

Approved minutes of November 20, 2012 Providence City Plan Commission meeting.

CPC Minutes of November 20, 2012

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, November 20, 2012 at 4:45 p.m.in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairman Durkee called the meeting to order at 4:45 p.m.

Members Present: Chairman Stephen Durkee, Ina Anderson Harrison Bilodeau Christine West and JoAnn Ryan

Members Absent: Meredyth Church

Staff Present: Robert Azar and Choyon Manjrekar

Approval of meeting minutes from October 16th 2012: Ms. Ryan made a motion seconded by Ms. West to approve the minutes. All voted in favor.

Directors Report: Mr. Azar presented the Director's report. He said the CPC would review the project at 257 Thayer

Street at the December meeting with the applicant presenting a 3D model of the development. The DPD staff would be undertaking a study of Thayer Street to determine future planning in the area.

MINOR SUBDIVISION

1. Case No. 12-047MI – Preliminary Plan Approval for creation of new lots from the abandoned portions of Brown and Benevolent Street

The applicant, Brown University, received approval for abandonment of the portion of Benevolent Street between Brown Street and Magee Street and abandonment of Brown Street between Charlesfield and George Streets. The applicant is requesting that new lots be created for both abandonment areas – for action (College Hill)

2. Case No. 12–048MI – Preliminary Plan Approval for creation of new lot from the abandoned portion of Olive Street

The applicant, Brown University, received approval for abandonment of the portion of Olive Street between Brown and Thayer Street. The applicant is requesting that a new lot be created for the abandonment area – for action (College Hill)

Mr. Azar suggested that both items be considered simultaneously. He said the applicant was proposing to retain the recently abandoned rights of way as separate lots. Mr. Michael McCormick of Brown University introduced the projects. Mr. Azar said the CPC would review each proposal as a minor subdivision with final plan approval subject to the applicant granting the easements required by the City Council. Mr. McCormick said the University was

working on the easement agreements. Ms. West said the easements should allow access to the new parcels. Mr. Azar read out the staff reports and recommended that the CPC vote on the subdivisions separately, subject to the applicant granting the necessary easements.

Ms. West made a motion seconded by Ms. Ryan to approve case 12-047MI subject to the findings of fact and conditions noted in the staff report. All voted in favor.

Ms. Bilodeau made a motion seconded by Ms. Ryan to approve case 12-048MI subject to the findings of fact and conditions noted in the staff report. All voted in favor.

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3. Case No. 12-052MI – 10 Elmwood Ave.

Preliminary Plan Approval for creation of two lots The applicant, Grace Church Cemetery, is requesting to subdivide the lot that the cemetery is located on so that a residence at the northern portion of the cemetery can exist on a separate lot – for action (AP 30 Lot 452, Upper South Providence)

Mr. Manjrekar introduced the project and explained that the proposal would require zoning relief as it would create a nonconforming lot and reduce the area of a nonconforming use through subdivision. Ms. Polly Daly said the applicant wished to sell the newly created lot with a cottage on it. Mr. Durkee asked what kind of buyers may be interested in the building. Ms. Daly said the property had a number of

uses and could be used for light commercial purposes. A discussion on the use of the house ensued. Ms. West asked why zoning relief would be required. Mr. Manjrekar said the subdivision would create a lot nonconforming by use as the lot was zoned Open Space (OS) which prohibits any development. Mr. Azar said the subdivision would decrease the amount of land for a nonconforming use resulting in intensification of the lot. He said the proposed use of the lot could also require zoning relief. Ms. Daly asked for an explanation of the subdivision procedure. Mr. Azar said that the applicant would appear before the zoning board and return to the DPD for final plan approval. A discussion on the use of the building ensued. Mr. Durkee suggested that the applicant request relief for the broadest category of use prior to obtaining final plan approval. Mr. Bilodeau said the house was a historic structure and a buyer could move the house of the property and develop it as a commercial area. Ms Anderson asked if the variance would be in effect if the building were to be demolished. Mr. Azar said the relief would run with the land but the Zoning Board could condition the relief being valid only if the building foundation remained intact. Ms. Anderson asked if the house was in a historic district and if there was a procedure for design review. Mr. Manjrekar said the building was not in a historic district, but under the Commercial Corridor Overlay District, which

has design guidelines for development.

Mr. Azar said the CPC could recommend conditions to the zoning board when approving relief. Ms. West asked if

new construction could be reviewed as a land development project.

Mr. Azar said it may not be possible. A

discussion on the use of the building ensued.

Mr. Manjrekar read out the DPD's staff report, which recommended that the CPC make a positive recommendation

to the Zoning Board of Review for the relief requested. Mr. Azar said that the CPC should make the

recommendation with the condition that the use variance be limited to light commercial uses. Mr. Bilodeau made a

motion seconded by Ms. Anderson that the subdivision be approved subject to the staff's findings of fact and the

condition that variances be limited to light commercial uses. He added a condition that the historic nature of the

building should be preserved. All voted in favor.

CPC ADMINISTRATION

4. City Plan Commission bylaws

Review of the Commission's bylaws – for discussion and action

Mr. Azar introduced the amendments to the bylaws and said that changes needed to be made regarding the CPC's

meeting times, references to state law and election of officers. He said the bylaws stated that no member shall

succeed themselves for a period of longer than two years. The provision was felt to be unnecessary as it normally

takes officers time to familiarize themselves with the role. He said that based on a survey of bylaws from other communities, there was no provision limiting the terms of officers. Ms. West said she agreed with the provisions as finding officers with the requisite amount of expertise could be difficult. Mr. Bilodeau said he agreed with the provisions. Ms. Anderson asked how officers would be elected. Mr.

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Azar said annual elections would be held. Ms. Anderson asked if the board had a secretary. Mr. Azar said the CPC delegated the duty to the CPC. A discussion on the makeup of the commission ensued.

Ms. Ryan asked if the bylaws had been reviewed by the City Solicitor. Mr. Azar said they had not and that they used similar language to other communities. Ms. Ryan said the bylaws should be reviewed by the solicitor. She asked how Commissioners could introduce new business. Mr. Azar said new business could be introduced prior to adjournment as a discussion item. A discussion on the bylaws ensued.

Ms. Ryan made a motion seconded by Mr. Bilodeau to approve the changes to the bylaws with the condition that the bylaws be reviewed by the City Solicitor.

Mr. Grant Dulgarian asked that the start time of meetings be listed at 5:15 instead of 4:45. Mr. Durkee said the present time of 4:45 suited Commission members.

All voted in favor.

Adjournment

Ms. West made a motion seconded by Ms. Ryan to adjourn the meeting. All voted in favor. The meeting adjourned at 5:40 pm.

Respectfully Submitted,

Choyon Manjrekar,

Recording Secretary