle stated that one of the areas that we have not had a chance to address, but that we are working on now is a downtown parking zone. Staff has had meetings with the Taunton Avenue Businessowners Association and one of the big points that they had was that the Zoning requirements at the present time are too stringent for downtown district and that often times the businesses are forced to go before the Zoning Board. She said there will be review of those standards with Taunton and Warren Avenues as well and possibly other down town districts such as Riverside Square.

Childcare Daycare Center Regulations

Ms. Boyle stated at the present time they are no specifically listed in the Schedule of Use Regulations. Daycare centers have to go before the Zoning Board for a use variance. She said we do not want to see them as a right however. We do feel that there is some level of review that is required for child daycare centers. What we are recommending is that they can be established via a special use permit R-5, R-6, C-1, C-2 and I-1 zoning districts. The only district where we allow an as of right would be a Business Technology District (BTD) as either an accessory use or as a use that is just for the businesses there. The reason we are doing that as of right vs. a special use permit is that a BTD requires them to go through the whole site planning process before the Planning Board in order to get that. There is already that level of review taking place. This would not apply to after school programs in either public schools or a Sunday school conducted by a church. The revisions are also looking for an increase in the zoning yards. We feel that that is

important for both protection of the children and even the protection of some of the abutting land uses which may or may not find the sounds of little children. We have also looked for a minimum separation distance of no less than 300 feet from gasoline pumps underground gasoline storage tanks or hazardous materials. We are also prohibiting the placement of the outdoor play area in the front yard because of concerns about threats from motor vehicles and prohibiting the siting of a day care center in a location which exposes the children to any sort of industrial land uses or other potentially toxic activities.

Development Plan Review

Under Development Plan Review Ms. Boyle stated we have discussions regarding large land area uses that are able to go forward without having to go through any sort of Development Plan Review process and there was the issue of fairness considering that smaller commercial uses are actually triggered under the DPR thresholds and they are forced to undergo this process. She stated that what we are trying to do is close up that loophole to change the threshold so that any parking area of 25 spaces or more will have to go through DPR review. The situation we had at Bradley Hospital where they created a parking lot of close to 100 cars without any sort of reviews whatsoever would be avoided. Similarly any building of 20,000 sq.ft. or greater would also have to go through the DPR process.

Handicapped Access Ramps

Ms. Boyle stated the previous Zoning Officer treated many of the handicapped access ramps built for residential properties as zoning variances because of the size of the lots and the construction of these ramps in the front yard. There were changes in the RI State Enabling Law which required that the appropriate handicapped access to be allowed as a reasonable accommodation and the result is that the City could not be prohibiting them to do a front yard setback. What has happened in practice is that those things are not being brought to the Zoning Board because of that language and we felt it was important to make those changes to the Regulations themselves to reflect those changes in State law and the changes in current practice in the City. As

Child Day Care as an Accessory Use in the Business/Technology Zone

Ms. Boyle stated before we have also added Child Day Care as an accessory use in the BT zone as of right and also a permitted use for the children of the employees.

Recommendation

Ms. Boyle stated staff is recommending that the Board refer this to the City Council with a review and approval.

At this time, Chairman Poland stated he has a letter from the East Providence Chamber of Commerce Executive Director, Laura Lawrence supporting the updates to the Zoning

Ordinance and the review of the Zoning Ordinance and rezoning of certain areas of the City. He stated he would like to make this letter part of the Board's official record.

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board voted to make this letter part of the Board's official record.

Public comment

Mr. Christopher P. Morra, 21 Morra Way was sworn in and stated he commends Ms. Boyle and her Department for all their hard work on these revisions and stated he is pleased that they are coming forward.

He said one of the issues of the day care center was something that the Zoning Board had considered and feels we are definitely going in the right direction for a special use, but asked if the Board could allow it in the Use Schedule as of a right in 1998 because they are coming in for a special use. He said it is very costly for a day care owner to hire experts, attorneys, and while the special use streamlines some of that process, it does not eliminate it. He noted that DCWF has to approve these daycare centers and they are very strict about it. He noted that with the safeguards that the Department has put into these revisions eliminates the concerns. Mr. Morra also stated that an elementary school is allowed by right in the R-1 through C-1 and through C-3 as a right. There is no review process and no zoning variance is required and you are talking about many more children than you would be a day care center. The intent of our ordinance is to protect abutters and make sure we have safety uses. He believes you could allow it as a right and eliminate it only to those districts as a start that Ms. Boyle's Department indicated.

Regarding the revisions to student parking, Mr. Morra stated that is fine for private schools, but it is a public school who would enforce these revisions. Mr. Morra said the biggest feud that the Zoning Board had was that we wanted to protect the neighboring residential abutters because we did see what was acceptable years ago and the pattern that had taken place. He said he agrees with the way that staff recommend these changes so that someone could come in for a non-conforming use and change it to an I-1. Mr. Morra stated he also wanted to make sure that if someone was applying for strictly office and not accessory office the Zoning Board wanted to make sure that stand alone office would be allowed in an I-3 zone without a variance. She stated yes, that this would be allowed.

