

Date Posted: August 16, 2013

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

August 20, 2013

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

Executive Session To Follow Public Comment –Claims Room, 101

7:30 P.M. Open Session

I. CALL TO ORDER

II. SALUTE TO THE FLAG

III. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters Received

1. CRMC application for ARCO Environmental Remediation, LLC for

Kettle Point Avenue, Providence River, Watchmocket Cove, Long Rock Cove.

- 2. Town of Charlestown resolution in support of the Municipal Road and Bridge Revolving Fund.**
- 3. CRMC application for Albertino Milho, 228 Warren Avenue, 28 Water Street, Seekonk River.**
- 4. CRMC proposed changes to the Administrative Procedures Act Salt Pond Region Special Area Management Plan and Experimental Coastal Erosion Control.**
- 5. CRMC Semi Monthly Meeting – Full Council, Tuesday, June 30, 2013 2:00PM. Narragansett Town Hall, Council Chambers, 25 Fifth Avenue.**
- 6. CRMC proposed changes to the Administrative Procedures Act section 42-35-3 Ocean Special Area Management Plan (Ocean SAMP).**
- 7. CRMC August 2013 Calendar.**

B. Cancellation/Abatements

Year	Amount
2011	\$28.11
2012	\$158,203.01
2013	\$186,432.69
Total	\$344,663.81

C.Abate-ments-Board of Assessment

Year Amount

2012 \$20,306.49 – Real Estate

Total \$20,306.49

D. Council Journals

- 1. Regular Council Meeting July 16, 2013**
- 2. Special Council Meeting July 29, 2013**

E.Alcoholic Beverage Class F-1

**Holy Ghost Brotherhood of Charity, 59 Brightridge Avenue,
Scholarship Fundraiser, September 7, 2013, Dennis A. Carey, 20
Salisbury Street, Rehoboth, MA.**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

IV. PUBLIC COMMENT

V. EXECUTIVE SESSION

**The City Council of the City of East Providence will meet in Executive
Session pursuant to RI General Laws § 42-46-5 (a) (2)**

A. LITIGATION

1.KENLIN PROPERTIES, LLC AND TLA-PROVIDENCE, Appellants V.

CITY OF EAST PROVIDENCE, ZONING BOARD OF REVIEW OF THE CITY OF EAST PROVIDENCE, AND EUGENE SAVEOURY, TONY CUNHA, PIER-MARIE TOLEDO, JOHN BRAGA AND MICHAEL BEAUPARLANT, in their capacities as members of the Zoning Board of Review of the City of East Providence, Defendants; and ATTORNEY GENERAL PETER F. KILMARTIN, Intervenor Defendant

PROVIDENCE SUPERIOR COURT

C.A. NOS. PC-2011-7249 (as consolidated with PC-2011-6540, and PC-2012-0052)

Determination as to Supreme Court appeal.

VI.APPONTMENTS

A.Carousel Commission (by Councilwoman Rossi)

Kim Nunes, 1 Indian Road (02915)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

VII.LICENSES REQUIRING PUBLIC HEARING

Licenses are granted subject to all required approvals from State and City departments.

A.B-Full Privilege Vict (Transfer)

Transfer From K&G Enterprises, Inc. DBA Restaurant La Camelia

**Istanbul Restaurant, 92 Waterman Avenue (02914), Tuncay Gunasti,
178 Lonsdale Main Street**

Motion ___ By ___ 2nd ___

Capobianco ___ Cunha ___ Rossi ___ Rose ___ Briden ___

B.Second Hand/Miscellaneous

**Melissa T. Simpson DBA Hafta Havit, 2725 Pawtucket Avenue (02914),
Milissa T. Simpson, 144 Terrace Avenue (02915)**

Motion ___ By ___ 2nd ___

Capobianco ___ Cunha ___ Rossi ___ Rose ___ Briden ___

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

**Licenses are granted subject to all required approvals from State and
City departments.**

A.Carnival

**Amron Family Fun Fare, Inc., PO Box 798, North Scituate (02857),
Edward Browning, 577 Rocky Hill Road, North Scituate (02857) for the
location: 700 Bullocks Point Avenue – Crescent Park Carousel.**

