

**CITY OF EAST PROVIDENCE
PLANNING BOARD
MINUTES**

Date: July 8, 2024

Time: 7:00 PM

Place: City Hall, room 306

Present: Michael Robinson (Chair), Christopher Grant, Eric Crook, Greg Miller, Stephany Lopes, and Keith A. Brynes (Director), Dominic Leonardo (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

Planning Staff informed the Board the June 26th Planning Board minutes will be submitted at the next meeting.

4. NEW BUSINESS

A. MICHAEL DIQUINZIO, seeks permission to formally recognize the development rights of certain property located at 94 HOSPITAL ROAD, further recognized as MAP 711, BLOCK 03, PARCEL (S) 018.00 and 018.10 via a Minor Subdivision in accordance with the Unified Development Plan Review procedural process, necessitating both dimensional relief as individually described below, and Minor Subdivision approval.

1. Dimensional Variance from Section 19-140(a) 'Lot Frontage', whereas 40 linear feet of lot frontage is required, and present Parcel 018.10 has no actual frontage along a recognized public right-of-way. [Petition No. 6981]
2. Dimensional Variance from Section 19-140(c) and Section 19-145 'Dimensional Regulations', whereas 125 linear feet of lot width is required, and present Parcel 018.10 fails to technically meet said requirement because of the non-presence of any actual lot frontage along a public right-of-way. [Petition No. 6981]
3. Minor Subdivision to formally recognize Parcel 018.10 for single-family residential development purposes, in accordance with Article 8 titled Minor Land Development Projects and Minor Subdivisions of the Land Development and Subdivision Regulations.

Attorney Timothy Chapman, representing the applicant, provided an overview of the proposed subdivision and requested zoning relief to the Board and introduced applicant Michael DiQuinzo.

Director Brynes provided the Staff Report on the proposed subdivision and requested zoning relief to the Board.

The Chairman opened the floor for public comment.

Paul Medeiros of 93 Hospital road provided public comments to the Board, informing them that he is a neighbor of the property, and that he supports the applicant's request for a subdivision and requested zoning relief.

On a motion by Mr. Grant, seconded by Mr. Crook, the Board voted unanimously to grant the above-described relief in accordance with the submitted application subject to the following:

1. Petitioner(s) obtaining any, and all, necessary permits.
2. Compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.

Stated relief was granted by the Planning Board as the applicant entered evidence to the satisfaction of "Section 19-47 Application process", "Section 19-45(a)(1-3) Variances – Findings required", and "Section 19-45(b)(2) Additional Standards".

The Planning Board members voted in the affirmative, after reviewing the documents and other materials submitted in regard to the subject application and receiving testimony, all of which are incorporated into these findings as follows:

1. The board concluded that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not due to the general characteristics of the surrounding area, as the subject parcel and abutting parcels were platted in, or prior to, the 1970's without a public-right of way for parcels to realize frontage on a street right-of-way and further was granted zoning relief in the 1970's, which relief was not exercised. In addition, the relief is only required because the existing right of way does not meet the technical definition of street-right of way. Further, the relief sought is not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in R.I. Gen. Laws § 45-24-30(16). There is no evidence of either an economic or physical disability, the applicant simply seeks to construct a single family home on a lot previously approved for duplex.
2. The Board further concluded that the hardship is not the result of any prior actions on the part of the applicant. The Hospital Road right of way was created in or before the 1970's and was not created by the applicant. Further, Parcel 018.01 was approved in the 1970's. Relief is only now sought because the Parcel was not developed in 1970.
3. The Board concluded that the granting of the requested variance(s) will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, as the planned single family

structure will be located in a neighborhood that consists of other single-family dwellings that do not front on an actual “public right-of-way” but instead on the Hospital Road right of way. The area is zoned for single family homes, the Land Use Elements of the Comprehensive Plan allows for single and two-family dwellings and it is identified on the Land Use Map in the “Low-Density Residential” area.

4. The Board concluded that failure to grant the requested relief would result in hardship amounting to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The Board concurred that the absent granting this relief, the property could not be used for any purpose despite the existence of the recognized and used right of way. Thus, denying this relief to allow construction of a single family home, which is a use consistent with the neighborhood and permitted by right, would deprive the applicant of the reasonable enjoyment this parcel and amount to more than mere inconvenience.

On a motion by Mr. Crook, seconded by Ms. Lopes, the board voted 5-0 to enter the following items into the record: Planning Department’s Staff Recommendation w/attachments dated July 2, 2024, Memorandum from N. Rashid, dated July 3, 2024, Memorandum from E. Pimentel, dated June 27, 2024.

On a motion by Mr. Crook, seconded by Mr. Miller, based on the evidence in the record and the testimony presented, the board voted 5-0 to grant a waiver from the requirement of installing concrete sidewalks and granite curbing.

On a motion by Mr. Cook, seconded by Mr. Miller, the board voted 5-0 based upon the information presented and that the proposed subdivision is consistent with Section 1-2, “General Purposes” and that the General Purposes were addressed as part of Staff’s review, and that positive findings were stated to all of the standards of Section 5-4, “Required Findings” 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, that the Planning Board grant Conditional Approval of the subdivision, as proposed, subject to the following conditions:

1. That all of the comments in the memorandum from the City Engineering Department shall be addressed prior to Final Plan Approval;
2. That any outstanding property taxes or municipal fees are paid to date before a final plan approval is granted;
3. That the title block of the Preliminary Plan be revised to indicate Final Plan status;
4. 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;
5. That the proposal shall meet all applicable City, State, and/or Federal regulations and requirements; and
6. 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.

On a motion by Mr. Crook, seconded by Ms. Lopes, the board voted 5-0 to delegate final plan approval to the Administrative Officer.

B. Informational Presentation on the 2024 Comprehensive Plan

Krista Moravec from Horsley Witten presented an overview of the Comprehensive Plan process and current Draft Plan to the Board. The Board discussed the possibility of conducting a Public Hearing in August on the updated Comprehensive Plan.

5. ANNOUNCEMENT

Chairman Robinson announced the next Planning Board meeting is scheduled for Tuesday, August 13, 2024.

6. ADJOURNMENT

On a motion by Mr. Crook, seconded by Mr. Miller, the Board voted unanimously to adjourn.

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