

December 14, 1999 - Regular Planning Board Meeting

CITY OF EAST PROVIDENCE

PLANNING BOARD

MINUTES OF December 14, 1999

PRESENT WERE: Messers. Poland, Cunha, DiTraglia, Fisher, Sullivan, Jeanne Boyle (staff), Diane Feather (staff), William J. Conley, Jr., City Solicitor, Stephen Coutu, City Engineer.

I. SEATING OF ALTERNATE MEMBER

Mr. Cunha was seated in place of Mr. Medeiros who was absent. Mr. Poland stated that Mr. Sullivan is now an official voting member of the Board and congratulated him. Mr. Poland noted we are still waiting for the Council to appoint another alternate member to replace Mr. Sullivan.

II. APPROVAL OF PLANNING BOARD MINUTES

A. It was noted that the minutes of November 9 were not available, but will be forthcoming.

III. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was none.

IV. NEW BUSINESS

A. Amendments to the East Providence Land Development and Subdivision Review Regulations due to Modification to State Enabling

Ms. Boyle stated that the amendments to our regulations are the result of changes in the State Land Development and Subdivision Enabling Law ("Enabling"). She stated that she and Ms. Feather have been involved with the Rhode Island Builders Association (RIBA) and the Rhode Island General Assembly (House Corporations Committee) in our capacity as members of the Executive Committee of the Rhode Island Chapter of the American Planning Association (RIAPA) in drafting the changes to Enabling. Ms. Boyle asked Ms. Feather to explain the amendments.

Ms. Feather explained this is a public hearing, which is a requirement whenever the regulations are amended. She noted that a display advertisement was placed in the Providence Journal (as required) over three successive weeks - November 29, December 6, and December 13. Ms. Feather referred the Board to the staff memorandum, which provides an overview of the changes. She asked that the Board vote to enter the memorandum into the record of the hearing before their vote on the amendments.

Ms. Feather noted that the proposed amendments to the East Providence Land Development and Subdivision Review Regulations ("Regulations") are the result of changes to State Enabling Law, and therefore all Rhode Island communities are likewise affected. She noted that RIBA proposed some of the changes because they perceived that certain members were having trouble in some communities. She noted that RIBA believes that the changes will speed the process for them, and she also noted that the problems the developers said they were encountering did not involve East Providence.

Ms. Feather noted that the actual pertinent pages from the Regulations showing the amendments are attached to the staff memorandum, with language to be deleted shown by a ~~strike through~~ mark and language to be added shown by shading of the text. She noted that the changes are described in the staff memorandum.

Ms. Feather noted that the first change is in Article II, relating to the definition of a minor subdivision. As the Board is aware, the Enabling definition of minor subdivision included language that said that any application that involved non-residential land had to be automatically classified as a major subdivision. She noted that this had impacted an East Providence subdivision (a two-lot subdivision on Willett Avenue that had to be classified as a Major subdivision because it was zoned commercial, although the properties were being used as residences). She noted that staff was exasperated with this definition and took the opportunity to recommend that the language be modified so that there was no automatic re-classification to major (for subdivisions of less than six lots) just because they involved a commercial use or involved commercially zoned land.

Ms. Feather noted that in the section regarding pre-application conferences (Section 5-7), the words "general" and "conceptual" were added to clarify for an applicant and a municipality that the information that should be submitted for a pre-application conference is of a general and conceptual nature. Also added to this section is language that allows an applicant to file an application for a land development or subdivision if they have had at least one pre-application meeting with a city or town, or if they have submitted materials for a pre-application meeting and the community has failed to schedule a meeting within 60 days of the submission. She said there was a feeling among some developers that certain communities were trying to slow down the process by delaying the scheduling of the required pre-application conference.

Ms. Feather noted that there are some changes to the time period for what is called "completeness review", that is the time staff has to review a submission and certify whether it meets the submission requirements or not. For minor subdivisions *on existing frontage* the time period for completeness review has been reduced from twenty-five (25)

days to fifteen (15) days. She noted that it stays the same for a minor subdivision that involves a street creation or extension - twenty-five (25) days.

Ms. Feather also noted that the time period for *final plan* completeness review has been reduced from 45 to 25 days, however, staff can extend that time under certain circumstances. She also noted that in Enabling the time period for completeness review of a *master plan* had been reduced from 90 days to 60 days. Ms. Feather noted that at the time of the original adoption of the Regulations in East Providence in December 1995, we had voluntarily reduced the time frame from 90 days to 60 days, so we are already in compliance with this revision to State Enabling.

