

**CITY OF EAST PROVIDENCE  
PLANNING BOARD**

**MEETING MINUTES**

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**Date:** Monday, May 11, 2015  
**Time:** 7:00 PM  
**Place:** City Hall, First Floor, Room 306

**1. CALL TO ORDER**

Chairman Robinson called the meeting to order at 7:05 PM. Board members present were Chairman Michael Robinson, Vice Chair Burton Batty, Michelle Rockwell, and Octavio Cunha. Staff present were: Jeanne Boyle, Planning Director; Diane Feather, Chief Planner; James Moran, Principal Planner, Wayne Barnes, Senior Planner; and Greg Dias, Assistant City Solicitor.

**2. PLEDGE OF ALLEGIANCE**

Chairman Robinson led the Pledge of Allegiance.

**3. SEATING OF ALTERNATE MEMBER(S)**

Mr. Cunha was seated as voting members.

**4. APPROVAL OF PLANNING BOARD MINUTES**

Minutes of December 17, 2014 (enclosed)  
Minutes of January 12, 2015 (enclosed)  
Minutes of February 24, 2015 (to be submitted)  
Minutes of March 2, 2015 (to be submitted)  
Minutes of March 9, 2015 (to be submitted)  
Minutes of March 30, 2015 (to be submitted)

On a Motion made by Mr. Batty, Seconded by Ms. Rockwell, the Board voted unanimously to approve the minutes of the January 12<sup>th</sup> Planning Board meeting as submitted. The minutes of the December 17<sup>th</sup> meeting have been previously approved.

**5. APPROVAL OF PLANNING BOARD CORRESPONDENCE**

There was no Planning Board correspondence.

**6. NEW BUSINESS**

- A. Public Hearing – File # 2007–12-LDP Public Hearing, Land Development Project - Preliminary Plan Submittal; Madeira Restaurant; Applicant/Owner: Albertino and Zita Milho; Street Address of Property: 288 Warren Avenue; Map 206, Block 25, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (enclosure).

Attorney John Shekarchi, representing the applicant, presented the Preliminary Plan application to the Board, describing the history of the application since its Master Plan approval in 2008 and the development as it was prepared for submission under the current Preliminary Plan Review. Mr. Shekarchi introduced David D'Amico of D'Amico Engineering Technology, who described the specifics of development plan including discussion on off-street parking, the alignment of the buildings as it relates to encroachment issues on the property and a description of the necessary subdivision that will be required as part of the submission.

Principal/Economic Planner James Moran presented the Planning Department's recommendation to the Board. Mr. Moran asked that the following items be entered into the record at the appropriate time by the Board:

1. Land Development Project Preliminary Plan application;
2. Land Development Project Submission Set;
3. Preliminary Plan Project Narrative;
4. Municipal Lien Certificates;
5. Certified List of Abutters with copy of enclosed notice;
6. Copy of April 16<sup>th</sup>, 2015 East Providence Post Hearing Notice Advertisement;
7. Title Report;
8. March 9, 2015 Certificate of Completeness;
9. Zoning Board of Review Decisions Associated with properties;
10. August 1st, 2014 Letter from D'Amico Engineering Technology's David D'Amico to Planning Director Jeanne Boyle;
11. Tax Repayment Agreement dated October 23rd, 2014
12. September 16th, 2014 Review Memorandum from James Moran to Planning Director Jeanne Boyle;
13. August 27th, 2014 review memorandum from Fire Chief Oscar Elmasian to Planning Director Jeanne Boyle;
14. August 22nd, 2014 memorandum from City Solicitor Timothy Chapman to Planning Director Jeanne Boyle and Principal/Economic Planner James Moran;
15. September 12th, 2014 Memorandum to DPW Director Stephen Coutu from City Engineer Erik Skadberg;
16. February 16th, 2015 letter from D'Amico Engineering Technology's David D'Amico to Planning Director Jeanne Boyle;
17. January 15th, 2015 Memorandum to City Solicitor Timothy Chapman, from Planning Director Jeanne Boyle regarding Affidavit of Encroachment letter of January 15, 2015 from Attorney Orlando Andreoni with attachments;
18. February 3<sup>rd</sup> 2015 memorandum from City Solicitor Timothy Chapman to Planning Director Jeanne Boyle in reference to the Affidavit of Encroachment letter from Attorney Orlando Andreoni;

