

# **August 17, 1999 - Regular Planning Board Meeting**

## **CITY OF EAST PROVIDENCE**

### **PLANNING BOARD**

#### **MINUTES OF AUGUST 17, 1999**

PRESENT WERE: Chairman Poland, Messers. Ditraglia, Fisher, Medeiros, Sullivan, Jeanne Boyle (staff), James Moran (staff), Zac Gordon (staff), and Greg Dias, Assistant City Solicitor.

#### **SEATING OF ALTERNATE MEMBER**

There was no alternate member seated.

#### **APPROVAL OF PLANNING BOARD MINUTES**

##### **A. Minutes of July 20, 1999**

On a motion by Mr. Ditraglia, seconded by Mr. Fisher the Board unanimously voted to approve the minutes of July 20, 1999.

##### **B. Minutes of April 13, 1999**

It was noted that the minutes of April 13 would be forthcoming.

#### **APPROVAL OF PLANNING BOARD CORRESPONDENCE**

On a motion by Mr. Medeiros, seconded by Mr. Ditraglia, the Board voted unanimously to accept the following correspondence and make it part of the Board's official records:

A. Memo dated 7/29/99 to the City Council Wireless Telecommunication Towers;

B. Memo dated 7/29/99 to the City Council Re: Fence Heights;

C. Memo dated 8/2/99 to the City Council Re: Disposition of City-owned land on Narragansett and Sherman Avenues.

## NEW BUSINESS

### A. Waterview Avenue Subdivision, Appl. #99-7

Mr. Daniel Carter, attorney for Narragansett Improvement, Mr. Samuel White, 25 Westnorward Circle, Kingstown, RI, and Bruce Beauchamp, 495 Congenhill Road, North Kingston, RI were present and sworn in by Assistant City Solicitor, Greg Dias.

Attorney Carter presented the proposal. He stated this application is for a six lot subdivision on Waterview Avenue in East Providence. It is two acres in size. He stated he did not think that the Planning Department had any substantial objections to the application although there are some unresolved issues. Mr. Carter stated the proposal is to develop these lots and they all meet city regulations and his client has requested four waivers. The Planning Department stated it was recommending that the Planning Board grant one waiver for sidewalks, but deny the three other waiver requirements, which were street tree planting, upgrade of an off-site waterline and granite curbing along the proposed subdivision. He stated that in discussions with his client earlier that the street tree planting requirement was determined not to be a significant issue and therefore his client does not object to it. He stated until you get out on Pawtucket Avenue there is not a granite curb to be found within Waterview Avenue area. In a couple of locations there was asphalt and Cape Cod berm. He stated he thinks it will be inconsistent to install these granite curbs so this is why they have asked for a waiver. This is strictly a six-lot enlargement where there can be no further growth in the area. Finally, he noted that his client was asking for the waiver from the waterline on the grounds that they did not believe the service would tax the requirement for installation of a new system and make less water pressure for the abutting properties.

Mr. Carter stated that in the staff memorandum to his client there was a rather extensive discussion about actual relocation and upgrading of Waterview and Bergin Avenues. Part of the reason for the relocation of Waterview is that Waterview, as it presently exists, is not centered in the City-owned right-of-way, and in fact, it extends over onto land that is owned by Narragansett Improvement Co. He stated his client is proposing to upgrade the road and to re-center it more in the right-of-way and at the same time grant an easement to the City of East Providence so that there would not be a risk of any encroachment in the future. He stated that Narragansett Improvement needs some clarification from the Planning Department in terms of the extent of the upgrade that is required here. But as part of the plan it has indicated that it will upgrade, widen, center the road and grant the easement to avoid any encroachment in the future.

Regarding the list of staff recommendations, Mr. Poland stated the first

recommendation covers language pertaining to the conservation easement area that the developer will fulfill all the obligations found in the easement recommendation and include a requirement that a bond be posted to cover all those improvements. Mr. Poland

stated there were a couple of recommendations about the Beta Engineering Report and that all the recommendations from Beta Engineering on foundations, house placement, foundation depths. Mr. Poland also stated there was a recommendation from the Building Inspector and that be adhered to, that all of this will be included in the preliminary plan and also included in all the approvals. He asked the attorney if there was any objection to the above. The attorney stated no.

Mr. Poland asked Mr. Coutu to explain later Recommendation No. 5 regarding upgrading the off-site drainage system or install a new system.

Mr. Carter indicated that the existing system would not handle the additional runoff and therefore improvements would be necessary.

### **Utility Easement**

Mr. Poland stated the applicant is going to provide the utility easement in all the documents and the City Solicitor would have to approve it.

Other comments that were included in the staff reports that the Narragansett Improvement engineer would have to cover pertaining to technical items and drainage calculations. Zac Gordon stated that regarding the drainage calculations, there was also the issue of exceeding the present rate of flow and that a waiver would need to be granted by the Board.

Mr. Poland asked the Board if they had any questions. There were none.

At this time Ms. Boyle explained the process of a major subdivision to the people in attendance. She noted it is on existing frontage and does not require some of the same procedures as if a new street was being constructed. She explained that this is the first stage of three stages of review; master plan, preliminary, and final plan. At the master plan stage there is a public informational meeting which is what we have tonight, unless the petitioner decided to combine the master and the preliminary which they did not. The Planning Board also has the ability to combine the preliminary and the final plan which follows it. Ms. Boyle stated that often times the final step is delegated to the Administrative Officer which is her. In all likelihood this particular action will only have two public meetings before the Planning Board, this one and the preliminary phase. At the preliminary plan stage there is actually a public hearing which has different notice requirements, but essentially the meeting tonight will also function as a public hearing.

Ms. Boyle explained that the Board has 120 days from the time that staff says this is a complete application to issue a decision. Generally speaking the Board does not take that much time. The Certificate of Completeness was issued for this project on July 19, 1999. There are three actions that the Board can take tonight. They could either approve the master plan as submitted, approve it with changes or conditions or deny the master plan. If an approval is granted, that approval is good for a period of one year and if requested by the applicant it can be extended for one year beyond that. She noted that when this

goes before the Board at the preliminary stage abutters will receive an additional notice and there will be an additional notice in the newspaper. She noted this is not the only opportunity for public comment on this plan. Ms. Boyle noted that although this is the master plan, we do have a fair number of engineering details that have already been presented by the applicant, but generally speaking at the master plan stage, we are looking at it in a more conceptual way and a lot of the detailed issues will be addressed at the preliminary stage when more detailed engineering plans will have to be submitted.

Zac Gordon provided an overview of the subdivision. He stated the parcel is 1.7 acres. Lot sizes range from 7500 sq.ft. up to 21,458 sq.ft. (Lot 5) which is the largest of the lots. The property is bound by Waterview and Bergin and Silverspring Golf Course and to the east by single family residences. The site slopes from the east to the west and over the years, there has been some fill put in varying in depths from zero to 10 feet. The grade has changed up to 10 feet in some areas with Lots 2, 3 and 4, those on Waterview, being the major recipients of that fill. Various debris including organic material construction debris and other items have gone in there. The applicant is proposing several off-site improvements, including the widening of Waterview Avenue and drainage improvements. A drain line catch basin will be installed and connected to an existing catch basin by a new drain line. Mr. Gordon stated that there is also a proposed extension of a sewer line to service Lot 2. Due to the presence of an off site stream running between Curve Avenue and Waterview Avenues, the applicant does need to get the Department of Environmental Management approval for the road work which would be a condition for any Planning Board approval, as well as a necessity from the State's standpoint.

