

# **September 14, 1999 - Regular Planning Board Meeting**

CITY OF EAST PROVIDENCE

## **PLANNING BOARD**

**MINUTES of September 14, 1999**

**PRESENT WERE:** Messers. Poland, Fisher, Ditraglia, Cunha, Medeiros, Jeanne Boyle (staff).

### **SEATING OF ALTERNATE MEMBER**

A. It was noted Mr. Cunha would be seated as a voting member in place of Mr. Goodwin.

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

It was noted the minutes of April 13 and August 17 were not available, but would be forthcoming.

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

The Board voted unanimously to accept the following correspondence:

A. Memo dated August 19, 1999 to the City Manager and City Council, Re: "1999-2005 Capital Budget and Six Year Capital Improvement Program".

### **NEW BUSINESS**

#### **A. Disposition of City-owned land on Narragansett Avenue and Sherman Street.**

Ms. Boyle noted this is the fourth time this it has come before the Planning Board. On July 20th the Planning Board considered the request from Ms. Linda James, 220 Narragansett Avenue to acquire the entire parcel. At that time, the Board recommended approval of it to the City Council with some conditions. She noted that following the Board's action, the abutting property owner to the south, Ms. Linda Williams of 226 Narragansett Avenue expressed an interest in acquiring a portion of the lot adjacent to her property. Consequently the Council has referred it back to the Planning Board for its

recommendation regarding this request to divide the lot among the two abutting property owners. In the Planning Board package is a description from Ms. James and Ms. Williams as to how they would like the property to be apportioned. Ms. Boyle explained that once the action is taken by the City Council in order for those lots to be incorporated within each of their respective lots, it will be necessary to do an Administrative Subdivision because you are moving lot lines, but not creating any additional lots. She noted that Ms. Williams and Ms. James acknowledged that they will assume the cost of that Administrative Subdivision.

Ms. Boyle stated staff recommends approval once again with the same stipulations that appeared on the previous recommendation. She stated the Public Works Department requests that there be a 20 foot wide drainage easement through the center of the property. Staff recommends that the lot be apportioned as has been requested by both Ms. James and Ms. Williams, and we also recommend that it be sold for the \$12,000 value established by the Tax Assessor with that value apportioned according to the square footage that is being acquired by each of the property owners.

Mr. Poland asked the Board if they had any questions of Ms. James and Ms. Williams. There were none.

Mr. Poland stated he thought this was a better situation than what the Board approved last time this came in and stated he is glad that the other property owner wants a piece of this land. He stated he wondered why Ms. Williams didn't get that piece behind her house that would give her a right-of-way and access to the water. He stated this is much more equitable and that both lots will now be squared off rather than making an L- shaped piece that goes behind Ms. Williams lot. Both of them will also gain more property.

Mr. Poland asked Ms. Boyle since the lot is City-owned if there wasn't a way we could absorb some of the fees for the costs. He wanted to know if we could do a metes and bounds description for them since they are paying \$12,000 for the lot. Ms. Boyle stated you would still need an outside surveyor and the City does not have money set aside to assume those types of costs. She noted when they come in for the administrative subdivision, where there are waivers requested in terms of some of the topography, i.e. things that might reduce the cost of the survey she would be very open to any of those changes. Ms. Boyle stated there are submission requirements associated with the Administrative Subdivision and would be more than happy to waiver in her capacity as the Administrative Officer. She said we already know where the drainage line and do not need to see the topography of the lot.

She noted she will work with them to try to make it as light a burden as possible.

Mr. Poland asked that since the City already as a survey on that lot, couldn't the Planning Board waive that requirement so they do not have to pay additional costs. Ms. Boyle stated she would not be comfortable to do that. She said any outside surveyor should use anything that has been done by the Department of Public Works, but said from a legal and title standpoint, she would not be comfortable saying use whatever the City has

received. Ms. Boyle suggested that they might want to suggest to the City Council that the \$12,000 purchase price be reduced in consideration of the cost associated with the survey. Mr. Poland agreed with this.

Mr. Fisher stated that he is in agreement with Mr. Poland about reducing the price of the lot to include the survey in the price. He stated not only are the applicants purchasing a piece of property from the City which helps revenues for the City, but also it will create a larger taxable situation for them and believes they are entitled to some type of consideration since this property has been left dormant.

Mr. Sullivan agreed, but asked if the Board was not opening up a can of worms to other people that are going to buy properties from the City. Ms. Boyle stated that as was the case last month where it was being sold as one lot at the time, there was no administrative survey required it was simply a purchase. Since there is an administrative subdivision because of the split now changes the consideration. If someone was coming in for a standard subdivision of lot then that is their expense. She said the value assigned by the Tax Assessor was a value established in the consideration of it being one lot. By splitting it in half there is a cost associated with that. Ms. Boyle stated the value of the lot intrinsically is reduced by splitting it up. The case could be made that by going through the Administrative Subdivision process you are actually devaluing the lot and that therefore some consideration should be given to reducing that and working with the Tax Assessor.