Motion ___ By ___ 2nd ___

Capobianco ___ Cunha ___ Rossi ___ Rose ___ Briden ___

B.Peddler/Ice Cream

**Kona Ice Cumberland RI, Inc., PO Box 7164, Cumberland (02864),
David Souza, 30 Brookdale Street, Cumberland (02864)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C.Vict/Not Over 25 (Transfer)

**Transfer from Etheridge, Mark DBA Trendy's Pizzeria to N & D LLC
DBA Nick & Dante's, 2777 Pawtucket Avenue (02914), Stephen D.
Annese, 31 Providence Avenue (02915)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

D.Vict/Not Over 50

**JD, LLC DBA The Rumford, 446 North Broadway (02916), John
Deaton, 255 Promenade Street, Apt 232, Providence (02918)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

E.Vict/Not Over 25 (Transfer)

Mark A. Greene DBA Riccotti Sandwich Shop to Leo A. Mello, Sr. DBA

**Riccotti Sub Shop, 194 Newport Avenue (02916), Leo A. Mello, Sr., 21
Marvin Street, Warwick (02886)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

F.Vict/Not Over 25 (Transfer)

**Yi Mou Chen DBA No. 1 China to Kam Mei Tam DBA No. 1 China, 656
Bullocks Point Avenue (02915), Kam Mei Tam, 10 Brookfield Road,
Apt A3 (02915)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

IX.PUBLIC HEARING- ZONING MAP AMENDMENT

A. Advertised East Providence Post – August 1, 8 and 15, 2013

Notices sent by certified mail – July 25, 2013

**Request for a rezoning by Hamlet Court Real Estate, LLC for property
located at 350 Taunton Avenue from an existing zoning of
Commercial -3 to a requested zoning of Commercial -2 with
conditions as outlined in the 7/24/13 Planning Board Memorandum to
City Council.**

Petitioner: Hamlet Court Real Estate, Joseph S. Ruggiero

**Change to: From Commercial 3 to Commercial 2 with conditions as
outlined in the 7/24/13 Planning Board Memorandum to City Council.**

Lot: Map 306 , Block 1 , Parcel 13

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

**B.ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND 1998, AS AMENDED, ENTITLED “ZONING.”**

**SECTION I. Section 19-95 entitled “Districts Designated” of Article III
entitled “District Regulations” is hereby amended as follows:**

**Parcel 13 on Assessors Map 306, Block 1 presently located in a
Commercial 3 District is hereby changed to be included in a
Commercial 2 District subject to the following conditions:**

**1. That any and all required variances from the standards of Chapter
19, zoning be obtained including a variance for amount of off-street
parking, parking stalls, and minimum usable lot area for a multi-family
development.**

**2. That the applicant maintain a minimum of 75 dedicated parking
spaces for the multi-family development and all 53 existing off-street
parking spaces located on the property at 350 Taunton Avenue
(Assessors Map 306, Block 1, Parcel 13) for exclusive use of the
multi-family development proposed for the property in this
application.**

**3. That the applicant secure and maintain parking on an off-site parcel
as proposed in the application (on the property at 354 Taunton
Avenue, Assessors Map 306, Block 1, Parcel 14) in an amount of no
less than 62 parking spaces, and that these spaces be shown on the**

Final Site Plan and that a lease agreement is approved by the City Solicitor as to form and recorded along with the Final Plan in the City's Land Evidence records; and further that the loss of any or all of these parking spaces for the benefit of 350 Taunton Avenue, such as through termination of the lease, shall cause a reverter in zoning from Commercial 2 (with conditions) to Commercial 3 for 350 Taunton Avenue designated as Assessors Map 306, Block 1, Parcel 13.

4. That any further modification to the development plan and/or use be submitted to the Department of Planning for assessment as to whether the nature of the change constitutes a minor or major modification, and further that any such modification be subject to City review and approval.

5. That the Fiscal Impact Analysis be completed and found to be satisfactory as to its findings.

6. That the applicant obtain any and all required federal, state and city permits for the proposed use including building and occupancy permits from the City of East Providence.

The Zoning Map of the City of East Providence shall be amended accordingly.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion___By___2nd___

C.Ordinance Amendment – Special Flood Hazard Areas

Advertised East Providence Post – August 1, 8 and 15, 2013

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ZONING”

SECTION I. Division 12 entitled “Special Flood Hazard Areas and Flood Fringe Lands” of Article IV entitled “Supplementary District Regulations” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, entitled “Zoning” is amended in its entirety to read as follows:

DIVISION 12. SPECIAL FLOOD HAZARD AREAS

Sec. 19-306. Purpose

The purpose of this division is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters.