Mr. Sullivan asked if the Planning Department was comfortable with the speeding up of this process. Ms. Feather noted that staff, along with the Statewide Planning Program, had done a survey of all the other Rhode Island communities which, for the most part, revealed that people were doing the completeness review well within the time frames allowed and would not be impacted by the changes. Ms. Feather stated that we are comfortable that the timeframes are adequate to do the review that is required. She noted only the *completeness review* timeframes were changed, and the time frames for *substantive review* remain unchanged.

Mr. Sullivan asked if we have to accept the changed timeframes. Mr. Poland stated that the State Enabling laws have been changed, and therefore all Rhode Island communities have to comply, so the Planning Board is required to pass the changes.

Ms. Feather noted that language has been added that allows either the Administrative Officer or the Planning Board to restart a time period that has been stopped. If we issue a Certificate of Incompleteness, the time period stops. When the applicant comes in with an amended application, the time period commences again. The Enabling Law previously allowed only the Planning Board to do re-start a time period, but this could slow the process for applicants by requiring that they wait for a monthly Board meeting. She noted that in communities that have Administrative Officers, like East Providence, the Administrative Officer can recommence a time period that has stopped. Ms. Feather also noted that language has been added that gives a community no less than 14 days to review an amended application.

Ms. Feather noted that the change to Article VII., Administrative Subdivision, was required by some attorneys who felt that certain communities were not posting their decisions on administrative subdivisions, and therefore the attorneys did not know when the 20-day appeal period started and ended. She noted that we already post all decisions in a Decision Index in the City Clerk's office, so there is no change to our procedures.

Ms. Feather explained that language was added to the article on Major Subdivision, Preliminary Plan, that specifically requires the Administrative Officer to solicit final comments from several City departments and State agencies. She noted that we already follow this procedure in East Providence, so there is no change in procedure.

Ms. Feather noted that in two places in the article on Major Subdivision that the words "minor subdivision" incorrectly appear. She noted that this was a mistake that resulted from copying language from one article to another at the time of the original drafting of the new Regulations, and stated it will now be corrected.

Ms. Feather explained that under Section 11 - 1, "Right of Appeal", language is added that requires appeals to take place *prior* to the final plan stage. She said the builders and developers were anxious to have the appeals take place at the master or preliminary plan stage to avoid getting to the final stage and then having everything appealed. She noted however, that language has also been added that allows appeals from a decision granting or denying approval of a Final Plan if such action contains elements of approval or disapproval not contained in the decision reached by the Planning Board at the Preliminary Plan stage (provided that a public hearing in conformance with Enabling has been held).

Ms. Feather noted that the final change is in Article 11, Section 11 - 2 (a)(1). This change involves the deleting of the word "recorded" and replacing it with the word "filed". She noted that this change was at the request of an attorney who worked with us on the changes, who asked for this change because the word "recorded" implies recording in a community's land evidence records, however, not all communities are recording decisions and many are "filing or posting" decisions. She noted that this change ensures that in some way all communities are filing or posting all their decisions.

Ms. Feather reminded the Board that these changes were the result of changes to State Enabling, and therefore staff is recommending approval. She noted that the regulations would be re-printed with the original adoption date and this first amendment date. She noted that these were the first changes to the regulations since their original adoption by the Board on December 18, 1995.

Chairman Poland asked if staff had looked for other changes that we might feel were necessary since this would be a good time to make such changes. Ms. Feather indicated that staff did not feel any other changes were necessary at this time.

Mr. DiTraglia asked staff if they had input into all these changes. Ms. Boyle noted that our major input was changing the minor subdivision definition to eliminate automatic classification to major for any commercial property. Ms. Boyle stated the builders had first prepared a draft that proposed shortened time frames that several planners throughout the state thought would be unworkable. She noted that RIAPA, RIBA, along with some attorneys, then worked together to prepare an acceptable final draft.

There were no more questions from the Board.

Motion

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board made the staff memorandum part of the Board's official record.

Roll Call Vote

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

Public Comment

Mr. Poland stated this is a public hearing and asked if anyone had any questions.

Mr. Michael Leonardo, 1479 Wampanoag Trail was sworn in by City Solicitor Conley. He asked about the appeal in the preliminary stage and asked if that applies to all administrative, minor and major subdivisions. Ms. Feather noted that administrative subdivisions are generally a one-stage plan review (by the Administrative Officer), and the Administrative Officer's decision is posted. She said that the change to Enabling does affect all minor and major subdivisions. Ms. Feather explained that minor subdivisions have a two-stage plan review - preliminary and final, and that major subdivisions and land development projects have a three-stage plan review - master plan, preliminary plan, and final plan review. Ms. Feather said the appeal process must take place prior to the final plan stage (except as earlier noted). Mr. Conley stated he agrees with this explanation.

Mr. L. Robert Smith, Waterman Engineering, 450 North Broadway was sworn in and commended the city staff for their role in modifying the definition of minor subdivision so that commercially used or zoned property need not be automatically classified as a major subdivision.