Mr. Gordon explained that the zoning in this area is 7,500 sq. ft. minimum lot size; 75 feet of frontage; 100 feet of lot depth, with the lots along Waterview Avenue (Lots 1, 2, 3 and 4) close to these requirements. Lots 5 & 6, along Bergin Avenue, are significantly larger at 19,000 and 20,000 square feet respectively. Mr. Gordon noted the existence of a conservation easement adjacent to the site on land formerly known as Hillcrest Avenue. This easement was created in 1996 as a condition imposed by the City Council for the abandonment of Hillcrest Avenue. At the time of the abandonment, the land on either side of this street was owned by Narragansett Improvement Company, who therefore became the beneficiary of this abandonment. As part of the creation of this easement, Narragansett Improvement agreed to plant nine (9) foot maples within the area of this easement. These plantings have not been made to date and therefore the Planning Department is recommending that they be planted as part of the required public improvements for this development and be bonded as such. Mr. Gordon stated that the only waiver request that staff is concurring with is that the applicant be relieved from the requirement for sidewalks, as there are no other sidewalks in the area of this subdivision. Staff is recommending that the applicant's request for waivers from the requirements for granite curbing, street trees and the upgrading of the water line from 6" to 8" be denied.

Mr. Gordon stated there was a report prepared by BETA Engineering, at the request of the City and with the full cooperation of the applicant which detailed the condition of the site's subsurface conditions. The report did determine that fill as much as 10 feet in depth was placed on Lots 2, 3, and 4 and those are the lots which are going to be most

problematic in terms of placing foundations. The report also recommended that for lots 2, 3, and 4 the placement of the foundations would have to be located below the native soil not on top of the existing fill. He stated the Beta Report also recommends that each of the foundations be laid out consistent with their recommendations, in order to insure that there is no shifting of soil and that it will hold the structure. BETA also did some test pits to determine where the water table was and found that the only lot where there was anything even close to the surface was lot 2 and that was 14 feet below the surface which is fairly deep. BETA also did borings to determine the extent of the fill on the site. These borings are noted on the plans.

Mr. Gordon stated that staff is in concurrence with the Public Works Department is recommending that the recommendations in the Beta report be strictly adhered to and the Engineering Division is also recommending that those plans for the foundations be stamped by a professional engineer, that the placement of those foundations as well as the construction be monitored and verified by a professional engineer to insure that all the recommendations contained in the BETA Report be adhered to from beginning to end so that we do not have a situation where a foundation is placed on unstable ground.

### **Drainage**

Mr. Gordon stated that there will be a slight increase in the runoff from the site and as such it is insignificant in terms of volume; less than 1 cubic foot per second for a 25-year storm. Because it is an increase, the Planning Board would need to grant a waiver from the requirement that there be no increase in the rate of flow.

### **Traffic**

Mr. Gordon noted the traffic to be generated from this subdivision is estimated at 70 vehicles per day which means 35 trips in and 35 trips out during the course of one day for the six house lots. He stated the Comprehensive Plan identifies this area as single family residential development and the proposed development does fall within that category. There are also goals and objectives which are found in the subdivision regulations that the subdivision has to comply with including first and foremost that it is consistent with the Comprehensive Plan. These lots do conform with the Zoning Ordinance, and we do not see any significant impact from this development. There are environmental issues which need to be addressed, but in terms of this development generating an impact there should be no adverse impact provided that the recommendations contained in the staff memorandum are adhered to.

Mr. Gordon stated the separation of the individual lots will not result in constraints to development and building on those lots in conformance with City building standards provided that the recommendations by Beta Engineer for preparation of foundations and excavation were adhered to. He stated it would be feasible to put a home up but it requires more than just the standard excavation and placing of a foundation wall. The lots will have access to City streets and they will provide for safe pedestrian circulation, water

runoff, and preservation of the natural, historical and cultural features of the area once these lots are in.

Mr. Gordon stated that the Board also needs to address the drainage improvements and the City Engineer is here to address those. Mr. Gordon reiterated that staff is saying yes to the request for sidewalks and no to waterlines, street trees and granite curbing. Staff is recommending that a waiver request for drainage requirements be granted subject to the necessary off-site improvements for drainage catch basin installation of that pipe and the necessary DEM requirements.

Mr. Gordon stated the grading of off-site drainage system will be addressed by the City Engineer.

Mr. Poland stated he is confused about the requested waiver from drainage requirements that staff is referring to. Ms. Boyle stated it was a waiver that was identified in staff review, but not requested by the applicant. She said that staff was recommending approval of this waivers subject to the applicant making some improvements to the drainage system. The actual waiver is from the standard that you must have zero additional net runoff. The applicant stated he would agree to the staff condition for granting this waiver.

Mr. Poland told the applicant to work with the Public Works Department on the drainage issue.

Regarding the street being on the applicant's property, Mr. Coutu stated that when the survey was done it was noted that existing paved road does encroach upon the private property of Narragansett Improvement Co. It is not a situation he said that we want to continue when the area is developed. The applicant did come in with a plan which would shift the roadway over and dedicate an easement in the area. The paved roadway will no longer be on private property. Mr. Coutu stated there is also another piece of roadway which encroaches over on Bergin Street which has not been addressed. Mr. Coutu stated this is another area which needs to be taken care of stated he feels the whole frontage of the subdivision should get redone as best as possible to City's standards.

Mr. Coutu noted hat the applicant is proposing to dedicate a 10 foot strip across the front of their property to the City which will make the City easement in that area wider. The applicant is also proposing to make the street 24 foot in width from one corner of Curve Avenue almost to the end of Lot 1. The pavement of Waterview will be 24 feet and then narrow as you move further up on Bergin Street.

Mr. Coutu stated that the piece in front of Lots 1, 2 and 3 will have to be improved to City standards and that his recommendation is that the street frontage for the entire subdivision be upgraded and not just this section in front of these three lots. It is not just going to be a 10 foot strip of asphalt.

### **Granite Curbing**

Mr. Poland asked Mr. Coutu if this is just in front of the applicant's property or would it be on both sides of the street. Mr. Coutu stated the applicant shows cape cod curbing on both sides of Waterview in that section. Mr. Coutu stated his recommendation is that curbing be installed on both sides continuously on both sides of both streets (i.e. Waterview and Bergin).

### **Waterline**

Mr. Poland asked Mr. Coutu where would the applicant upgrade the waterline from six to eight inches. Mr. Coutu stated he recommends the upgrade for the area that is the frontage of the subdivision itself. From the end of Lot 4 down to the corner to tie into the nearest pipe joint. In addition he recommends they take the whole waterline out and install the eight inch line from Lots 1 through 6.

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

Mr. Fisher asked about the 8 inch line and the problems with water pressure. Will the 8 inch line improve the water pressure system at the existing homes? Mr. Coutu answered no. Mr. Fisher asked if the water pressure would be diminished. Mr. Coutu answered no, that it would not have a substantial effect on the hydraulics of the system. He said it is an infrastructure improvement because the current line is a six inch cast iron line that was installed in the 1930's. The City is beginning to replace all substandard lines within the City. He noted the City was putting in a new watermain down on the Wampanoag Trail and we also have a year 2000 water systems improvements with an estimated value of 2 million dollars to begin. He noted that he spoke with the Water Superintendent in regard to water pressure and said that there are high service and low service areas throughout the City.

Mr. Coutu stated that Waterview Avenue is at the high end of the low service area. It is more of an elevation situation. The high service area which runs off the pressure of the new water tank is a smaller area which encompasses the Kent Heights area and the immediate area where the tanks are situated and it does encompass this particular area. He stated the six new houses in this area will not affect the water pressure.

Mr. Ditraglia asked how Mr. Coutu felt about the set up of the drainage problem on this development. Mr. Adolph Littlefield stated there is no drainage in that low area of Waterview and it just spills overboard. He stated his feeling is that additional drainage structures and tying into the existing structure would definitely be an improvement over what is there now.

It was noted that additional runoff from there lot will be miniscule and it will have a positive impact because instead of the water running off the side of the road and being trapped in the wintertime by snow, there will be drainage. The applicant stated that the reason they did not combine the master with the preliminary is that Garofalo is doing the applications required for DEM for introducing that additional water into that low area.