19. February 27th, 2015 memorandum from Fire Chief Oscar Elmasian to Principal/Economic Planner James Moran
20. February 24th, 2015 memorandum from City Solicitor Timothy Chapman to Planning Director Jeanne Boyle;
21. March 5<sup>th</sup> 2015 memorandum from City Engineer Erik Skadberg to DPW Director Stephen Coutu.

Mr. Moran provided a description of the proposed development to the Board including a discussion of the zoning variances that had been obtained prior to the submittal of the Preliminary Plan, an overview of the encroachments on the property and how best to deal with this issue, and other pertinent facts associated with the development including traffic impacts, fiscal impacts, off-street parking impacts and consistency of the proposed development with the East Providence Comprehensive Plan and Land Development and Subdivision Review Regulations.

Chairman Robinson indicated that this was a public hearing and asked if there was anyone who wished to speak regarding this petition. Albertino Milho, the applicant, spoke in favor of approval of the petition.

On a motion by Mr. Batty, seconded by Ms. Rockwell, the Board unanimously voted to enter the Planning Department recommendation and items 1 through 21 from the recommendation into the record.

On a motion by Mr. Batty seconded by Ms. Rockwell the Board unanimously granted conditional approval of the Land Development Project based upon a finding that the proposed development is consistent with the East Providence Comprehensive Plan, meets the general purposes stated in Article 1 of the Regulations and further that the required findings of Section 5-4 of the Regulations are met. Conditional Approval was granted subject to the following conditions of the Preliminary Plan approval being incorporated into the Final Plan submission:

- (1) That all comments in the technical staff memoranda to the Planning Department as applicable, and all other requested modifications identified in the Planning Department's recommendation memoranda be incorporated into the Final plans as submitted; and that any and all conditions of the Planning Board approval be reflected in the Final Plan submission;
- (2) That the applicant submit an Administrative Subdivision application to the Department of Planning that is consistent with the proposed Administrative Subdivision that is included as part of this Land Development Project Preliminary Plan submission;
- (3) That the stairway encroachment located on proposed lot 1 within the development be legalized through the creation of an easement agreement granted through the East Providence City Council as described in the City Solicitor's February 24<sup>th</sup>, 2015 review memorandum;
- (4) That the applicant work with the City Solicitor's office to assure that all legal and other technical issues associated with the building encroachments on several of the subject parcels be resolved to the City's satisfaction as a condition of Final Plan approval;

(5) That the applicant work with the Solicitor's Office prior to the submittal of the Final Plan application to ensure that the issued variances for these properties do not affect the ability to obtain clear title for the properties involved in this Land Development Project/Administrative Subdivision as described in the City Solicitor's February 24<sup>th</sup>, 2015 memorandum;

(6) That the Final Plans be amended to include a listing table or some form of tabulation that references of all variances that were obtained and that additional notes be inserted that describe all of the stipulations and conditions associated with these variance approvals. In addition, the Administrative Subdivision should reference these variances on the subdivision plan sheet as a condition of approval;

(7) That the proposed residential dwellings on the site be restricted to that which is currently proposed on the development plans and that no additional dwelling units be created within the structures beyond what is currently proposed under this Preliminary Plan;

(8) That the Final Plans and supporting documentation be based upon this Preliminary Plan approval, and that the Final Plans meet all City regulations and ordinances, and all applicable State and or/Federal Regulations.

On a motion by Mr. Batty, seconded by Mr. Cunha, the Board unanimously approved delegating authority of the Final Plan review of the Land Development Project to the Administrative Officer as allowed under Section 9-10 of the Land Development and Subdivision Review Regulations.