Motion

On a motion by Mr. DiTraglia, seconded by Mr. Fisher, the Board voted to accept the recommendation of the Planning staff and approve the recommended amendments to the East Providence Land Development and Subdivision Review Regulations.

Roll Call Vote

Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. Fisher	Aye

Mr. Sullivan Aye

Mr. Poland Aye

Mr. Poland also commended staff for the good job they did.

B. Anama Avenue Subdivision - Performance Bond Reduction requested Newell Realty;

Ms. Boyle stated that Newell Realty has finished the work required for this subdivision and they are now requesting release of all the remaining funds in the improvement guarantee. The Department of Public Works has advised Planning of remaining work, including the installation of granite bounds and submission of the as-built drawings. She stated that DPW has recommended that \$2,000 of the Performance Bond be held to cover those items. Ms. Boyle stated that Newell Realty is very reluctant to have the bond continue for such a small item, and has offered a check to cover those items.

Ms. Boyle stated she has received a check payable to the City of East Providence for \$2,000 with a hand written note from Newell Realty that as of Friday the granite bounds have been installed. She said she would seek confirmation of that from the City Engineer (they would need to do an inspection). Ms. Boyle stated that if the \$ 2,000 check is deemed acceptable, she recommends that Newell's request that the bond be released in its entirety be approved. Mr. Conley noted that the check is a bank check and is made payable to the City of East Providence, and said the City would be protected even more so by the check than the performance bond.

Motion

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to accept the recommendation of the Planning Department to release the Performance Bond in full and accept the certified bank check in the amount of \$2,000 payable to the City of East Providence as guarantee for the remaining items indicated by the Department of Public Works.

Roll Call Vote

Mr. Cunha Aye

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Poland Aye

Mr. Sullivan

Aye

C. Mason Street Subdivision - Performance Bond Reduction request by Ronald Rodrigues;

Ms. Boyle stated that Mr. Rodrigues has submitted a request for the release of the performance bond for the Mason Street subdivision in its entirety, and noted that the staff recommendation is contained in the memorandum contained in the Board's packet. She noted that the remaining bond amount is \$ 3,000. She noted that the required as-built plans (prepared by Waterman Engineering) have been submitted and approved. Ms. Boyle noted that on September 8, 1998 the Board voted to reduce the bond from \$30,000 to \$3,000 pending submission of the as-built plans.

Ms. Boyle noted that there was an issue with the construction of this subdivision that had previously been reviewed by the Board relating to an existing driveway on Mason Street. She said during the construction of Mason Street the contractor had to saw-cut in and remove a portion of an existing concrete driveway. The contractor replaced that portion of the driveway with asphalt rather than with concrete. It has been the City's policy that any driveway restoration to be done would involve restoration to match the existing materials. Since that work has not been to date, the Department of Public Works has recommended that we retain \$1,500 for the restoration of that driveway section to concrete, and release \$ 1,500.

Mr. DiTraglia asked why the contractor has not replaced the driveway the way it should have been. Ms. Boyle stated she hasn't had any discussions with the contractor, but as you recall when it first came before the Board the applicant was adamant that this was not a fair requirement of the Board. He asserted at the time that the condition of the driveway was very poor and that he restored it to a better condition. She said this may be why we have had resistance from the contractor to perform that work. Mr. Coutu stated the contractor feels he is not responsible to repair it. Mr. DiTraglia stated that the contractor had agreed to fix it when this issue first came up and suggested that we look back on the record. Ms. Boyle stated the property owner is present.

Mr. Poland asked Mr. Coutu if the contractor does not do it, then the City would access the \$1,500 to do the work. Mr. Conley stated we have to put the bonding company on notice and stated this is usually enough to motivate the developer. Mr. Poland asked Mr. Coutu what a reasonable amount of time would be for the contractor to fix the driveway. He answered 30 days, weather conditions being favorable.

Mr. Fisher asked how much time has expired since a reasonable request to restore this situation. Ms. Boyle stated over a year. Mr. Fisher asked Mr. Conley why the Board is even entertaining a reduction in the bond. Ms. Boyle answered because he has submitted the as-builts. Mr. Fisher stated the only thing that motivates people is money and if we

hold back the bond reduction it gives sufficient motivation to get the job done appropriately.

Ms. Feather said that staff's recommendation to release \$ 1,500 was based upon submission of the as-built plans. Mr. Fisher stated he is not looking to impose a hardship on someone, but would like to set a standard. He stated this standard is being ignored without regard to the parties involved and he feels we need to retain the bond.