Mr. Ditraglia asked if the water table will be affected. Mr. Gordon answered that the water table is 14 feet down and 3 or 4 feet below the existing ground level and it should not have any affect. Mr. Ditraglia asked who did the traffic study. It was answered Mr. Steven Garofalo did it. Mr. Coutu felt that it is a good idea to put another catchbasin in, but does not think that the City system can handle it. Mr. Coutu stated if they want to tie into the City system that is fine, but it needs to be upgraded or separate with a separate outfall. The applicant stated he does agree with the staff recommendation on the drainage.

Mr. Ditraglia asked Mr. Coutu if the off-site stream is running through any of the six lots and how close are they to the nearest house? Mr. Coutu answered about 50 or 60 feet and the depth from the street level is five feet. Mr. Ditraglia asked if it would have an impact on the water table. Mr. Coutu answered no.

Mr. Beauchamp explained that Narragansett Improvement Company has been involved in a lot of subdivisions and that this subdivision conforms to whatever the regulations are. In this particular case it was a 10 lot or 12 lot paper subdivision here since the 40's. Mr. Beauchamp said when Narragansett Improvement purchased the land at that time it was the understanding that once this land made suitable for house buildings, we would get that number of lots. He stated that until two years ago there was no concept that they would have to improve existing facilities in order to get the approval of the subdivision. Mr. Beauchamp added that the proposed road widening improvements are understandable, but for a developer to have to improve existing roads and upgrade the existing six inch waterline, was not part of the original concept and he feels that burdens are being placed on the applicant to take care of problems that were not generated by them.

Mr. Sullivan of the Board asked how much fill was there on Lot 2. Ms. Boyle stated it is 10', 8' and 10' respectively for the depth of fill for lots 2, 3 and 4. Four and a half feet below the existing grade was water. The foundation would go down about 10 feet to the virgin soil, but the basement would go down 8 feet.

Mr. Sullivan asked about the trees and why they were never planted. Narragansett Improvement answered that at the time that the land was given back to Narragansett it was still just a hole. Until that area got filled in you could not do the final improvements. He said it was their intention to plant the trees in conjunction with this development. He said he does not have any problems with that at all.

### **Public comments**

Mr. Dias swore in everyone that wanted to speak.

Mr. James Frenier, 69 Waterview Avenue, asked about the 10 foot widening of Waterview Avenue for an easement. He asked if this was going to cut into the neighbors' property. It was answered no. The additional easement area is going to be on the

proposed lots themselves. Mr. Coutu stated that the shaded area of the map delineates the extension of the new roadway within the City right-of-way.

Mr. Adolph Littlefield, 15 Bergin Street asked about the stream and the 60 feet. It was noted the plan depicts it at 60 feet from the catch basin.

Mr. Gilbert Amarantes, 52 Waterview Avenue asked if the land where the pavement encroached onto the site belonged to the City by eminent domain? Mr. Poland answered that the City Solicitor will explain about the paved part of the road and why it does not belong to the City.

Mr. Gardiner Northup Jr., 9 Upland Road asked about the easement and about why the planting of trees has never taken place. He stated that it was his understanding after meeting with Mayor Grant that that the easement was going to be restored to its original condition. He stated the applicant went on City property and cut down the trees and filled it before the easement issue came up. He stated he would like to see that area restored to its original condition and also would like to see it done before they start this subdivision.

Mr. Robert Amarantes 105 Waterview Avenue asked where the drain water is going into the brook next to Curve Avenue. He also asked about the water pressure and the effects of it up to Sunnyside Street. He asked if the testings have been done since it was filled in and going down to the original soil in It was noted the testing was done in October of 1998.

Ms. Elsie Metcalf, 3 Bergin Street has concerns about the houses being built because most of the fill is tree stumps, tires, concrete blocks and there is not much underneath. A lot of dirt has been added to the site.

Ms. Metcalf also stated that when she first moved to her home in 1986 the property was one whole wetland which was really wet. She also stated that Bergin Street is not in good shape and there has been a lot of truck traffic and dumping going on in the past 10 years. She feels the developer is responsible for that and he shouldn't say that he is not to be responsible.

Another person from the audience stated to the applicant that by they will be trying to get out of their responsibilities to improve the City's streets, and will put an unnecessary tax burden on the City and on the neighborhood.

Ms. Renee Ziobrowski, 14-16 Waterview Avenue spoke and stated she and her family have lived in this area for many years. She had a petition from the neighbors for the Board to read. She stated that most of the signatures on this petition are from the properties directly from Bergin Street all the way down Curve Avenue up Lynn and around to the top of Waterview Avenue. These are the properties that will be most directly affected by the proposal.

On a motion by Mr. Ditraglia, seconded by Mr. Fisher, the Board made this petition submitted by Ms. Ziobrowski part of the Board's official record.

Ms. Ziobrowski said she is speaking on behalf of the neighbors that could not be here tonight. She mentioned City Council Resolution #31 and the abandonment of Hillcrest Avenue in this area and said all we want was to see that finished a long time ago and we all would like to see these improvements completed prior to the applicant beginning any work on the development. She also noted there is a lot of wildlife on the site that needs to be protected and needs to have a place to go. It used to be open for animals and has been taken away by this development. It has been left with high grass and fill. She asked that the Board consider a separate bond that could be established and that the work be completed prior to and not that it should be part of this latest development. It should have been completed back in 1996 when it was given to Narragansett Improvement.

Regarding traffic safety, Ms. Ziobrowski noted that the traffic safety report estimates 70 cars going in and out of there and there have been trucks going in and out with fill for years. She stated at 6:30 a.m. in the morning the neighbors could hear trucks backing in to dump the fill. The neighbors are concerned about the children playing on the concrete fill that has been left there. Regarding granite curbing, she stated that the neighborhood is sort of country and granite curbing does not belong in this neighborhood. She said what the neighbors agreed on was that there should be Cape Cod asphalt curbing and not granite curbing and that the developer should establish a consistent road.

Regarding the water pressure, Ms. Ziobrowski stated that several homeowners on the petition have complained about the low water pressure. She does not think that an 8 inch valve will help and feels the water pressure will be even more diminished. She stated the neighbors feel that their neighborhood has been in chaos for years and it needs to be cleaned up.

Regarding schools Ms. Ziobrowski asked what kind of impact this development will have on the children and the quality of education since Meadowcrest School is closed and will this neighborhood be redistricted to somewhere else in the area because of a population change.

Regarding open space, Ms. Ziobrowski stated that many of the lots that abut this area other than the ones on Bergin Lane are more than 7500 square feet and given everything else this area was not made to carry a lot of traffic and houses. She said they are requesting that four houses be built instead of six houses.

Ms. Ziobrowski asked if they could find out the assessment of the lots and if the lots are going to be sold to a developer to develop and what keeps the conservation easement safe if the lots are sold off to some other developer.

Ms. Ziobrowski said the neighbors are also concerned about the drainage because when there is a rainstorm, it washes all the property down as well. There is nothing to secure

that property back and although requests have been made to contact the City nothing has been done to take care of the land from washing away.

Regarding tree preservation, Ms. Ziobroski asked about the tree preservation and if there was a way that the neighbors can be involved in that. There are several trees on Waterview that are currently there that they would like to be saved and asked if they could be marked.

Ms. Ziobroski stated there was no one from the City present when the borings were done.

Someone asked if there would be anymore fill in the lots 2, 3 and 4. It was answered you have 10, 8 and 10 feet of fill. He asked if there are going to be any more fill put on top of whats already there and how will that affect things.

It was asked about the grading off between the Mobil property and the Lot 6 and if there will be a retaining wall there.

Mr. Donald Ziobrowski, 14-16 Waterview Avenue stated that Narragansett Improvement trucks in the past have gone down there past his property and have broken branches off the trees, no-one has cleaned it up and mentioned that he has dumped loam over there and no one has reimbursed him and no one has come over to him after his complaints to them. He said he would like to know how they will prevent this in the future if the subdivision is granted.