Mr. Poland asked if there were any questions by the Board.

Mr. Fisher states that this undertaking that Ms. Boyle has gone through with Ms. Feather and the staff is a well-done and well thought out process. Mr. Fisher asked if we could not have stepped up this whole process had the Planning Board met with the Zoning Board earlier. Ms. Boyle responded that if they had asked for specific information there would have been a meeting. She said we tried to incorporate the comments that we were clear on such as the daycare center one was clearly something that had arisen and that is

one that is addressed. She said the Board did not get any specific information from the Zoning Board as to which of the Schedule of Uses should be addressed and that the general comment was for clarification on the prohibited uses which is something that we have addressed in the revisions. She said the comments that were mentioned in the past were addressed and incorporated. She noted staff had not heard anything else from the Zoning Board as far as any specific changes and that staff could not have done it any faster than what we had. Mr. Fisher again commended the staff on a job well done.

At this time Mr. Poland went through his suggested changes. Mr. Poland questioned the part about *waste* under the solid waste category where it states that "it should include asphalt, concrete and portland cement, and waste". He said the word *waste* does not belong in there. Ms. Boyle stated this is not a mistake. He asked if tires are considered waste and if this could be added into the hazardous waste category since they could propose a danger if they caught on fire. Ms. Boyle stated that waste tires is a specific category. Ms. Boyle stated staff would look into scrape tires as being a hazardous waste. She said she is not sure there is a specific definition of the hazardous waste under Title 23 of the General Laws, whether that would exclude that scrape tire category, but noted she would look into it. Mr. Conley states we can include them under the hazardous waste category if that is what the Board wishes to do.

Mr. Poland referred to page 4 regarding the ramps. He said a lot of the houses are close to the street and the only place to put a ramp is from the back door, have it wrap around the house, and then come down the side of the house because if the house is 48 inches out of the ground, the ramp has to be 48 feet long plus a five-foot resting area, a five-foot turn, and five-foot landing at the end. He said this would make it 60 feet long and would be almost impossible to fit them without going into the side yard. He asked that staff add front and side yard setbacks. Ms. Boyle agreed.

On page 10 Mr. Poland referred to stack parking which states: parking spaces may be stacked or in tandem. Ms. Boyle stated that the tandem they are anticipating are two-families, that you could have them side by side. Mr. Poland stated he would like it limit the stack to two cars because someone might want to put in a duplex with a 10 foot wide driveway, 50 or 60 feet long and making four parking spaces out of it. Ms. Boyle stated that is a good point and she would change that to no more than two spaces.

On page 15 regarding item 16 "Home Occupations and Profession Offices" Mr. Poland stated he did not think there was enough parking because if someone had a duplex with 100 sq.ft. office on the first floor they would only need three or four parking spaces, but if someone had a duplex they would have to have four parking spaces because you are requiring one space for each dwelling unit for permanent occupancy and one space for each 100 sq.ft. plus one space for each employee. If the person was self-employed he would only have to have four parking spaces for the whole thing. He said he would like it to read " plus two spaces for each dwelling unit. Ms. Boyle agreed.

On page 16, Item 21 regarding the number of parking spaces per student for the Institution of Higher Education, Mr. Poland stated he would like this changed to increase the spaces

per student since it is less than the high schools and there are more people going to higher education than the high school where it is only one space for each 10 students. Ms. Boyle stated it would be changed to one space for two students.

On page 17, Article 41 and 42 Mr. Poland stated these two appear to be exactly the same. He said he agrees with the requirement for No. 42, but does not agree with the requirement for 41 because it is 200 square feet and since this could be a more intense business it would require more parking or a business that requires less parking, and asked why not just leave number but use No. 42 as a catch-all to cover everything else. The Zoning Officer can determine what the parking will be by just taking to the Planning Department. Ms. Boyle stated that usually we base it on floor area and this one we are excluding the general storage area. Ms. Boyle agreed to take out No. 41 and leave in No. 42 as a catchall.

In reference to page 18, Mr. Poland stated he did not feel the special use should be required for the child daycare centers. He feels it should be an allowed use. There should be zones where they are allowed. Ms. Boyle stated there has to be protection in place that can be a problem if you do it as an as of right use. She stated it becomes difficult when you have one located next to a business or residence there are impacts and they are not necessarily beneficial uses that you want to take place as of right. Mr. Poland said he agrees with the other requirements of this to make it an allowed permitted use with those requirements. He stated there are not many places in East Providence where you can put a child care center as an allowed use and the people will have to come in for a dimensional variance for parking or side yards etc. He asked Ms. Boyle if they could come in for a special use and dimensional variance? Ms. Boyle answered no. He stated he agrees with the requirements and the increased yard size and the potential separation from the hazards, but believes the applicants will be asking for dimensional variances anyway and said he believes they should be allowed uses.