Mr. Poland stated he agrees with Mr. Fisher. Mr. Poland asked Mr. Coutu if the City would hire a contractor to do the job and pay him out of the \$3,000 and refund the developer the remaining money. That way it would be done properly. Mr. Coutu said he would like to give the contractor the timeframe to do it. Mr. Conley stated we are obligated to give him notice if we are going to use the bond money. Mr. Conley stated he agrees with Mr. Fisher and Mr. Poland in that the lowering of the bond amount to \$ 1,500 leaves little incentive for the developer to correct the problem. He stated he endorses the approach that the City keep the \$3,000 and put him on notice that he finish the job within the next 30 days. If he does not, then we will use his money and refund him only that portion of the \$3,000 that is not required.

Motion

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to deny the request for the release of the performance bond and to retain the full \$3,000 with the stipulation of a 30 day period of time in which Mr. Rodrigues must see that the driveway reconstruction is completed; and further if in such time the job is not completed, the City will then act to complete the job and would refund any portion of the performance bond the City did not access.

Roll call vote

Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Poland	Aye
Mr. Sullivan	Aye

D. Request to purchase City-owned property on the corner of Brook Street and Newman Avenue;

Ms. Boyle explained that this request was referred to the Planning Board by the City Council and involves the request of Mr. Alfred Luchesi, of Pawtucket, RI, to purchase approximately 40,000 square feet of property from an 18-acre parcel owned by the City of East Providence in Seekonk, Massachusetts at the corner of Brook Street and Newman Avenue. Ms. Boyle noted that this 18-

acre parcel is part of the 270 acre land buffer for the Central Pond - Turner Reservoir watershed that was originally acquired by the City's Water Department when the City provided its own water to its residents.

Ms. Boyle reviewed the staff memorandum on this request (dated December 10, 1999). She noted that the City's standing policy for a number of years has been to deny any requests for disposition of this property. She noted that the Comprehensive Plan identifies the Turner Reservoir/Central Pond complex as a potential back-up water supply and calls for retaining the City owned land around this water body, and noted that the sale of this property would be inconsistent with the Comprehensive Plan. She noted that the Army Corps of Engineers is presently conducting a water quality assessment of the Turner Reservoir for the City. She stated that this study is being done under a cost-sharing agreement with the City responsible for \$ 42,000 towards the \$84,000 study, and noted that the study should be completed in the Spring. She said the Army Corps would be taking a look at whether it is a realistic expectation that the Turner could be used as a back-up water supply. They would also be taking a very analytical approach to delineate the watershed and identify the area needed for protection of water quality. She noted that until this study is completed, the sale of any land in the watershed is premature.

Ms. Boyle noted that the Department did a very rough layout of a subdivision of this property back in 1997 in anticipation that there may be some possibility of sale of City-owned land. She noted that the sketch was attached to the Department's memorandum, and noted that as you can see from the layout, we came up with about a 16- lot subdivision. She noted that the proposed acquisition before the Board this evening would hamper any future plans of the City to sell the 18-acre parcel. Ms. Boyle stated the right of way of Newman Avenue extends very far into that property and the City's property line is 100 feet in from the edge of the pavement. She noted that the property that the applicant is proposing to acquire is within the 100 foot building setback required by the Town of Seekonk and said she is not sure the request is very realistic in terms of its buildability. She noted that staff is recommending that the Board recommend that the City Council deny this request.

Mr. Cunha asked if the City pays taxes to Seekonk on this property. Ms. Boyle answered yes, marginal taxes. She said this is the largest stand-alone parcel, the other parcels in Seekonk are street ends and the fringe of the reservoir itself.

Mr. Fisher's stressed the importance of maintaining public access to these City properties. He also stated that it is very important that we maintain a buffer because we might need to use the Turner Reservoir in the future. He noted he would definitely vote against this request.

Mr. Poland agreed and stated that even if there was a piece of land that the City wanted to sell off because it did not affect the watershed, we would probably market it rather than just sell it to the first person who submitted a request. He stated staff has made a good recommendation to deny this.

Mr. John Conley spoke and asked why something pertaining to any of our resources would be put up for sale in the first place, and stated he thought there would be something in the Comprehensive Plan that would keep any of our resources in the City from going out to the highest bidder. He stated he totally agrees with what Mr. Fisher said. He stated we are a pretty well developed City, every bit of open space we have appears to be built on or is going to be built on, and we should be very tenacious, particularly when it comes to the City's resources. Mr. Conley stated he agrees with the staff recommendation.

Regarding Mr. Conley's comment about the Comprehensive Plan, Ms. Boyle responded that the Comprehensive Plan recommends that we keep these properties and this is one of the reasons staff is recommending denial of this request.

Motion

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted to recommend that the City Council deny this request to purchase a 40,000 square foot portion of the city-owned 18-

acre parcel at the corner of Brook Street and Newman Avenue in Seekonk, MA for the reasons noted above.