#### **Staff and Developers comments in response to the above questions.**

In answer to the wetlands question by Mr. Littlefield the location is in the center of the wetlands area. Mr. Coutu stated the map does not flag the actual wetland edge. He stated that will be the requirement when they submit to DEM.

Mr. Poland stated that when the area was being filled in there were complaints to DEM. Ms. Boyle stated that there were complaints made to the Department of Public Works at the time and it was referred to the DEM as well. She stated that no violations of wetlands regulations were found for this particular lot. She said she believed there was a wetlands violation on the property across the street which has already been developed, but not for this particular one. In regard to the question about the materials being dumped there, she said she observed a lot of construction debris, pipes, trees, and large pieces of concrete and other materials. This is why the City requested that the developer do a geotechnical study because it was of the opinion that the fill that had been placed there was unsuitable for construction. The developer did have the report done by BETA Engineering and the report did confirm that fact. It indicated to a depth of 10 feet in some locations and that there will have to be some measures taken with regard to the placement of foundation. She stated this issue will have to be addressed for each lot.

Mr. Poland asked if the foundations are going down to the virgin soil and possibly a little deeper and must be designed and stamped by a suitable engineer and inspected by that engineer that there won't be a problem with these houses.

Mr. Poland answered the question about the lots being sold to a developer. He said they may start immediately or some of the lots might not be built on for years later. He asked Ms. Boyle if it will be noted in the deed as well as on the recorded plat for the future. Ms. Boyle stated that whatever conditions were associated with the lots they would have to be easily detectable for any future purchases of the property. It will be recorded in the Land Evidence Records and on the plan themselves. She said there will be discussions with the City Solicitor's office regarding the proper language for these votes, when we get to the preliminary plan stage as to what the best mechanism is to be absolutely sure that future purchasers know about the conditions. Mr. Poland indicated that it isn't necessarily the developer that is going to be there to pay for the cost of any of the additional engineering work for the foundations. That will be reflected in the purchase price. Mr. Poland asked that any stipulations be recorded in the deed in the recorded plat.

Mr. Gordon answered the question by Mr. Northrup about the conservation area. He would like to see the conservation or preservation area done first.

Mr. Gordon stated we have the resolution language and a letter from Mr. Beachamp to Mayor Grant indicating his willingness to go along with that language. Ms. Boyle read that the language of the abandonment and the letter to Mr. Beachamp. It states: "The property is subject to a conservation easement and the land subject to the conservation easement shall be preferably graded and loamed and planted with 9-foot high red maples. The area shall otherwise be left in its natural state." Ms. Boyle read the letter to Mr. Beachamp from Mayor Grant which states: "that as of February 26, 1996 Narragansett Improvement agrees to the following conditions: we agree to create a 40 foot wide conservation area which will commence at Waterview Avenue and extend south to the Mobil Land. This conservation area will follow the eastern western landscape of Hillcrest Avenue. The area will be properly graded with loam and nine-foot high red maples. The area will be designated by deed to be left in its natural state". Ms. Boyle stated there is no time frame associated with these conditions and this stipulation and it does not say it will be returned to a gully or low point.

Mr. Poland asked Mr. Beachamp if he would object to doing the conservation area first before he does the rest of the project. Mr. Beachamp stated no he does not object. Ms. Boyle stated it will have to be done to the satisfaction of the Department of Public Works. Mr. Poland stated the trees will be marked and the others will be identified. Mr. Gordon stated yes the trees will be identified through Public Works. Ms. Boyle stated these trees will be City trees along the street and it is the responsibility of Public Works to either remove them or take care of them.

Mr. Poland stated he wants Mr. Beachamp to start the conservation area by loaming it and planting before the project. It will be part of the bond stipulation.

Regarding the drainage and water pressure questions. Mr. Gordon stated they covered the drainage already. Ms. Boyle stated that there may not be sufficient capacity in the wetland to absorb any of the drainage that was being discharged in that area. Ms. Boyle stated the drainage will be addressed at the preliminary stage when finalized engineering plans are completed at which time volume of runoff will be known. The drainage will be designed by the developer, reviewed by the City Engineer and then it goes to DEM to see how much runoff there will be and where the water should go. All three parties at that time can come to an agreement.

The issue of water pressure. Mr. Coutu said he will be making a request to the Water Division and see what they can do to increase the pressure in the area. It is more of a hydraulic issue.

### **Encroachment**

The issue of encroachment onto the applicant's property was discussed and whether this was a case of eminent domain by the City because the road was paved and has been there so many years. Mr. Dias stated it is a question of either eminent domain or adverse possession to some extent. He stated the street has been there a long time, but that he would look it up, review and see if the City at that time put in the wrong place. Mr. Poland stated the applicant is giving this to the City anyway so there is really no problem.

Mr. Gordon said the fill question was addressed earlier.

### **Truck Traffic**

Mr. Gordon answer to the question of truck traffic on Bergin which has lead to some cracks to the road. He stated the road could be repaired.

Mr. Poland asked about the impact from the number of children in this new development for six houses. Ms. Boyle answered the usual multiplier for a single family, three bedroom home is .8 children per unit. That would be spread over grades K-12. She stated that staff did not require a fiscal impact analysis for this particular subdivision simply because of its small size. If such an analysis had been required, it would have indicated that this subdivision would add four to five children spread out over K-12.

Regarding the question of a separate bond for tree planting, it was already agreed earlier that the conservation area would be done by the applicant first before the start of the new development.

Mr. Gordon commented about the question whether the Tax Assessor could give a value for these lots. Mr. Gordon stated they would look into whether the Assessor could provide an assessment prior to the creation of the lots during the preliminary. Ms. Boyle noted that in terms of the value of the homes to be sold there staff would defer to the developer on that question.

Mr. Beauchamp stated he will not be building on the lots. They will be selling the lots. The estimated value of the lot would be \$40,000 to \$50,000. He stated normally the value of the lot is 30 or 25 percent of the total value. He said the value of the homes would be between \$120,000 to \$150,000. Ms. Boyle agreed with this.

Regarding the tree preservation and the neighbors having some input on the preservation of trees, Mr. Gordon stated they would be marked at the preliminary stage by the Parks Division.

Regarding the sub-surface report, Mr. Coutu stated he did not observe the digging of the test pits, but that he tends to believe what the engineer's report says since it is the engineer's professional reputation on the line. The foundations will have to be certified and test pits will be drilled down to see what is there. Ms. Boyle stated the location of the actual foundations may not be where the test pits are done such as on Lots 5 and 6 where you have very deep lots. The house may be put further in and the restriction on the plat and deed would give it protection. There may be fill that is identified at those locations.

In regard to the question regarding adding more fill to the site, Mr. Beauchamp stated the only place where they could attempt putting in more fill would be the conservation easement to make it consistent with the adjacent grading. Ms. Boyle stated there should be a design for that, but Mr. Beauchamp said there is not so far. Ms. Boyle stated that that area associated with the conservation easement is not within the subdivision. It would make sense to have a grading and planting plan submitted and make this a stipulation of the Board. Mr. Beauchamp said it is his understanding that since Narragansett did not own the property at the time, it has no obligation to do anything to that easement. Mr. Poland stated that's neither here nor there, that they will do something with the conservation area.

In answer to the grading question between Lot 6 and the Mobil Property At the base of the wall there will be a slope that will be suitable to be maintained.

In answer to the question where the person put his own fill into the lot without reimbursement. Mr. Beauchamp said that the property owner (Mr. Ziobrowski) fix any damage that Narragansett Improvement may have done to his property.

This is the end of the question and answer period.

Mr. Poland commented on the granite curbing and stated he is concerned about the elevation and if you put granite curbing along that side of the street now you could encroach on people's yards. He feels a compromise would be good such as the water issue. He said he does not know where the property lines are at Bergin Street because that was not surveyed. It is possible that the edge of the street is going to vary from the present location to people's yard. He said the granite curbing would have to be put on the property alignment and he does not know where that is. He said paving it with Cape Cod berms might be a way of solving the neighbors concerns about erosion.