Mr. Poland asked about Item B about the increased required yards where it states: "Increased yards adjacent to side and rear property lines shall be provided and shall not be less than 25 feet in depth. The first ten feet from these property lines shall be landscaped. Does this mean trees or grass. Ms. Boyle stated it could be just grass. Mr. Poland asked if that shouldn't be that the outdoor play area is not allowed in those areas? The location should not be allowed in that 25 feet. Ms. Boyle stated that then you would be in a situation where people could not put a day care center anywhere. Having the play area in the side yard does not present a problem. The reason we are prohibiting it from the front yard is more a safety issue. Ms. Boyle stated they usually put mulch in the play areas rather than grass. It would be too stringent to say they could not put it in that required yard. Ms. Boyle stated if you want to put in a buffering requirement we can add that in. She stated the intent is that you do not want them right up against the wall.

Regarding the location of outdoor play areas, Mr. Poland stated he feels this should be applied to all play areas and not just the ones in the day care.

Page 19, Item A under A Mr. Poland stated he feels fences should be included because day care centers require fenced in outdoor areas. Ms. Boyle stated that would also be added. He stated Items C and D are fine, but they need to be added to the application procedures. Ms. Boyle stated that if this is not done as a special use permit, you will not have an application, it will just be a building application. If you make it as an as right use, you will be taking off all the site plan requirements.

In Section 19-364(c) regarding licensed day care centers, Mr. Poland asks if they will have the same requirements. Ms. Boyle stated if we make it as an as-of-right then yes they will be subject to the same requirements. She said there really is not a need for that other than just adding it to the Use Schedule. If you make it an as-of-right in the other districts, and it is something that is submitted for anyone coming in for a building permit. Mr. Poland asked if these would be in the other zones such as Business Technology zone and subject to the same setback regulations etc. Ms. Boyle answered yes and they would note that.

Regarding the tire issue, Mr. Fisher stated tires as they are not considered a hazardous waste by the EPA or DEM. They possess the opportunity to become an environmental hazard only if they ignite. In most instances when you have had tires that have ignited throughout this country, it has been done through a lightning strike, stored outdoors, or from arson. In Lincoln there were 50 or 60 tires that were dumped on a site owned by the town and someone set fire to them. It took about 48 hours to put the fire out. Just a pile of tires would not be considered hazardous material.

Mr. Boyle stated as a follow-up to Mr. Morra's question in looking at the Schedule of Uses, she said it does show offices as prohibited in I-2 and I-3 districts. She said that it was not our intention to put (N) no, but that it should have been put down as a (y) for yes on the chart for both of those districts, but not the port district.

Regarding the child care center for special use permits, it may affect the accessory use category. Ms. Boyle stated we did not permit it as an accessory use, it was only as a stand alone child care center which could be done as an as-of-right. Ms. Boyle stated it was only allowed in the BT zone. It was not allowed at all as an accessory use in the other districts. She stated she would recommend that if the Board wants to change it from a special use permit to a permitted use in the R-1, R-6, C-1, C-2 districts, we can adjust the regulations to accommodate that, but to make it a permitted use as an accessory use in any district in the BT zone becomes problematic and this would not be recommended.

Mr. Morra stated that in his memo that was sent to the Planning Board from the Zoning Board it was mentioned about municipal land uses and whether they should be exempt from all ordinances. He said Section 19-423 Government Uses exempts the City of East Providence and any uses associated School Department. They are exempt from the City's Ordinance completely. He feels it is important that our City lead by example that the abutters are given the same review process if it is a governmental use as a private use would allow. In answer to this Mr. Conley suggested that if you are going to deviate at all from that provision that under RI Law there is a balancing test so that we would be

regulated. If we are not regulated by that particular provision, then we would be regulated by the balancing test. Under that there are still those circumstances or it be conceivable that this Zoning Ordinance would not apply to a government use. Mr. Poland asked if this sentence was in the Zoning Enabling Law and stated he thought that we could not change it. Mr. Conley apologized and stated he would check on this.

Mr. Morra commended Chairman Poland for his review on these regulations submitted by staff.

Motion

On a motion by Mr. Fisher, Mr. Gerstein to approved the proposed Zoning Ordinance with the changes specifically stated.

Roll Call Vote

Mr. Fisher Aye

Mr. Gerstein Aye

Mr. Poland Aye

V. CONTINUED BUSINESS

1. Staff Report

No staff report.

VI. COMMUNICATIONS

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board approved the following communications:

A. Pilgrim Road Minor Subdivision Bond Calculation.

B. Memo dated 9/22/00 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on 9/27/00.

VII. ANNOUNCEMENT

Next Meeting - November 14, 2000, 7:30 p.m., Room 306

VIII. ADJOURNMENT

On a motion by Mr. Fisher, seconded by Mr. Gerstein, the Board adjourned at 10:10 p.m.

Respectfully submitted,

Joseph Medeiros, Secretary

JM/JMB/sac