Roll Call Vote

Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Sullivan	Aye
Mr. Poland	Aye

E. Chaffee Street Subdivision, Appl. #99-18 Minor, Applicant: Allyson Dickie, Map 504, Block 2, Parcels 6 & 7.

Mr. Larry Smith, Waterman Engineering, P.E., described the proposed subdivision to the Board. He described the history of the property before the Zoning Board of Review. He stated the request before the Board is for a 2-lot minor subdivision. He noted that the proposal would result in a new buildable lot of 7,545 square feet at the corner of Chaffee Street and Greenwood Avenue. He noted that the setback requirements, as well as lot area, depth, and width requirements would be met. The existing home would be located on a lot with an area of 15,740 square feet. He noted that the sewer line would need to be extended to service the new lot. There are water lines in Both Chaffee Street and Greenwood Avenue. He asked the Board for waiver of sidewalks and curbing for the entire frontage of both streets along the new lot since there are no sidewalks or curbing in the area.

Ms. Boyle stated this is a minor subdivision on existing frontage and is before the Board for preliminary plan approval. She noted that the proposal does not require any relief under zoning, so the Board can either give final approval or delegate final approval to the Administrative Officer. Ms. Boyle noted that the Certificate of Completeness was issued for this application on November 18th and the notice to abutters was mailed on November 17th. She also noted that the proposal meets the requirements of Zoning.

Mr. Boyle noted that the applicant is requesting a waiver from the requirement for the construction of sidewalks and is also requesting a waiver from the requirement for the installation of granite curbing. She noted that staff does not object to the granting of the waiver for sidewalks given the size of the subdivision and the fact that there are generally no sidewalks in the immediately surrounding area. However, Ms. Boyle stated that staff recommends denial of the requested granite curbing waiver and recommends that the applicant be required to install granite curbing.

Ms. Boyle noted that the staff recommendation is contained in the December 9, 1999 memorandum to the Board. She noted that the Department of Public Works had identified several issues in their memorandum, which have already been modified on the site plans by the applicant's engineer. She noted that DPW provided an updated memorandum that indicates they accept the plans as updated and are satisfied with the amendments that have been made by the applicant's engineer. She further noted that the issues associated with zoning have been corrected on the plan submitted to the Board.

Ms. Boyle stated that based upon a finding that the General Purposes of Article 1 of the Regulations are met, and further that the proposed subdivision is consistent with the East Providence Comprehensive Plan, staff recommends *Conditional Approval* of the subdivision as proposed, subject to the following conditions:

1. That all comments and amendments in the technical staff memoranda of the Planning Department as attached be incorporated into the plans as submitted, and that any and all conditions of the Planning Board approval be reflected in the final plan submission;

2. That the final plans and supporting documentation be based upon this preliminary plan approval, that the final plans meet all City Regulations and Ordinances and all applicable state and/or federal regulations; and

3. That granite curbing be installed along the frontages of all residential lots within the development.

Ms. Boyle reiterated the staff recommendation on the requested waivers: Approval of the waiver request for sidewalks, and Denial of the waiver request for granite curbing. Ms. Boyle also noted that although the applicant had not requested delegation of Final Plan approval, the Planning Department recommends that final plan review and approval be delegated to the Administrative Officer per Section 9-10 of the Regulations.

Mr. Poland asked if there should be another stipulation that the applicant obtain the required zoning variances. Ms. Boyle stated the lot configuration was changed from what was originally submitted and the lots as shown on the plan now before the Board meet the dimensional requirements of Zoning and no zoning variances are necessary. She noted that the original plan submitted, for which the Zoning Officer provided a memorandum, had subsequently been changed to address the comments of the Zoning Officer. She said to refer to the memorandum from the Zoning Officer and City Engineer.

Mr. Poland asked why this proposed subdivision does not have to go for a variance when they do not have a 100 foot side lot line when last month we had an applicant that had to get a variance for this reason.

Ms. Feather had the Zoning Ordinance with her and staff pointed out Section 19 - 138 (a) which reads: "Side Lot Line. Notwithstanding any other provisions of this chapter no side lot line shall be less than 80 feet. In the case of corner lots, which meet all of the dimensional requirements and have a side lot line serving in accordance with subsection (b) of this section and section 19 - 141 (c) as a rear lot line, this side lot line may be less than 80 feet, but not less than 50 feet." Ms. Boyle stated that both of these side lot lines meet this requirement, and the lot has sufficient depth, width and area.

She stated that the other subdivision that Mr. Poland had questioned probably did not meet all the other standards.

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

Mr. Sullivan spoke about the new curbing program in the City that has the homeowner paying for materials and the City installing it. He said if your going to build something new, it should have granite curbing to keep in line with other granite curbing in the City.