Sec. 19-307. Applicability

(a) The City of East Providence elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488,

as amended). The Special Flood Hazard Areas are herein established as a floodplain overlay district. The District includes all special flood hazard areas within the City of East Providence designated as Zone A, AE, AH, AO, A99, V, or VE on the Providence County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Providence County FIRM that are wholly or partially within the City of East Providence are panel numbers 44007C327G, 44007C329G, 44007C337G, and 44007C339G dated March 2, 2009, and 44007C309J, 44007C317J, 44007C326H, 44007C328H, 44007C336H, 44007C338H, and 44007C451H dated September 18, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Providence County Flood Insurance Study (FIS) report dated September 18, 2013. The office of Emergency Management is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Emergency Management Agency and the Department of Public Works Engineering Division.

(b) The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

(c) For the purposes of this section, "other development" shall be defined as any action exclusive of that which requires the issuance of a building permit under the Rhode Island State Building Code. Such other development shall include, but not necessarily be limited to, the following:

(1) Earth, gravel or mineral removal or extraction.

(2) Alteration of the topography by cutting, filling or grading.

(3) Storage of bulk materials outside of a structure.

(4) Construction or placement of facilities or improvements not normally requiring a building permit.

(d) This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.

Sec. 19-308. Definitions.

Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage and to give this ordinance it's most reasonable application.

Accessory Structure – A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of Shallow Flooding (for a community with AO or AH Zones

only) - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard – see definition for “Special Flood Hazard Area”.

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement – Any area of a building having its floor subgrade (below ground level) on all sides.

Building – see definition for “Structure”.

Coastal A Zone – Area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped V Zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet.

Cost – As related to substantial improvements, the cost of any

reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing Manufactured Home Park or Manufactured Home Subdivision – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Existing Manufactured Home Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (required)

Federal Emergency Management Agency (FEMA) The federal agency that administers the National Flood Insurance Program (NFIP).

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – The official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Flood Proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use or Facility – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the

Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) - An advisory line indicating the limit of the 1.5-foot wave height during the base flood.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 60.3.

Manufactured Home – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the

required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured Home Park or Manufactured Home Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value – Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property’s tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure’s Actual Cash Value.

New Construction – Structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. (required)

New Manufactured Home Park or Manufactured Home Subdivision – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community. (required)

Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway – see definition for “Floodway”.

Sheet Flow Area (for community with AO, AH, or VO Zones only) – see definition for “Area of Shallow Flooding”.

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30 ,AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site,

such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

For insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure; built on permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer, without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s

floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – Any reconstruction, rehabilitation, addition or other improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include:

- 1. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or**
- 2. Any alteration of the “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.**

Variance - A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a

manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management ordinance.

Construction or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Sec. 19-309. Permit Required.

(a) All proposed construction or other development within a Special Flood Hazard Area shall require a permit. The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just “building” projects. Development projects include any filling, grading, excavation, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a Special Flood Hazard Area is not covered by a building permit, all other non-structural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another State agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

Sec. 19-310. Permit Fee.

A permit fee (based on the cost of the construction) may be required to be paid to the City of East Providence and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or board of appeals need the assistance of a professional engineer.

Sec. 19-311. Notification of Watercourse Alteration.

(a) In a riverine situation, the building official or his/her designee shall notify the following of any alteration or relocation of a watercourse:

 Adjacent Communities

 Bordering States (optional)

 NFIP State Coordinator

Rhode Island Emergency Management Agency

645 New London Avenue

Cranston, RI 02920

 Risk Analysis Branch

**Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110**

The carrying capacity of the altered or relocated watercourse shall be maintained.

(b) The building official or his/her designee shall maintain, as a permanent record, copies of all flood hazard development permits issued and data relevant thereto, including reports of the zoning board of review on variances.