B. Wampanoag Meadows – Request for Planning Board Determination that Condition #3 of the Preliminary Plan is Satisfied (copies of letter from Attorney John Bolton and Notice of Meeting to Residents enclosed)

Chairman Robinson asked for this item to be discussed. Ms. Feather noted that the developer's lawyer had submitted a letter asking that the Planning Board deem #3 of the Preliminary Plan conditions regarding the water main installation for the Hospital Road Extension to be deemed fulfilled. In his letter (included in the Board's packet) he noted that the residents, through whose land the water main would have to pass, have been unresponsive in returning the required easements to the City.

Ms. Feather noted that all of the property owners had returned the easement documents, but in the fall of 2014 when the City thought the developer would be recording the plans and documents, the City Solicitor deemed that five of the previously returned easements could not be recorded because of defects in the notarization, and in one case the signatory and owner's name did not match. Ms. Feather noted that this water main installation had been a condition of approval for every prior version of plans for this parcel of land and the property owners were always promised the installation of a water main since they are on well water.

Chairman Robinson stated it would not be fair to hold up the developer if the property owners did not return the easements. Paul Driscoll, the owner and developer of the property, was present at the meeting, and would like this matter resolved in some fashion.

Gertrude DiQuinzio, a property owner on the Hospital Road Extension, was in attendance at the meeting and said that everyone wants the water main installation and that the letter and plan sent by the developer's lawyer to people was not helpful in instructions and gave a 4-day turnaround. She also noted that people could not read the map that was sent. Ms. DiQuinzio also asked who was responsible for paying for the property owner's tie-in to the water main. She was informed that the property owners are responsible for paying for their own lateral to their property to access the water in the water main.

On a motion made by Mr. Batty, seconded by Ms. Rockwell, Board voted 4 – 0 to extend the time to obtain correctly signed and notarized water main easements for an additional ninety (90) days. It was noted that after this time passes and the easements are not done properly and returned, that the water main installation was unlikely.

Chairman Robinson asked that a letter of explanation be included in the letter and easement document sent to the involved property owners. Mr. Driscoll acknowledged this request.

C. Application # 2015-04 – Minor Subdivision/Preliminary Plan; Applicant/Owner: Vasilios Zafiriades; 17 Crescent View Avenue; Assessors Map 513, Block 21, Parcel 2 (copy of Planning Department recommendation and Plan enclosed)

Attorney Bruce Cox represented the applicant and was invited by Chairman Robinson to present the project to the Board. It is a relatively uncomplicated project which will subdivide this parcel into two lots, with minor small variances including lot depth which ranges from a couple of feet to two and a half inches. Atty. Cox expressed satisfaction with the progress of the preliminary plan process.

Chairman Robinson requested the Planning Staff recommendation. Director Boyle that this would be presented by Wayne Barnes. Mr. Barnes described the proposal and outlined its location at the busy corner of Willett and Crescent View Avenues. The subdivision is straightforward; City staff comments were relatively minimal and included a question regarding the ownership of border fencing that is located slightly within the property, and separation of and the location of water and sewer service lines to the proposed new dwelling. These comments were addressed during the review process. Planning expressed a concern with regard to the speed of traffic around the busy corner abutting the subdivision, with the hope that future property owners are aware that the driveways serving this property are a potential point of traffic conflict.