Mr. DiTraglia asked if anyone could get the curbing. Mr. Coutu stated it is for the property owners (not the developers) who wish to take part in the program.

Mr. Poland asked where the applicant lives. Mr. Smith stated the applicant lives in Chicago now. Mr. Poland explained that lot was originally a taxed lot and owned by the City. It was purchased and the builder got a variance to build on it which the variance was granted to put part of the house in the required side yard. At that time, the owner of the house was against a house being built on that lot because they did not think a house belonged there. All the neighbors attended the zoning meeting at that time objected to the house. After it was passed, the people who lived in the house immediately adjacent to the lot bought it so that a house would never be built on it.

Ms. Boyle stated she had looked at the title report and it does not say anything about any deed restrictions. Mr. Poland stated it was purchased with a zoning variance on it in 1988 and they purchased it after that so a house would not be built on it.

Mr. Poland asked if the staff recommendation is that the curbing should be done on the whole subdivision which would be the entire frontage of both streets since it is a corner lot. Ms. Boyle answered correct. She said by having the curbing it elevates the level of the yard from the street which gives safety for pedestrian circulation. She said she had considered giving the Board some information on this provided by a national planning source about the need to look into pedestrian safety. She said we need to focus on curbing. This provides the bare minimum of safety for pedestrian access regardless whether you are near a school or a church.

Mr. DiTraglia stated he agrees with staff and like to see curbing and sidewalks. It is not only a safety issue, it is an upkeep issue and makes the area look nice. However, he said when the property is in an area that doesn't have any at all, it stands out more than it should. He stated he would like to implement something where we could have curbing and sidewalks in every area. He said it is a big expense for the contractor and that maybe the homeowner would do it on his own. Mr. Coutu stated again that there is that program in place for only the homeowner where they buy the curbing and the City would pay to have it installed.

Mr. Sullivan stated the reason we don't have the curbing is because we don't put it in there. He said it has to start somewhere and if your going to build, the developer should put curbing in and there shouldn't be any waivers on curbing. Your not dealing with a homeowner, your dealing with a person who is in the business to make money and the money you are asking him to lay down for curbing isn't coming out of his pocket, it's all going to go in the sale of that property. He said the curbing is aesthetically pleasing and keeps cars off the sidewalk, it gives a place for water to run instead of your front lawn.

Mr. Poland commented that if you didn't have waiver requests, then there would be no need to have a Planning Board, everyone would just go by the ordinance.

Mr. Fisher stated he had discussion with the neighbors in the area and several of them are opposed to granite curbing because it interferes with the historical and rural look of the environment of the surrounding properties. As far as runoff issues, Mr. Fisher said there is a depression on Greenwood Avenue that runs down into a stream revere where there

has always been sufficient drainage over the years. He personally thinks its up to the property owner to make a decision as to whether or not they want curbing in front of the property in light of the fact that there is no curbing there presently. He also stated that since there is no curbing in the area, to put it in now would look like patchwork. He said it is across the street from an historic house and they are against the curbing because it does impinge upon the value of their home from an historic standpoint. In reference to what Mr. Poland stated, Mr. Fisher said he feels a waiver from this requirement is reasonable in light of the fact that there is no other curbing in the area.

Mr. Fisher asked if the current structure is inhabited at this time. Mr. Smith answered he believes they are going to rent it and he believes it is currently vacant.

There were no other comments.

Motion - Sidewalk Waiver

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to *approve* the waiver of the sidewalks.

Roll Call Vote

Mr. Cunha Aye

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Sullivan Aye

Mr. Poland Aye

Second Motion - Waiver on Granite Curbing

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to *approve* the waiver of granite curbing.

Roll Call Vote (3 - 2 to approve)

Mr. Cunha Nay

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Sullivan Nay

Mr. Poland Aye

Third Motion - Subdivision

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to accept the conditional approval of the requested subdivision subject to the listed items 1, and item 2 of page five of the Planning Department memorandum with the exception of item No. 3 which states that granite curbing will be installed along the frontage of all residential lots within the development.

Roll Call Vote

Mr. Cunha Aye

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Poland Aye

Mr. Sullivan Aye

Motion to delegate final plan approval

On a motion by Mr. Fisher, seconded by Mr. DiTraglia, the Board voted to delegate the final plan review to the Administrative Officer.