Mr. Poland explained to Mr. Sullivan that Waterman Avenue subdivision was a street abandonment and in those cases the abutters get the property for free. They do have to pay the cost that would go along with the survey. In this case this is an unbuildable lot and is worthless to the City. In this way we are putting it back on the taxroll for revenue. The neighbors are going to take care of it, it has a drainage easement which makes the piece of property to both the owners unusable with a 25 foot wide strip that goes through the center of it. He stated he agreed with Mr. Sullivan and also does not want to set a precedent in the future, but does not believe this particular lot would.

#### Motion

On a motion by Mr. Ditraglia, seconded by Mr. Fisher, the Board voted to accept the staff recommendations for the following conditions:

1. That a 20-foot wide drainage easement be recorded with restrictions required by the Department of Public Works;
2. That the lot is apportioned per the request of Ms. James and Ms. Williams;
3. That the lot be sold for the sum of \$12,000 value established by the City Assessor with the costs being prorated between Ms. James and Ms Williams based upon the square footage to be required;

4. That Ms. James and Ms. Williams assume all costs associated with Administrative Subdivision of property and that there should be some consideration by the City Council regarding the survey costs to Ms. James and Ms. Williams when they purchase the lot.

#### Roll Call Vote

Mr. Cunha            Aye

Mr. Ditraglia        Aye

Mr. Fisher            Aye

Mr. Medeiros        Aye

Mr. Poland            Aye

### **B. Oakdale Estates (Elson Drive) Bond Release request by Luis Mateus**

Ms. Boyle explained that Mr. Mateus who is the developer of the Oakdale Estates subdivision has requested a reduction in his posted performance bond. The request was referred to the Department of Public Works, which has inspected the work which was completed as of August 17. Public Works recommends that the bond be reduced from \$55,000 to \$10,000. Ms. Boyle stated she has discussed this with Mr. Mateus who has no objections to the amount assigned and this Department concurs with the recommendation of Public Works. We recommend that the Board reduce the amount of the bond to \$10,000.

Mr. Poland asked if there were any questions.

Mr. Ditraglia asked Ms. Boyle if everything was alright with this project. She answered yes.

Mr. Poland stated he went out and looked at the subdivision the other day and commented what a nice subdivision it was and was happy they left a lot of trees standing.

On a motion by Mr. Ditraglia, seconded by Mr. Fisher, the Board unanimously voted to reduce the bond from \$55,000 to \$10,000.

## **CONTINUED BUSINESS**

### **A. Staff Report**

Ms. Boyle stated we are focusing on trying to get the Comprehensive Plan update completed and have something in a draft form to the Board before December 31st. We received an extension of six months from the State because technically our Plan was due for revision by June of 1999. She stated each planner has been assigned certain sections of it and they dedicate one day per week to working on the Plan. She noted there will be some changes to the parking regulations hopefully before the Board for the October meeting. Ms. Boyle noted Ms. Feather is doing the work on this and she will have a conflict with the October meeting as scheduled. She will be on vacation. We may reschedule the meeting or put off those revisions until the November meeting.

Mr. Medeiros asked Ms. Boyle if there were any upcoming major subdivisions. Ms. Boyle stated she received a call from the Carpionato Corporation last week and they expressed their intention to file plans for a development on Reardon Avenue this week. She noted she has received nothing at this time. Nothing has been submitted by the Leonardo's at this time either.

## **COMMUNICATIONS**

On a motion by Mr. Ditraglia, seconded by Mr. Fisher the Board unanimously voted to accept the following communication:

A. Memo dated August 20, 1999 to the Zoning Board of Review regarding Requests for Variance or Special Use Permit to be held on August 25, 1999.

## **ANNOUNCEMENTS**

1. Mr. Poland announced that Mr. Goodwin will be resigning from the Board because of personal

reasons and he cannot devote the time to the Board as he would like. This will be effective October 1. Mr. Poland said Mr. Goodwin expresses his thanks to everyone on the Board and hopes that the City Council will appoint someone before the next Planning Board meeting.

2. Mr. Poland asked that Ms. Boyle send a very nice letter to Mr. Goodwin expressing the Board's thanks for all he has done. Also, Mr. Poland asked Ms. Boyle to inform the City Council of the vacancy so they can appoint someone as soon as possible.

3. Next meeting is *October 12, 1999, 7:30 p.m., Room 306.*

4. Ms. Boyle reminded the Board of the regional conference of the American Planning Association will be held in Providence on October 1st. The cost for Planning Board members is \$55.00 and the City will take care of the cost if they choose to register. The

deadline is this Friday, but late registration will continue up until the day of the conference. She noted there has been 150 registered already. We expect 250 people from all over Southern New England. She noted the Planning Department has put a lot of work into organizing this and we encourage you to attend.

## **ADJOURNMENT**

A. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Joseph Medeiros, Secretary

JM/JMB/san