Sec. 19-312. Use Regulations

The Special Flood Hazard Areas are established as a floodplain overlay district. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- Rhode Island State Building Code (As established under RIGL § 23-27.3)**
- Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (RIGL § 46-23)**
- Endangered Species Act, Rhode Island Department of Environmental Management (RIGL § 20-1-2)**
- Freshwater Wetlands Act, Rhode Island Department of Environmental Management (RIGL § 2-1-18)**

- **Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (RIGL §, 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)**
- **Water Quality Regulations, Rhode Island Department of Environmental Management (RIGL§ 42-17.1 and 42-17.6 and 46-12)**
- **Revised Ordinances of the City of East Providence**

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of the above state regulations.

Sec. 19-313. Other Use Regulations

(a) Construction Standards in Special Flood Hazard Areas (SFHA), Zones AH, AO, A1-30, and AE.

(1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(2) Within Zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and non-residential structures shall be elevated or flood-proofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO

Zone, structures shall be elevated or flood proofed to at least two feet above the highest adjacent grade.

(3) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Providence County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) All subdivision proposals must be designed to assure that:

- such proposals minimize flood damage;**
- all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and**
- adequate drainage is provided to reduce exposure to flood hazards.**

(c) Accessory Structures.

Detached accessory structures in Zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood-proofing requirement if the following standards are met:

- 1. The structure has a value less than \$1000.**
- 2. The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.**
- 3. The structure is not in the floodway.**
- 4. The structure is not used for storage of hazardous materials.**

- 5. The structure is used solely for parking of vehicles and/or limited storage.**
- 6. The accessory must be wet flood proofed and designed to allow for the automatic entry and exit of flood water.**
- 7. The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.**
- 8. Service facilities such as electrical, mechanical and heating equipment must be elevated or flood proofed to or above the base flood elevation.**
- 9. The structure must not increase the flood levels in the floodway.**

(d) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

(e) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a Special Flood Hazard Area so as to result in a use or expansion that could increase the risk to the occupants.

(f) The space below the lowest floor:

1. Free of obstructions as described in FEMA Technical Bulletin 5 “Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program”; or

2. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse,

displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,

3. Designed with an enclosed area less than 300 square feet that is constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

Sec. 19-314. Base Flood Elevation and Floodway Data

(a) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(c) Base Flood Elevations in A Zones. In the absence of FEMA BFE data and floodway data, the best available Federal, State, local, or other BFE or floodway data shall be used as the basis for elevating residential and non-residential structures to or above the base flood level and for flood proofing non-residential structures to or above the

base flood level.

19-315. Enforcement.

(a) The building official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1.

(b) Every person who shall violate any provision of this code shall be subject to penalties put forth in RIGL § 23-27.3-122.3.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

X.PUBLIC HEARING ORDINANCES FINAL PASSAGE

A. An ordinance regarding a stop sign, Hawthorne Avenue (westbound traffic) at Intervale Avenue.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “VEHICLES AND TRAFFIC”

SECTION I. Subsection (b) of Sec. 18-269 entitled “Stop and yield intersections designated; when stops required.” is amended by

adding thereto the following:

Hawthorne Avenue (westbound traffic) at Intervale Avenue

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Councilwoman Capobianco

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. An ordinance regarding Business Registrations.

AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”

SECTION I. Section 8-13 entitled “Procedure; exemptions” of Article I entitled “In General” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended to read as follows:

Sec. 8-13. Procedure; exemptions.

(a) Upon registration of a business, a registration certificate shall be issued to the registrant. No other business of the same trade name shall be allowed to register once a certificate of registration has been issued filed without the approval of the prior registrant in writing. Every registration certificate filed shall expire on the thirtieth day in November April and shall be renewed annually. upon payment of the

required fee. In the first year, the fee will be collected by April 1 and then by December 1 of each subsequent year. No certificate registration shall be renewed if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date. Every certificate of registration shall be placed in a conspicuous location in each business establishment.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. An ordinance regarding snow removal.

AN ORDINANCE IN AMENDMENT OF CHAPTER 14 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "STREETS AND SIDEWALKS"

SECTION I. Subsections (c) and (d) of Sec. 14-40 entitled "Removal of snow" of Article III entitled "Sidewalks" of Chapter 14 entitled "Streets and Sidewalks" of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, are amended to read as follows:

(c) Depositing snow. Snow and ice removed from a sidewalk, private yard or private driveway shall not be thrown or deposited on any street, sidewalk or any real property of another property owner.