Roll Call Vote

Mr. Cunha Aye

Mr. DiTraglia Aye

Mr. Fisher Aye

Mr. Sullivan Aye

Mr. Poland Aye

F. Trailside Subdivision - Planning Board's Review of Scope of Outside Services

Ms. Boyle stated that the applicant's had previously submitted a plan that was also referred to the Planning Board for scoping of outside services, however, that plan did not go forward through the process. She stated that a new conceptual plan has been presented to the staff, and since this is a new plan, staff referred it to the Board for scoping of outside services. Ms. Boyle stated that the present plan is for 91 lots for single-family development on a 55 acre parcel. The development is called Trailside Farms, and is being proposed by A.M.J.A.M. L.P., comprised of members of the Leonardo family. She noted that the property is presently zoned R-1 which requires a minimum lot size of 18,750 square feet. She stated that the proposal is for lots of no less than the minimum requirement for the R-1 District and therefore does not require a zone change.

Ms. Boyle explained that as of this date we still have not received the complete Master Plan submission, but have had the required pre-application meeting. She stated that under Section 4-6 of the Land Development of Subdivision Review Regulations, the Planning Board has the authority to require an applicant to pay fees in addition to the filing fee for outside services so that the City can hire an outside professional to conduct a review of the impact analyses prepared by the applicant upon their submission. She stated that in January of 1997, staff reviewed this same property with a different proposal for 148 lots that would have required a rezoning to R-2.

Ms. Boyle stated the applicants know they need to do an impact analysis for traffic, drainage, geotechnical issues (there is going to be a great deal of fill on the property) as well as a fiscal impact. They are also aware that staff will be requiring outside review of certain aspects of that proposal due to the large scale of the development and the potential for off-site impacts. She said that at this time staff is recommending that we get outside professional review for the drainage and geotechnical components of the development.

Ms. Boyle stated that right now we are not recommending an outside review of the traffic impact analysis which they have prepared because they are not proposing direct access to Wampanoag Trail. She said in the previous submission for 148 lots there was direct access to the Wampanoag Trail and we were much more concerned about the traffic impacts as a result of that.

Ms. Boyle explained that the site is located within the Southeast Drainage District and it is customary in these cases to require outside engineering review. She said we have spoken with Camp, Dresser, McKee (CDM) to get a proposal for a review of their engineering work. She explained the Southeast Drainage Study was done by CDM and because of CDM's familiarity with the drainage issues, they have been hired in the past by the City to review the North Glenrose, Evergreen Estates, and Sunnybrook Estates subdivision submissions. The fee that CDM is proposing for this work is \$5,300.

Ms. Boyle explained that this property has been used for sand and gravel mining for a number of years, and there is a very deep hole on the site that will require significant filling and regrading in order to construct roads and homes. She noted that the filling raises issues of subsidence for the home sites as well as for the roads and utilities. She stated there are also issues regarding the noise from the fill operations, traffic, and also

dust from that operation, so staff is recommending outside review of the geotechnical issues associated with the development.

Ms. Boyle noted that we might need additional outside review at both master and preliminary stages, at which point staff will come back to the Board for that approval. Ms. Boyle stated if the Board decides to seek outside consulting services for an issue that has not come up yet, such as for the issue of traffic, there might be an additional fee. She stated that before we can tell CDM to proceed, we need the approval of the Planning Board. She said at this time all the information has not been submitted, but once we have a complete application, we will expect CDM to be brought on board to perform their review in addition to the review of the City's professional staff.

Mr. Poland asked if this analysis would also give them information on the rest of the impact of the Southeast Drainage District in the Plum Road area since the residents of that area will probably have questions. Ms. Boyle stated the regulations require that the drainage plan that the applicant creates achieves zero net additional runoff. She said their engineers will be required to basically keep all that drainage on-site. CDM will be reviewing their application as well as the City's engineering staff to make sure they are in fact achieving the zero net additional runoff. Mr. Poland asked if they are going to give us an idea on the impact of the entire Southeast Drainage District of what any impact associated would be. Ms. Boyle noted CDM would review the applicant's submission and tell us whether they agree or disagree with the conclusions of their engineers.

Mr. Poland asked Mr. Michael Leonardo if he would be willing to pay the \$ 5,300 for the outside review. He answered yes.

Mr. DiTraglia asked if they would agree to pay for the study. Mr. Leonardo said yes. Ms. Boyle stated the money would be deposited in an escrow account with the City and the City would pay CDM with it.

Mr. Sullivan asked how deep the hole is now on the property. Mr. Leonardo stated it was equal to the elevation to the Wampanoag Trail, somewhere between 35 and 40 feet.

Mr. Poland asked about the filling and regrading of the area and truck traffic bringing in fill from off-site. Mr. Leonardo said they would not be bringing any fill from off-site. Ms. Boyle stated this is one of the points we want to have confirmed as part of the review.

Ms. Boyle stated it is very important to have the drainage issue studied and staff needs the comfort level of having CDM look at it because we are very much aware of the questions that will be forthcoming from the residents in the Southeast Drainage District.