Based upon the analysis, the proposed subdivision is consistent with Section 1-2, "General Purposes" being that the General Purposes were addressed as part of Staff's review. 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, with the acknowledgement that variances may be needed in order for any future construction to comply with the standards

and provisions of Chapter 19, Zoning. In addition, it is the opinion of staff that the subdivision, as proposed, is fully consistent with the East Providence Comprehensive Plan. Therefore, staff recommends:

A. That the documents as listed on Page 1 of this recommendation be entered into the record of this Planning Board meeting;

B. That the Planning Board grant *Conditional Approval* of the subdivision, *as proposed*, subject to the following conditions:

1. That any new development along with the existing single-family dwelling on Lot B consist of single-family use and single-family accessory use in perpetuity;
2. That all required variances be obtained from the Zoning Board of Review and that notation is placed on the Final Plan, indicating which variances were granted, date of the Zoning Board of Review and the recorded book and page of the East Providence Land Evidence Record;
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 plans be submitted on Mylar, and electronic format in AutoCAD (version as determined by Engineering Division). 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;

C. That the Board delegate final plan approval to the Administrative Officer.

Chairman Robinson invited questions from both the Board and the Public; there were none.

Motions:

1. Items entered into the record: On a motion by Mr. Batty, and seconded by Ms. Rockwell, the Board unanimously voted to enter items listed on page one of the recommendation into the record of the meeting.
2. Minor Subdivision Preliminary Plan: On a motion by Mr. Batty, and seconded by Ms. Rockwell, the Board unanimously voted to grant Conditional Approval for the Minor Subdivision Preliminary Plan, subject to the conditions as outlined in the planning department Recommendation memo.

Roll Call Vote:

Mr. Batty: Aye

Ms. Rockwell: Aye

Mr. Cunha: Aye

Chairman Robinson: Aye

3. Delegation of Final Approval: On a motion by Mr. Batty, and seconded by Ms. Rockwell, the Board unanimously voted to delegate Final Plan Approval to the Administrative Officer as allowed by the Land Development and Subdivision Review Regulations.

- D. Bayside Soccer/Lacrosse Field Complex – Referral to Planning Board Per City Ordinance 2-177 (b) (Copy of proposed lease, City staff review memoranda enclosed)

## **7. CONTINUED BUSINESS**

There was no continued business.

## **8. OTHER BUSINESS**

There was no other business.

## **9. STAFF REPORT**

1. Status of Development Projects – Ms. Boyle noted the many development projects that were under construction and also in the permitting phase within the City. Members stated that they had seen some of the projects under construction and noted that development on the J.J. Gregory property on Highland Avenue (Rt. 6) was going up very quickly.

2. Status of Comprehensive Plan – Ms. Feather noted that the Department hopes to get Chapters to the Board at their upcoming meetings. She noted that all planners were involved in writing the plan, and depending on their work load, some were further along than others, but there would be some that could be brought to the Board.

## **10. COMMUNICATIONS**

- A. Memorandum of the Planning Department to the Zoning Board of Review dated April 29, 2015 for cases to be heard on May 6, 2015 (enclosed).

B. Certificate of Completeness – Crump Family Irrevocable Trust and Peter Crump; File # 2015-6; Administrative Subdivision; Map 604/Block 1/Parcel 52 and Map 603/Block 4/Parcel 16 (copy enclosed dated May 4, 2015).

C. Notice of Decision - Crump Family Irrevocable Trust and Peter Crump; File # 2015-6; Administrative Subdivision; Map 604/Block 1/Parcel 52 and Map 603/Block 4/Parcel 16 (copy enclosed dated May 5, 2015).

D. Development Plan Review Approval; AAA Northeast Facility – 10 River Road, Assessors Map 710, Block 3, Parcel 1; File Number 2015-05-DPR; April 16, 2015 (Copy of Approval Letter Enclosed)

On a Motion made by Mr. Batty, Seconded by Ms. Rockwell, the Board voted unanimously to accept these documents into the Communications record

## **11. ANNOUNCEMENT**

Next Meeting will be on Monday, June 8, 2015 at 7:00 pm in Room 306.

## **12. ADJOURNMENT**

On a Motion made by Mr. Batty, Seconded by Ms. Rockwell, the Board voted unanimously to adjourn at 9:31 pm.

Dmf/ka

CC: City Manager  
Mayor Rose, Council Liaison  
Director of Public Works  
City Engineer  
City Solicitor  
Fire Chief  
Zoning Officer