(d) Penalties. All violations of this section shall be subject to a fine of \$25.00 written warning for a first offense, a fine of \$50.00 \$25.00 for a

second offense, and a fine of \$100.00 \$75.00 for a third and subsequent offenses.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilwoman Rossi

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

XI. NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

- 1. Department Activity Report**
- 2. EPBC Personnel Activity Report from7/18/13**
- 3. EPBC Personnel Activity Report from 8/1/13**
- 4. FY12 Annual Audit Report**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B.Reports of Other City Officials

- 1. Claims Committee Report (by City Solicitor Timothy Chapman)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. Request to retain Attorney Lauren E. Jones to assist with the appeal of Kenlin Properties, LLC and TLA-Providence vs. City of East Providence, et al

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2.Handicap Parking: 123 Cedar Avenue (by Director of Public Works, Steve Coutu)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

3.Handicap Parking: 53 Maple (by Director of Public Works, Steve Coutu)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

4.Handicap Parking: 700 Bullocks Point Avenue (East Side) (Carousel) (by Director of Public Works, Steve Coutu)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Council Members

- 1. 1 Dexter Road/Pond View (by Mayor Briden)**
- 2. Pond View (by Assistant Mayor Rose)**
- 3. Labor Day Parade (by Assistant Mayor Rose)**
- 4. National Grid (by Assistant Mayor Rose)**
- 5. Planning Department (by Assistant Mayor Rose)**
- 6. Street Sweeper Update (by Councilman Cunha)**
- 7. Joint Meeting of City Council and School Committee (by Councilwoman Rossi)**
- 8. Community Event Announcements: 4th Annual School Supply Drive, (by Councilwoman Rossi)**

D. Report of School Committee Liaison

E. Introduction of Ordinances

1. An ordinance regarding sewer consumption charge.

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "UTILITIES."

SECTION I. Section 17-183 entitled "Charges to be based upon water consumption; rate" of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Utilities" is

amended by adding thereto the following:

(g) Upon written request of the property owner, a one time adjustment of an excessive sewer consumption charge may be approved by the Claims Committee with a review and recommendation by the Director of Public Works, if the request meets all of the following conditions:

(1) The property has not received a previous abatement for sewer consumption charges within the past ten years, regardless of property ownership.

(2) The excessive consumption must exceed the prior year same period consumption at the property by thirty-three (33) percent.

(3) Excessive use cannot be caused by change in use, i.e., added living units or conversion from residential to commercial.

(4) The adjustment to the sewer consumption charge will be computed in accordance with the following formula:

Total billed consumption, minus prior year same period consumption, equals excessive consumption. Excessive consumption divided by two (2), plus normal consumption, equals the total adjusted consumption upon which the adjusted sewer consumption charge will be calculated. The calculation will be made using the sewer charges in effect for the billing period in question.

(5) The adjusted amount will be deducted from the amount owed if the bill is unpaid or credited to the account if the bill has been paid. There will be no adjustment of interest charges unless the written request had been received prior to the due date of the bill.

SECTION II. This ordinance shall take effect upon its second passage

and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. An ordinance regarding a Stop Sign on Gerald Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “VEHICLES AND TRAFFIC”

SECTION I. Subsection (b) of Sec. 18-269 entitled “Stop and yield intersections designated; when stops required.” is amended by adding thereto the following:

Gerald Street (northbound and southbound traffic) at its intersection with Robinson Street

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilwoman Rossi

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

F. Communications

1. Michael J. Solitro, Jr., 29 Leahy Street (02916) requesting to address

the Council regarding a block party including closing off Leahy Street on September 1st for his daughter's birthday party.

2. Christine Repoza, 23 Windgate Road (02915) requesting to address the Council regarding a Block Party Request for September 7, 2013.

3. Michael A. Akkanoui, 1169 Bullocks Point Avenue (02915) requesting to address the Council regarding approval for a block party on the Narragansett Terrace corner of Riverside Drive and Seaview Avenue on September 15, 2013.

4. Wesley D. Plante DBA Land Plan Associates, 193 Waterman Avenue (02914) requesting to address the Council regarding the Forbes Street former land fill conversion into the solar power project.

5. Edward Poirier, 15 Buckthorne Avenue (02914) requesting to address the Council regarding being a school construction volunteer.

6. Gerald A. Read, 65 Kingsford Avenue (02915) requesting to address the Council regarding excessive unrestricted parking around the immediate area of his home.

XII. ADJOURNMENT

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**