

**CITY OF EAST PROVIDENCE
PLANNING BOARD
MINUTES**

Date: January 13, 2020
Time: 7:00 PM
Place: City Hall, Room 306

Planning Board members in attendance: Chairman Michael P. Robinson, Burton P. Batty, Jr., Christopher Grant, Michelle Rockwell, Alan D'Aiello, Eric Crook, William J. Fazioli (Planning Director) and Patrick Hanner (staff).

1. CALL TO ORDER

The meeting was called to order at 7:00 pm

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

3. APPROVAL OF PLANNING BOARD MINUTES

On a motion by Mr. Batty, seconded by Mr. Grant, the board voted 6-0 to adopt the November 12, 2019 and December 9, 2019 minutes.

4. APPROVAL OF PLANNING BOARD CORRESPONDENCE

None

5. NEW BUSINESS

- A. Minor subdivision application #2019-07-minor, Owner: Dennis R. Brderson, Applicant: Luis Mateus, Street address: 122 Bishop Avenue, map 503, block 10, parcel 1.

Mr. Bruce Cox, Esq. represented the applicant and gave a description of the proposed subdivision. Mr. Cox stated that Zoning Board of Review relief will be needed for a proposed lot depth for lot 2 and the applicant is requesting a waiver from the requirement of installing curbing and sidewalks from the Planning Board.

Mr. Batty noted that a combination of wood and cobblestone curbing is present on the abutting 130 Bishop Avenue and sidewalks are present with no curbing at the abutting 27 Pavilion Avenue.

Mr. Crook requested clarification of the storage areas noted on the site plan. Mr. Cox responded that the storage areas are underground stormwater drywells.

Ms. Rockwell asked if the style of the proposed dwellings will be compatible to the neighborhood. Mr. Mateus was sworn in and responded that colonial style houses with a porch will be constructed on the two proposed parcels.

Mr. Crook asked if any of the existing trees will be preserved and if there is any proposed landscaping. Mr. Mateus responded that an attempt will be made to preserve trees. Mr. Crook asked if any of the trees are removed for construction, will they be replaced. Mr. Mateus responded that he has never been required to replace trees.

Mr. Hanner gave a summary of the staff report. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use 2010 plan and positive findings were found for sections 5-4 and 1-2 of the subdivision regulations. The needed zoning relief if granted by the Zoning Board of Review is not anticipated to impact the character of the neighborhood or impact the privacy of the abutting property owners. Considering the adjacent properties have either sidewalks and curbing present along their frontage and that sidewalks and curbing increase pedestrian safety, the Planning Department is recommending that the Planning Board deny the applicant's request to be relieved of installing sidewalks and curbing.

Mr. Crook asked if there are any concerns with pedestrian traffic. Mr. Hanner responded that being a residential neighborhood, there is pedestrian traffic.

Mr. Hanner stated that the Planning Department is recommending that the Board enter the 7 items listed on page 6 of staff's memorandum into the record, deny the applicant's request to be relieved of the requirement of installing sidewalks and curbing, require a handicap ramp to be installed at the intersection of Bishop Avenue and Pavilion Avenue, delegate final plan approval to the administrative officer and that the Planning Board grant a conditional approval subject to the following conditions:

1. That the residential use of the proposed single-family dwellings are restricted to single-family use and accessory uses in perpetuity;
2. That the applicant post an improvement guarantee in an amount determined by the Public Works Department for any required improvements to the City's Right-of-way;
3. That any outstanding property taxes or municipal fees are paid to date before a final plan approval is granted;
4. That the title block of the Preliminary Plan be revised to indicate Final Plan status;
5. That the Final Plans be based upon the approved Preliminary Plans, and further that the Final Plan and supporting documentation meet the requirements of the East Providence Land Development and Subdivision Review Regulations;
6. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and

7. That upon project completion, final “as-built” plans be submitted on Mylar, and electronic format in AutoCAD version 14. The as-built drawings shall include all roadway and utility information, including final inverts, rims, sewer lateral depths, and locations (swing ties) to all permanent structures.

Mr. Robinson asked if the applicant is aware that staff is recommending the installation of a handicap ramp at the intersection of Bishop Avenue and Pavilion Avenue. Mr. Hanner responded that it was not mentioned in the staff memorandum. Mr. Cox stated that his client is aware that staff is recommending a handicap ramp.

On a motion by Mr. Batty, seconded by Mr. Grant, the Board voted 6-0 to adopt the items shown on page 6 of staff’s memorandum into record.

Mr. Robinson requested that if anyone intends to address the Board, they should stand to be sworn in, and to give their names and addresses as they approach the podium.