Mr. Fisher asked the neighbor present if she expected the developer to put in the Cape Cod berm all the way from Pawtucket Avenue. She said yes. She said the Cape Cod berm will establish the width of the road which goes from 18 to 24 feet depending on where you are on the curve all the way down. It would also help with the water. Mr. Coutu explained the City would object to a Cape Cod berm because it is not the type of curb they put on top of a road that they make with the curb machine, plus plows can hit asphalt curbing and it just doesn't work.

Mr. Ditraglia said the Cape Cod berms do hold up. He has worked with them at RIDOT and they have never had to go out there and fix them. Mr. Coutu stated even though they have been used in different places, nothing holds up to granite curbing. It is a City standard and it is in the City Ordinances to use granite curbing.

**Motion on Waiver 1 - "Drainage"**

On a motion by Mr. Ditraglia, seconded by Mr. Goodwin to accept the waiver as recommended with the City and developer working out a drainage plan with RIDEM that is going to take care of that issue.

Roll Call Vote

Mr. Ditraglia	Aye
Mr. Fisher	Aye
Mr. Goodwin	Aye
Mr. Medeiros	Aye
Mr. Poland	Aye

**Motion on the waiver of the 8-inch waterline.**

On a motion by Mr. Medeiros, seconded by Mr. Fisher, the Board voted to deny the requested waiver to put in an 8 in waterline.

Roll Call Vote

Mr. Ditraglia	Aye
Mr. Fisher	Aye
Mr. Goodwin	Aye
Mr. Medeiros	Aye

Mr. Poland            Aye

**Motion on Waiver 2 "Sidewalks"**

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board voted to approve the waiver from the requirement for sidewalks.

Roll Call Vote

Mr. Ditraglia        Aye

Mr. Fisher            Aye

Mr. Goodwin        Aye

Mr. Medeiros        Aye

Mr. Poland            Aye

**Motion on Waiver 3 "Granite Curbing"**

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, that the Board allow the waiver of the granite curbing subject to the installation of bituminous concrete Cape Cod berm curbing on both sides of the street from Waterview Avenue on Lot 4 and all the way down Waterview and to the end of Bergin Street including the cul-de-sac.

Roll Call Vote

Mr. Ditraglia        Aye

Mr. Fisher            Aye

Mr. Goodwin        Aye

Mr. Medeiros        Aye

Mr. Poland            Aye

**Motion on Waiver 4 "Street Trees"**

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board voted to deny the requested waiver on the placement of street trees.

Roll Call Vote

Mr. Ditraglia        Aye

Mr. Fisher            Aye

Mr. Goodwin        Aye

Mr. Medeiros        Aye

Mr. Poland           Aye

Mr. Poland asked Ms. Boyle about the No. 3 and No. 9 language on deed restrictions. They are similar, but slightly different. There are additional stipulations. One will be added to No. 2 regarding the cost of loaming, grading, and tree planting in the conservation easement and it also be included in the public improvement bond that the conservation area be done first.

Regarding the time frame for this project, Ms. Boyle stated that following the action by the Board, the developer has to go to the DEM for their permits which will take about two months and three or four months before they come back to the Board for the preliminary approval. At that point, they will probably request that final approval be delegated to Ms. Boyle as the Administrative Officer. It could take a total of about six months before they get all the approvals to go out and build. She said the plantings in the conservation area will have to coincide with the planting season. She noted most of it will take place all at once and the City will hold back on any building permits until that first planting is done.

Mr. Beauchamp stated he will do the grading and plantings this coming fall at the conservation site.

### **Motion on Development**

As the proposed subdivision is consistent with the goals and policies of the East Providence Comprehensive Plan and that the required findings of Section 5-4 of the Land Development Subdivision Review can be met therefore on a motion by Mr. Goodwin, seconded by Mr. Ditraglia the Board votes to approve the conditional approval of the proposed master plan subject to the following:

This approval was granted subject to the following conditions:

That the applicant place a note on the Preliminary Plan containing the language found in the East Providence City Council Resolution No. 31 pertaining to grading and planting of the area which was formerly Hillcrest Avenue and that the plan indicate that such plantings shall be completed prior to the release of bond money for any necessary public improvements.

The cost of grading, loaming and tree planting in the conservation easement be included in the public improvement bond calculation for this subdivision and that this work be done prior to any on or off-site improvements .

A note be added to the Preliminary Plan stating that the placement of foundations on lots 1-6 be consistent with the technical recommendations contained within the report entitled "Subsurface Exploration Report", prepared by BETA Engineering, for the subdivision.

VI. The Preliminary Plan include language reflecting the applicable recommendations of the Department of Public Works (see attached memorandum dated August 5, 1999) pertaining to the design and construction of building foundations.

VII. The applicant either upgrade the existing off-site drainage system or install a new system to accommodate the increased rate of stormwater runoff.

VIII. The Preliminary Plan should include the location of existing trees, particularly along the street frontage of the subdivision, in order to facilitate a plan for tree preservation, where possible.

IX. A street tree planting plan be submitted, in accordance with Section 13-11 of the Regulations.

X. Language be submitted for review by the City Solicitor for the proposed 10' utility easement.

Language be included on the Preliminary Plan, and referenced in the deeds for each lot, subject to review and approval by the City Solicitor, alerting potential lot purchasers of the subsurface conditions on this site and the need to comply with the technical recommendations of BETA Engineering for the placement and construction of foundations on the site.

That the Preliminary Plan be based upon this Master Plan approval and meets all City regulations and ordinances, and that all applicable State and/or Federal permits required (including RIDEM) be secured prior to the Preliminary Plan submission public hearing.

That the Preliminary Plan submission reflect and incorporate all applicable comments and requirements contained in the staff memorandum (attached) and any and all conditions imposed by the Planning Board Master Plan approval.

Any party aggrieved by this decision may file an appeal in accordance with Title 45, Chapter 23 of Rhode Island General Laws and the East Providence Land Development and Subdivision Review Regulations to the East Providence Zoning Board of Review, serving as the Board of Appeal, within twenty (20) days from the date of the recording of this decision.

Roll Call Vote

Mr. Ditraglia            Aye

Mr. Fisher                Aye

Mr. Goodwin           Aye

Mr. Medeiros           Aye

Mr. Poland           Aye

## **B. Cedar Avenue Minor Subdivision, Appl. #99-11**

Mr. Laureano Mourato, 48 Cedar Avenue, East Providence was sworn in by Mr. Dias.

Mr. Mourato explained he wants to put a ranch house on the lot and rent it out to his children when they are older.

Ms. Boyle stated this is a two lot minor subdivision located on Cedar Avenue. It is on an existing city street frontage and under the terms of the Land Development Subdivision Regulations this goes before the Board for the preliminary approval, but that final approval can be delegated to the Administrative Officer. There are no newspaper advertising requirements or formal public hearings required. Notice was sent only to the immediate abutters, not the abutters within a 200-foot radius. The notices were sent out on July 9,1999.

Zac Gordon went through the staff memorandum. He explained they want to subdivide an existing parcel into two separate lots. The existing parcel measures 8,334 sq.ft. and currently is being used for a single family residence which is noted as number 48. The lot that is being subdivided is number 36.

The proposal would create two lots - parcel A would be 4,217 sq.ft. which would contain the existing residence and parcel B would be 4,117 sq. ft. and be available for single family residential development. The zoning requirement is for 5,000 sq.ft. The subdivision would require variances for area and lot depth (it does not have the required 100 feet). It Mr. Gordon stated that the only comments received on the subdivision were related to zoning from the Public Works office. The applicant is requesting waivers from the requirements for sidewalks and granite curbing. Staff has made findings with respect to the Comprehensive Plan Land Development Subdivision Regulations, noting that it is inconsistent with the Comprehensive Plan as it would result in a density greater than eight units per acre which is the maximum lot size of 5,445 sq.ft. recommended by the Comp Plan. The other objectives of the Land Development Subdivision Regulations are addressed in the staff memo. He stated the issue is the size of the lot, the intensity of development, and the impact on the neighborhood.