Ms. Feather explained to the Board that the distinction that you have to remember with this development, unlike the North Glenrose and Evergreen Subdivisions where they discharged in part to a wetland area, is that there is no outlet for this subdivision and all the stormwater must be retained on-site in the proposed retention basin.

Mr. DiTraglia asked Mr. Leonardo if he is using the high bank that faces Wampanoag Trail as fill for the hole that is there now. Mr. Leonardo said yes, that the bank would be used to construct the roadways and to fill in some of the hole. Mr. Leonardo stated there is no ledge in the crevasse.

The question of whether there was any possibility of contamination on this property as the result of migration of product off the Mobil Oil property (which extends to Forbes Street) was raised. Ms. Boyle stated that to her knowledge there are no reports of off-site migration that would have reached the Leonardo property.

Mr. John Conley asked Mr. Leonard if there was any chance of commercial or a combination development going in there. Mr. Leonard stated no, not at this point in time.

Mr. Poland asked if there were any other comments.

Motion

On a motion by Mr. DiTraglia, seconded by Mr. Sullivan, the Board voted to *approve* the proposed Scope of Work by Camp Dresser and McKee and the fee of \$5,300 for drainage and geotechnical review, with the understanding that there might be additional work and additional areas of review at the master plan and preliminary stages.

Roll Call Vote

Mr. Cunha	Aye
Mr. DiTraglia	Aye
Mr. Fisher	Aye
Mr. Sullivan	Aye
Mr. Poland	Aye

V. CONTINUED BUSINESS

1. Staff Report

A. Ms. Boyle noted staff is proceeding with the updated Comprehensive Plan. We are targeting March, 2000 to have it go before the Board. Drafts of the plan are in the working stages. She stated this is the top priority.

B. Ms. Boyle stated we are moving forward in selecting the consultant for the Forbes Street Landfill Study to take a look at the feasibility of reuse of that property for recreational purposes. We hope to have a consultant hired by April 2000.

C. Ms. Boyle stated we are working on hiring a design consultant for the Breed Hall Senior Center Annex.

D. Ms. Boyle stated that a subdivision will be coming before the Board in the near future for a fire station in Rumford and we are targeting the January, 2000 Planning Board meeting for that.

E. Mr. DiTraglia congratulated Ms. Boyle on the nice article that the Providence Journal did on her and the City of East Providence Planning staff. He stated he was proud to be a part of the Planning Board to have an article like that done.

Ms. Boyle said in an article the APA did a survey of the legislation in place and Rhode Island was picked as one of the top six nationally. She noted we have dealt with the changes in the Comprehensive Plan and the Subdivision and Zoning and noted we do have very good legislation in the State of Rhode Island. She said there will probably be another piece of legislation such as the impact fee legislation which is also something that the APA has been working on with the RI Builders and League of Cities and Towns. Ms. Boyle said she does not envision the City of East Providence enacting any impact fees, but it will standardize new procedures by which the communities assess impact fees.

VI. COMMUNICATIONS

On a motion by Mr. DiTraglia, seconded by Mr. Fisher the Board voted unanimously to accept the first three communications.

A. Letter dated 9/7/99 to Peter Poland from Charlie Goodwin regarding his resignation from the Planning Board.

Ms. Boyle stated at the last City Council meeting they voted to send a letter thanking Mr. Goodwin for his years of service. She thought it might be a good idea to give him the plaque at a Council meeting. The Board it would be a good idea to give the plaque to Mr. Goodwin at the January Council meeting.

B. Letter dated 11/10/99 to H. Winfield Tucker from Jeanne Boyle, Re: Bond Reduction for Kent Farms Subdivision residential application;

C. Memo dated November 20, 1999 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on December 1, 1999;

D. Two letters from Eugene Saveory, Chairman, Zoning Board of Review, to Joseph Larisa, Jr. dated December 6, 1999.

Mr. Poland stated regarding item D., he would like to send a letter requesting a list of the ordinances that Mr. Saveory thinks should be changed. Regarding the enforcement issue noted in Mr. Saveory's letter, Mr. Poland stated that the new Zoning Officer that will be hired should realize that enforcement is the Zoning Officer's job, not the Planning Board's job. He noted that when the Planning Board was updating the ordinance last year the Zoning Board never had any requests for changes.

Ms. Boyle stated that the only area with on-going work underway on updating, are the parking standards. Mr. Poland stated that once the Zoning Board identifies their concerns, he would like the Planning Board do all the changes at once rather than go back to the City Council repeatedly.

Ms. Boyle stated she would write a letter to Mr. Saveory under Chairman Poland's signature requesting a list.

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

VII. ANNOUNCEMENTS

The next meeting will be held Tuesday, Jan. 11, 2000, 7:30 p.m., Room 306.

VIII. ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Joseph Medeiros, Secretary

DMF/JMB/sac