Donald Schmidt of 15 Pavilion stated that Pavilion Avenue and Bishop Avenue are used as a cut-through for traffic, and that the area is a high traffic area. Mr. Schmidt asked if there would be a need for zoning relief. Mr. Robinson responded that zoning relief is needed since proposed lot 2 fails to meet the minimum lot depth requirement. Mr. Schmidt asked for clarification of the location of the driveway for the dwelling proposed on Pavilion Avenue, and that he is concerned about its proximity to the intersection. Mr. Schmidt asked if the Fire Department reviewed the proposed subdivision. Mr. Robinson responded that the Fire Department reviewed the site plan and has no concerns.

Wendy Joering of 27 Pavilion stated that she purchased her property because of the trees and character of the neighborhood, and that the subdivision is not consistent with the character of the neighborhood.

Doug Becket of 30 Pavilion does not want a “cookie cutter” house built, and does not want the existing house demolished.

Richard Bates of 21 Pavilion stated that the appeal of the neighborhood is the greenery of the immediate area, and that the area is a high traffic area. Mr. D’Aiello asked if the subject property is within a conservation area. Mr. Hanner responded that the subject property is not located in a conservation area, National Register historic district or a local historic district. Mr. Bates disagrees with staff’s comment that the privacy of 27 Pavilion would not be impacted.

Mr. Crook asked if there are any guidelines for the preservation and replacement for trees. Mr. Hanner responded that there are policy statements in the comprehensive plan to promote conservation areas and green spaces, and that during the review of the subdivision staff did not see a reason or justification to retain or replace any of the trees on the subject property. Ms. Rockwell stated that the proposed subdivision does not fit into the area based upon the existing character and that sidewalks and curbing should be required since it is a high traffic area.

Mr. Crook noted that the developer could make a better case for himself if he would propose to replace the existing trees.

Mr. Grant noted that the side-yard of 27 Pavilion Avenue is approximately 8 feet from the side property line, and that the applicant could work with the homeowner of 27 Pavilion Avenue to create a landscape buffer, and that the installation of sidewalks, curbing and handicap ramp should be overseen by the City Engineer.

Mr. D'Aiello asked if it's possible to retain the existing single-family dwelling rather than have it demolished.

Mr. Robinson noted that this is a straight forward subdivision and that he will be voting to deny the applicant's request for a waiver of sidewalks and curbing considering the proximity of a school.

Mr. Batty noted that Bishop Avenue is a cut through for local traffic and there appears to be no impacts to site lines for vehicles at the intersection of Bishop Avenue and Pavilion Avenue.

Mr. Crook noted that the subdivision is straight forward, dimensional relief is required and that a number of issues were discovered that could allow the applicant to come back with a better proposal, however the installation of curbing and sidewalks should be required.

Donald Schmidt of 15 Pavilion Avenue asked if there will be driveways with garages underneath living space for the two proposed dwellings. Mr. Mateus responded that garages will be underneath living space.

Wendy Joering of 27 Pavilion asked the length of time to construct the proposed dwellings. Mr. Mateus responded construction is anticipated to begin during the summer and to be complete by September/October.

Mr. Cox stated that this is a minor subdivision and the applicant has the right to cut down trees, and that applicant will only take down trees that are necessary for the construction of the dwellings. The configuration of the parcels was determined by the least dimensional relief that would be needed by the Zoning Board of Review.

Mr. Mateus stated he has a right to construct a duplex on the parcel but has decided to construct two single-family dwellings and further, if there is a cost savings in preserving the trees, there will be an attempt to preserve the trees.

On a motion by Mr. Batty, seconded by Mr. Grant to conditionally approve the subdivision based upon positive findings being found in section 1-2 and that positive findings were found to all of the standards of Section 5-4, of the East Providence Land Development and Subdivision Review Regulations, and that the subdivision, as proposed, is fully consistent with the East Providence Comprehensive Plan subject to 8 conditions that include the 7 recommended conditions in the Planning staff memorandum and the requirement to install a handicap ramp at the intersection of Bishop Avenue and Pavilion Avenue, on a roll call vote:

Mr. Batty: Yea
Mr. Grant: Yea
Mr. Robinson: Yea
Ms. Rockwell: Nay
Mr. Crook: Nay
Mr. D'Aiello: Nay

Motion fails

On a motion by Mr. D'Aiello, seconded Mr. Crook the board voted 6-0 to continue the proposed subdivision to the next Planning Board meeting.

B. Adoption of Planning Board meeting dates for 2020.

On a motion by Mr. Crook, seconded by Ms. Rockwell, the board voted 6-0 to adopt the 2020 Planning Board meeting schedule.

6. OTHER BUSINESS

None

7. STAFF REPORT

Mr. Fazioli gave a description of recent approved and ongoing development activity in the City.

8. COMMUNICATION

None

9. ANNOUNCEMENTS

The next Planning Board meeting will be determined.

10. ADJOURNMENT

On a motion by Mr. Grant, seconded by Mr. Crook, the Board voted 6-0 to adjourn the meeting at 8:10 pm.

CC: Mayor Roberto DaSilva
City Council
Director of Public Works
City Engineer
City Solicitor
Fire Chief
Zoning Officer