Mr. Gordon said staff recommends denial of this subdivision based on the inconsistency with the Comprehensive Plan as well as denial of the requested waivers. If the Board does decide to approve this subdivision, staff recommends that they approve the

requested waivers in the final plan also be corrected to reflect the proper designation of the Assessor's block number as well as the lot designations A and B. Approval should also be made subject to the zoning approval. He noted that both houses are owned by Mr. Mourato.

Mr. Fisher asked if Block 42, Parcel 10 is a two family. Mr. Mourato answered yes.

Mr. Ditraglia asked if he was going to put an extension on the house. Mr. Mourato said he plans to put up a three family ranch house and that a tenant lives at the existing house at 36 Cedar Avenue.

Mr. Poland stated that he feels he cannot approve this because of the 3 and a half feet between 48 Cedar and the property line. It is much too close as there will be only 11 feet between the two houses. On the other side there is a driveway that is 8' 3" wide and there is not enough room to park a car in that driveway and open the door. The applicant said he would move the driveway to the front yard. Mr. Poland stated you cannot make the driveway in front of the garage because you cannot park your car in the required front yard in the first 15 feet. He explained you have to have a driveway that you can park a car in that is out of that first 15 feet. The driveway is not wide enough to park a car in which means the cars are going to wind up in the front yard or a couple of cars parked in the street. He stated he has some concerns that the applicant already has rental property in the surrounding area and could someday move out of this area and rent out the house he presently occupies. That would mean the neighbors would have to put up with all these rented homes. Mr. Poland stated this is also against the Comprehensive Plan and therefore he cannot approve it.

Mr. Medeiros commented that he went over to Cedar Avenue and noticed a very tight situation. He said the houses were too close together and by putting another one there you would be exacerbating the situation.

On a motion by Mr. Ditraglia, seconded by Mr. Fisher, the Board unanimously voted to accept the staff recommendation and deny the applicant's request to subdivide this property.

#### Roll Call Vote

Mr. Ditraglia	Aye
Mr. Fisher	Aye
Mr. Goodwin	Aye
Mr. Medeiros	Aye
Mr. Poland	Aye

### **C. Bridgham Shire - Request for Sidewalk Waiver**

Michael Sousa, 410 N. Broadway, East Providence, engineer for the applicant was sworn in by Assistant City Solicitor Dias. Mr. Sousa said most of the driveways have already been constructed and that is the main issue of the request. On the site plans he indicated the concrete driveway apron requirement. The reason the concrete was not put in initially was because the developer was afraid that concrete trucks and lumber and materials would break up the sidewalks and he wanted to leave them open and allow people to come in. He said at this point in time, the desire is to finish off the subdivision, get all the concrete aprons in and resolve any issues with the Public Works Department.

Mr. Sousa stated that every single house has been built with a driveway. None of them conform to the concrete apron requirement. He stated it becomes a real burden on the developer to have to saw cut down the driveways. He said the individual homeowners were required by site plan review to construct concrete driveways and they did not. He noted they were issued certificate of occupancies by the City with the driveways not conforming to the site plan. It now becomes a request to basically allow those lots to be constructed with the concrete aprons so that we can finish off the subdivision. Mr. Sousa stated the ones that have already decided to go bituminous, another homeowner decided to go with a stamped surface. They have all done their own thing. The request is to allow the unfinished driveways to go with the concrete.

Mr. Poland stated it was Mr. Lamb's responsibility to make sure these sidewalks and aprons were put in. It wasn't the homeowner's responsibility. He said he agreed that you do not put them in at first because they get damaged, but at the same time the people that bought the land and got their COC for what they did on their property and not for what Mr. Lamb did on City property. He said City property is what is covered by the bond and Subdivision Regulations. We did give him some leeway on not putting sidewalks everywhere. Mr. Poland said he does not feel that it is fair to ask this of the Board and stated he does not think it is fair for the other developers in the City doing the exact same thing to ask this of the Board. Mr. Poland stated that if the house lots have not been sold, and Mr. Lamb wants to put the driveways in the way they are supposed to be put in and the purchaser damages that driveway apron, they will be responsible to repair it since it is now City property.

Mr. Fisher stated he went through there and observed that 4 of the 14 driveway openings have been completed inappropriately and there are still 10 left to be done. He said there was relief given on certain areas of the sidewalk and to come back on this is not fair.

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board voted to deny the waiver of sidewalks required for the Subdivision and Land Development Review Regulations, Section 13-6. Sidewalks be constructed at driveway openings with no less than six inches of concrete and wire mesh materials, and that the developer be required to install sidewalks at the driveway openings that are specifically required on the regulations.

Roll Call Vote

Mr. Ditraglia           Aye

Mr. Fisher               Aye

Mr. Goodwin            Aye

Mr. Medeiros            Aye

Mr. Poland              Aye

**D. Igus Inc. Major Subdivision (Ferris Avenue) Appl. #99-12-LDP**

Attorney Christine Engustian, 1 Grove Avenue, East Providence, representing the petitioner, Marshall Land LLC, Mr. J. Ralph McGonigle representing Marshall Land LLC, Michael Sousa, David Sluter, and Carsten Blase, Vice President of Igus Bearings Inc. were all sworn in by the Assistant City Solicitor.

Ms. Engustian stated the parcel is under a Purchase and Sales Agreement with Igus Bearings Inc. as the purchaser. Igus Bearing Inc. will be setting forth the proposal for construction before the Board this evening. She stated Igus Inc. is located in the City of East Providence. The company also owns a building in Germany which is the model for the proposed construction here in East Providence. Ms. Engustian distributed photographs of the structure in Germany.

Ms. Engustian noted that Igus engineers are also here tonight, Mr. David Sleuter of New England Construction Company and Mr. Michael Sousa who have prepared the site plans that were submitted to Ms. Boyle and her department.

Mr. Carsten Blase explained his operations. He said they have been in the City of East Providence for 14 years, they are currently occupying a building at 50 North Broadway (the old NHD warehouse). He said they make components that go onto industrial machinery and described the cables, connectors etc. and what it does. Mr. Blase stated they are beginning to outgrow the facility that they are in now and need a larger space. His structure in East Providence right now is strictly warehouse and assembly, but they would like to branch out into manufacturing. He stated that the building he is proposing is unusual. He said Igus Inc. in Germany for the longest time operated out of an old textile mill which looks exactly like the old textile mills around here. He stated the problem we ran into in that kind of building was that of a brick nature. Any time we needed to expand something we had to tear down the wall and break down the brick. He said when it was time to construct a new building we wanted to have something flexible and also wanted

to have a building that was aesthetically pleasing. This is what we are proposing with this new building.

He said this is a site specific plan that the architect drew up with all the different phases shown. Mr. Blase said that the time to build out would be 10 to 12 years. There will be four construction phases. He said phase I would be one maybe two pylons which would give us the space that we need today and the next few years and the future phases would be constructed as the company grows. It was noted that all the pictures distributed tonight would be submitted for the record.

Ms. Boyle stated that this project was the subject of a subdivision approximately one year ago. That subdivision was approved by the Planning Board and it would have created a public street where this driveway is located and would have split the current parcel into several separate lots. That subdivision was never recorded. What is coming before the Board tonight, even though it is classified as a major subdivision is really a Land Development Project (LDP). What the Board is looking at now is a site plan review approval. This is the master plan stage of that site plan or land development project approval. The Board is not going to be looking at issues such as the infrastructure of the road that we have already examined, but the layout of the building within the site itself and the landscaping and circulation on the property.

Ms. Boyle explained there has also been some discussion about the height of the building. There are going to be variances that are going to be required by the Zoning Board of Review for these structural pylons. That is not going to be an action of the Board. She said staff wanted the Board to see some photos and renderings of this project so they would have a better understanding of it. Technically, the issue of the height will be decided by the Zoning Board at their variance hearing later. She said this is a Site Plan Review approval by the Planning Board. Ms. Boyle also said that even though the subdivision did not go forward, because it was so recent, and we have received so much detailed information from the developer about that development, staff felt to a large extent, the site planning of this project has taken place already.

Mr. James Moran went through the staff memorandum. He stated it is a master plan and meets the requirements for an overall plan for a proposed project outlining general rather than detailed development intentions.

The parcel is 12.5 site located on Ferris Avenue. It has a driveway portion which accesses from Ferris Avenue approximately 900 feet long, 40 feet wide. All access to the site will be provided through that primary driveway. This would not be dedicated as a City street, but would be a driveway and not be subject to the requirements for street development that are required under the regulations of the Subdivision and Land Development Review Regulations.

The site is zoned Industrial-1 which requires lots of no less than 30,000 sq.ft. It is proposed in four phases as stated by the applicant. The first phase is on the most northern portion of the site. Parking would be located adjacent to the first phase. The cul-de-sac

that is located at the terminus of that driveway would be re-configured and would be reused for parking and there will be some additional parking to the north of that particular cul-de-sac area.

Mr. Moran explained that City sewer and water would be provided for this development. These utilities have already been installed on that property and were subject to the review of the Board at the seven lot subdivision that was reviewed by the Board last year. These utilities have been approved by City staff. Public Works has accepted them as acceptable under the City's design standards.

Mr. Moran explained that in 1988 the owner had received a drainage design plan approval for drainage to be installed on the property based on its conditions back in 1988 and during that subdivision approval, that drainage plan was still valid. What is happening now is that they are modifying that drainage plan. A wet pond will be installed in a similar location to the prior drainage plan, but will be dramatically different than what is there now and will require a new review by the RI DEM. As is the case with preliminary plan, they will have to have all their DEM drainage approvals for that particular drainage plan prior to preliminary plan submission. Also, full engineering details will also be required to be submitted to the City for the City's review and acceptance.

Mr. Moran stated that this subdivision previously has been approved as a seven lot major subdivision. The applicant did not record the subdivision. As part of that submission they did submit a number of items that would still be valid under this particular subdivision and on several portions of the staff recommendation, we have included a narrative to discuss those issues.

Regarding the zoning permits, Mr. Moran stated there are two that are being requested. The maximum height of the building which has been previously discussed with the support structures that are being proposed would exceed the maximum height in that particular zoning district. Maximum coverage would also be a dimensional variance request that would be required through the Zoning Board of Review.

Mr. Moran stated that at master plan approval there is no requirement for the submission of a fiscal impact assessment. In the previous submission Barbara Sokoloff Associates did submit a fiscal impact assessment for this property. Although it was a seven lot subdivision, the type of uses that you might see go in there are consistent with what was reviewed under Ms. Sokoloff's report so that the general outcome of that report would not be significantly different. The report does indicate that there is a net benefit to the City as a result of that development. He stated it is important to note that there are a couple of changes that do make the net benefit increase in the staff opinion since this particular roadway will not be dedicated to the City and therefore will not be subject to the City maintaining it in terms of plowing, etc. The construction of a single manufacturing facility will be a greater tax benefit than the construction of small facilities. The net positive impact would increase above and beyond what Barbara Sokoloff has noted in her report.

Mr. Moran explained that the Traffic Impact Assessment is now required at master plan submission. Planning showed the Board the type of traffic that would be generated as a result of that development using the previously seven-lot subdivision Traffic Impact Analysis. The daily trip generation in the report was 1,320 daily trips as a result of that development.

Mr. Moran said he provided a brief overview of the concerns for emergency access. He spoke with the Fire Chief about his concerns for the development. He had no major concerns except that he wants the access road that goes behind the building to remain open to allow emergency vehicles to have full access to that at all times and not have any instructions that would build up as a result of parked vehicles. This will be covered more in the preliminary plan submission.

In regard to Comprehensive Plan compatibility, Mr. Moran explained that this general area has been identified as a general industrial use category which defines the character as wholesaling, storage, repairing, fabricating, processing, and or assembly of goods. The intensity of the uses shall be compatible with existing or plan uses. Mr. Moran explained that the area to the west is an industrial facility that has a similar intensity of use and perhaps a higher intensity of use. Handy and Harmon is probably a similar intensity of use located just to the south of that particular property. There are some residential neighborhoods located to the west and to the south of the property, but the setbacks and distances are fairly high for that area. This particular property is buffered by two existing industrial properties. Also to the east is the city-owned "green acres" land which is dedicated as open space in perpetuity. Based this, the Planning Department is of the opinion that the development as proposed is consistent with the East Providence Comprehensive Plan and is compatible with adjoining land uses.

## **Recommendation**

### **Master/Preliminary 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 Land Development Project Master Plan submission as proposed subject to the following conditions of Master Plan approval being incorporated into the Preliminary Plan submission:

- (1) That all comments in the technical staff memoranda, and any and all conditions of the Planning Board approval, be reflected in the Preliminary Plan submission;
- (2) That the applicant obtain all necessary Zoning Variances prior to the submittal of the Preliminary Plan submission ;
- (3) That the Preliminary Plans and supporting documentation be based upon this Master Plan approval.

Ms. Boyle added in terms of Comprehensive Plan consistency, she added that in this memorandum we just focus on land use consistency, but the Comprehensive Plan also has an Economic Development Element. Keeping the existing manufacturing company in the City of East Providence, especially a high tech firm like this with low intensity this is the type of firm that the City desires to have. We certainly do not want to lose a company like this to another location. The intensity of the use is also perfect for that location since it is light assembly and light manufacturing and distribution. She said it is fully consistent with the goals and policies of our Economic Development Element as well for this development to take place.

Ms. Engustian stated for the record that Mr. Moran had mentioned a lot coverage variance, but actually it is a variance on an impervious surface. She submitted an aerial view of the vacant land and how it shows the parcel is behind the other industrial buildings and uses. She also stated that the actual building is almost 10 feet below the maximum height requirement. She stated, in terms of zoning, we are concerned about the pylons.

Mr. Poland said if you are only doing phase one you do not need a variance for the rest because that is going to be all grass. Ms. Boyle answered that the vesting would take place when they begin the construction of the first phase. She said the intention was to have all these variances in place so they don't have to come before the Board later. Phase 2, 3 and 4 will have all grass for at least 10 or 12 years. Mr. McGonigle answered we would have sold it by that time and therefore would not be involved in the construction.

Mr. Poland asked about the number of employees. Mr. Blase answered there are 65 in Rhode Island. It will be round 70 to 75 when they move to East Providence. By the time they reach Phase 4 they will have 250 people employed.

He also stated there would be enough parking at the end of that phase for all his employees.

Mr. Fisher asked about the Traffic Study and if there is a reduction in it. Mr. Moran answered that looking at the use we did not know what kind of uses would actually locate in that seven lot subdivision because it was an industrial subdivision which could have been a mixed use. Waterman Engineering did the traffic study and since the development is industrial, we felt that the number was fairly accurate and consistent.

Mr. Fisher asked about the construction of the building. Mr. Blase answered it is of steel construction.

Mr. Goodwin asked if there were noises and odors. Mr. Blase answered no. He said if you are in the building and 50 or 60 feet away and there is no brick wall you will not hear the machine.

Mr. Ditraglia asked if there was only one way to get into the building. Mr. Blase answered there are two ways.

Mr. Ditraglia asked when the project is completed by Phase 4 will there be enough parking for the employees. Is there another spot for them. Mr. Sousa said there would be adequate parking for all employees.

Mr. Ditraglia asked what size pond there would be on the property. Mr. Sousa said it was his opinion at this point in time that this water body will discharge into the James Turner Reservoir which is a controlled body of water with a dam downstream. In this particular case, the design intent is stormwater quality to basically uplift any pollutants associated with the discharge of stormwater and the quantity of stormwater. A wet pond design is a standard design in the State of Rhode Island for addressing stormwater quality issues. He said our initial intent is to take the clean roof water runoff, discharge that separately and only take the dirty water and use the wet pond for that.

Mr. Ditraglia asked if there are chemicals that are being stored in the area? Mr. Blase stated there might be small quantities of hydraulic fluid for the manufacturing machinery. He stated he is not using hazardous chemicals in actual process. No astringents to wash it or clean it either.

### ***Public Comments***

Mr. Poland asked if there was anyone in the audience that had any questions.

Mr. Dias swore in Theresa M. Jessup, who lives at the corner of Ferris and Tryon Avenue. Ms. Jessup noted her concerns for the record and stated that no one has mentioned there is a kindergarten around the corner of this site. The children walk by there daily. There are also four little league fields that the children bike to. She said she has lived there since 1968 and there has been no less than 20 accidents on that corner and there is a lot of traffic. She is very concerned about the 1,300 trips going down that street and around that corner. The children are on that street all the time and that is their only access to the little league field. She is concerned about the loud noise of the pellets being transported in the truck.

Ms. Jessup noted that the Police are concerned about that corner. They are there every week because of the traffic. Ms. Jessup stated she is also concerned about the air and dust. She noted the fire trucks are there every day going to Chinet. She is also concerned about the flat roof of the building not holding up since we have a lot of snow. In case of an explosion, she said there is only one way in and one way out. How would the fire access trucks get in there.

Mr. Del Marshall, 94 Tryon Avenue, thinks that it is a great idea to have the applicant in Rhode Island, but not this particular area. Some of the abutters stated they never received notice from the first seven lot subdivision. Mr. Moran begged to differ on this and stated that they did receive notice, there was a public hearing on it. Ms. Boyle explained that since that seven lot subdivision was never recorded, this is a land development project and this is the first phase of it. Regarding the egress and ingress, Mr. Marshall asked what happens if the train comes through there and stops in the middle of the track. How would

anyone get out of the driveway of the building. He stated there is a lot of traffic when school gets out in the afternoon. He also asked Mr. Blase if they will be open at night. Mr. Blase answered yes.

Mr. Arnold Fontaine, 99 Tryon Avenue stated Narragansett Park Drive comes right down to the railroad track. Why can't they put a road over the track which is not being used and reroute all the traffic through the Narragansett Park Drive. He is very concerned about the 1,300 cars going down Ferris Avenue and that fact that the traffic will be cutting through onto Tryon Avenue.

Mr. Ronald Cauley, 98 Crown Avenue, stated his concern about the traffic also. He states that the best way to come into this facility would be through Narragansett Park Drive. There would be no burden on Ferris or Tryon Avenues.

Another person in the audience stated that having this facility come to our City is a good thing since it brings with it good jobs and money, but feels it does not compare with the life of a child at all. His concerns are for the children also.

In answer to the questions, Mr. Moran stated most of the land between Narragansett Park Drive is all privately owned and there is a wetland. Ms. Boyle stated that the 1300 trips per day that we using was based on the seven lot subdivision and seven separate companies that was previous approved but never recorded. She noted this is not a number that was provided by Igus or their developers. Their trip generation may be in fact much lower or very different from that. She suggests that one way to address it is at the preliminary stage. Staff will ask that an independent traffic study be done so we know exactly what the traffic would be. She said the developer should look at some safety issues that they could provide at that intersection. She stated this is the type of thing that we will look for at the preliminary stage.

Ms. Boyle stated that given the nature and phasing of the development, you will probably find a much lower number than the 1300. She stated the Board should require an actual traffic generation study at the preliminary stage.

Mr. Moran addressed the dust and noise quality of this project and the emergency access to the site. He said the street is 40 feet wide.

In answer to the emergency response in that area, Ms. Boyle stated that that was an issue that was discussed at the subdivision regardless of whether it is one development or seven developments. One of the things that we are looking for is that the Fire Department is looking for complete circulation around buildings and access at all points. In terms of just having access down this private road, we also looked at other issues on that. The Fire department's response was that in the unlikely event that there was a complete blockage of the entrance of that road, the do have emergency access through the back of Handy and Harmon. She stated they also have the ability in an emergency to come in off of Patton Road which is in the back.

Regarding the roof question about it being a flat roof and how could it handle the snow in the winter, Mr. Blase said everything they build will be to code and he will double check on that.

It was asked of Mr. Blase where the equipment is stored. He answered it is stored in the building and is delivered by delivery trucks such as yellow freight lines. It is in large boxes and taken off the truck with a forklift. They back up to the loading dock doors. There is no handling of the materials outside. Mr. Blase stated the storage of the cables is outdoors and will be fenced in.

Mr. Fisher stated he knows where Mr. Blase's offices are and they have been a very good member of our neighborhood. He stated North Broadway is considerably wider than this area and more indepth to traffic, but what has been taken pace in the confines that are existing in the structure are not a detriment to the neighborhood. There does not appear to be any pollution issues, it is quiet. He noted he has been to Mr. Blase's plant where he notes it is an extremely quiet process and extremely clean. Mr. Fisher stated what they are offering to our City in the form of positive tax revenues will allow us more money to mitigate some of the problems that we do have on Ferris Avenue as well as other locations. He said as far as the Police being there on a regular basis, all you have to do is read the Providence Journal or listen to the City Council meetings. Councilman Rogers has pushed very hard for the issues of traffic safety throughout all of East Providence. He stated much of the violations in that area are being conducted by our neighbors and not the business owners.

### **Recommendation**

Since this proposed development is consistent with the East Providence Comprehensive Plan, meets the general purposes as stated in Article 1 of the Regulations and further that the required findings of Section 5-4 of the Regulations are met, Mr. Fisher made a recommendation that there be conditional approval of the Land Development Project Master Plan submission as proposed subject to the following conditions of Master Plan approval being incorporated into the Preliminary Plan submission:

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board voted to approve the master plan for this development on the below stipulations:

- 1) That all comments in the technical staff memoranda and any and all conditions of the Planning Board approval be reflected in the Preliminary Plan submission;
- 2) That there be a Comprehensive Traffic Safety Study done by a professional firm not just on traffic volume, but on average speed, putting in signage in and also to include the City's Police Department, Fire Department, and City Engineer;
- 3) That the applicant obtain all necessary Zoning variances prior to the submittal of the Preliminary Plan submission;

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

Roll Call Vote

Mr. Ditraglia           Aye

Mr. Fisher               Aye

Mr. Goodwin            Aye

Mr. Medeiros           Aye

Mr. Poland              Aye

**E. 1999-2000 Capital Budget and Six Year Capital Improvement Program**

Mr. Gordon went through the staff recommendation for the Capital Budget.

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board unanimously voted to accept the recommendations of the Capital Budget and Six Year Improvement Program in the amount of \$1,031,080 for 1999 - 2005 as recommended by the Planning Department.

Roll Call Vote

Mr. Ditraglia           Aye

Mr. Fisher               Aye

Mr. Goodwin            Aye

Mr. Medeiros           Aye

Mr. Poland              Aye

Mr. Poland commented to Ms. Boyle that the Capital Budget was done very well.

**CONTINUED BUSINESS**

A. Ms. Boyle stated that the three items that were in the Board's correspondence, the two ordinances and the disposition were approved by the City Council.

## **COMMUNICATIONS**

On a motion by Mr. Goodwin, seconded by Mr. Ditraglia, the Board approved the following communication:

A. Memo dated July 23, 1999 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on July 28, 1999.

## **ANNOUNCEMENTS**

A. Next meeting will be September 14, 1999, Room 306.

## **ADJOURNMENT**

The Meeting adjourned at 11:55 p.m.

Respectfully submitted,

Joseph Medeiros, Secretary

JM/JMB/sac